

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14th day of February, 2012, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
Lloyd Banks Jr., District 2
Kevin Ingle, District 3
David Meinhard, District 4, Chairman
Parker Wheeler, District 5, Vice-Chairman
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator
Greg Baka, Community Development Director
Bret Schardein, Planning Director
Meghan Huddleston, Deputy Clerk

Absent: None

The Chairman called the meeting to order and the County Administrator called the roll.

The invocation and the Pledge of Allegiance were led by Supervisor Wheeler.

1. Approval of Agenda-

On a motion by Supervisor Meinhard and carried the Board approved the amended agenda as follows:

Add Closed Session VA Code Section 2.2-3711 (A-1) Personnel to discuss County Administrator position.

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

2. **Organizational Matters**

a) Review of Committee appointments

On a motion by Supervisor Wheeler and carried the Board approved the changes to the Committee list as follows: Removal of Meals on Wheels, and the Events Committee; appoint Supervisor Banks as an alternate to the Piedmont Regional Jail Board, Community Development Director, Greg Baka as alternate to the Commonwealth Regional Council and Supervisor Ingle to the Extension Leadership Council.

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

3. **Public Comments**

The Chairman opened the meeting up for public comments. There were nine citizens signed up to speak. The comments for the Board included: the Board should extend the public comment section, County spending should be cut; the County needed to have more job opportunities and there were not enough minorities employed by the County; when the Board looks at cutting things in the budget, they should not cut any funding from the Sherriff's Department, having 24 hour deputy coverage in the County has saved businesses from having more break-ins; request for the Board and community to help support the after prom for Cumberland County; why the transfer station on route 45 was not open every day; the County should budget more money for the schools; the Board should adopt an ordinance for the Board of Supervisors and School Board to be elected bi-annually and have staggered 4-year terms and an issue with the right of way to a property next to the new Dollar General Store being built.

4. Public Hearing

- a) Amendment to Sec. 18-40 to increase minimum gross receipts requiring the filing for a business license from \$3,000 to \$10,000

County Attorney Howard Estes advised the Board that the proposed amendment is to increase the amount of gross receipts requiring the filling for a business license from \$3,000 to \$10,000.

Commissioner of the Revenue Anita French advised the Board that if the threshold was raised to \$10,000 that the County would lose \$3,000 in revenue.

The Chairman opened the Public Hearing for Comment. There was no one signed up to speak and the Public Hearing was closed.

On a motion by Supervisor Banks and carried the Board adopted the amendment to Sec. 18-40 to increase the minimum gross receipts requiring the filling for a business license from \$3,000 to \$10,000 and item 2:K to show \$10,000.

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING AND ADOPTING
PROPOSED AMENDMENTS TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 12-01:
“AN ORDINANCE AMENDING CUMBERLAND COUNTY CODE
SECTION 18-40 TO INCREASE THE MINIMUM GROSS RECEIPTS
REQUIRING THE FILING FOR A BUSINESS LICENSE”

February 14, 2012

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., February 14, 2012, the following action was taken following a duly held public hearing during which time county staff provided a review of the proposed County Code amendment and members of the public offered comment:

On a motion made by Supervisor Banks, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending the County Code to amend Section 18-40 to increase the minimum gross receipts requiring the filing for a business license;

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

Present:	Vote:
David E. Meinhard, Chairman	aye
Lloyd Banks, Jr.	aye
William K. Ingle	aye
William F. Osl, Jr.	aye
Parker H. Wheeler	aye
Absent:	none

Dated: 2/14/2012

Attested: _____
Judy Ownby,
Clerk to the Board of Supervisors

WHEREAS, at a regular monthly meeting held on February 14, 2012, staff provided the Board of Supervisors with an overview of the proposed amendments to the Code of Cumberland County, Virginia, which said amendments (collectively the “Code Amendment 12-01”) amends Section 18-40 to increase the minimum gross receipts requiring the filing for a business license; and

WHEREAS, the proposed provisions are attached to this resolution; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on February 14, 2012; 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 12-01 including the information and recommendation from county staff; and

WHEREAS, in its review of the Code Amendment 12-01, the Board of Supervisors gave reasonable consideration to furthering the goals of the County with regard to the public safety, health, welfare and convenience of the citizenry, as expressed in the proposed provisions; and

WHEREAS, after conducting a public hearing and considering the comments of County staff and the general public and after discussion and due deliberation with respect to such information, including information and materials presented at the public hearing and the comments in support or opposition to the proposed Code Amendment 12-01, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment 12-01;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Supervisors, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.
- b. The Board of Supervisors further finds that the Code Amendment 12-01 is in substantial accordance with the safety, health, welfare and public necessity and convenience of the County's citizens.
- c. 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 Code Amendment 12-01 as attached hereto and incorporated herein by this reference.
- d. Upon consideration of the foregoing, the Board of Supervisors approves and adopts by ordinance Code Amendment 12-01 and to amend and re-enact Section 18-40 of the County Code of Cumberland, Virginia as set forth in the specific ordinance text as attached hereto and requests county staff to do and perform such acts necessary as consistent with this resolution and adoption of the ordinance.
- e. This Resolution is effective immediately.

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

- b) Amendment to Sec. 2-3 and Sec. 48-93 to establish fees for requests for name changes to existing roads or name to roads

County Attorney, Howard Estes advised the Board that the request for the amendment was due to a large number of requests to change road names. The County Building Inspections office suggested the added fees should cover the cost of signs, labor, etc.

The Chairman opened the Public Hearing. There was no one signed up to speak and the Hearing was closed.

On a motion by Supervisor Osl and carried the Board approved the amendment to Sec. 2-3 and Sec. 48-93 to establish fees for requests for name changes to existing roads or name to roads

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING AND ADOPTING
PROPOSED AMENDMENTS TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 12-02:

“AN ORDINANCE AMENDING CUMBERLAND COUNTY
CODE SECTIONS 2-3 AND 48-93 TO ESTABLISH FEES FOR
REQUESTS FOR NAMING ROADS AND CHANGING ROAD
NAMES

February 14, 2012

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., February 14, 2012, the following action was taken following a duly held public hearing during which time county staff provided a review of the proposed County Code amendment and members of the public offered comment:

WHEREAS, the proposed provisions are attached to this resolution; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on February 14, 2012; 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 12-02 including the information and recommendation from county staff; and

WHEREAS, in its review of the Code Amendment 12-02, the Board of Supervisors gave reasonable consideration to furthering the goals of the County with regard to the public safety, health, welfare and convenience of the citizenry, as expressed in the proposed provisions; and

WHEREAS, after conducting a public hearing and considering the comments of County staff and the general public and after discussion and due deliberation with respect to such information, including information and materials presented at the public hearing and the comments in support or opposition to the proposed Code Amendment 12-02, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment 12-02;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Supervisors, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.
- b. The Board of Supervisors further finds that the Code Amendment 12-02 is in substantial accordance with the safety, health, welfare and public necessity and convenience of the County's citizens.

- c. 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 Code Amendment 12-02 as attached hereto and incorporated herein by this reference.
- d. Upon consideration of the foregoing, the Board of Supervisors approves and adopts by ordinance Code Amendment 12-02 and to amend and re-enact Sections 2-3 and 48-93 to the County Code of Cumberland, Virginia as set forth in the specific ordinance text as attached hereto and requests county staff to do and perform such acts necessary as consistent with this resolution and adoption of the ordinance.
- e. This Resolution is effective immediately.

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

- c) Amendment to Chapter 6 and Chapter 74 to revise how large festivals and events are permitted

Planning and Zoning Director Bret Schardein advised the Board that the amendment was to help break down the festivals and permits into categories. Mr. Schardein gave the Board a handout to show the breakdown of the permits. (A copy of the handout is in the Board file)

The Board questioned what category would many different groups fall into. Mr. Schardein advised the Board that any organization could petition the Board to have the fees waved if there were any.

The Chairman opened the Public Hearing.

One citizen asked if the Board could look into the amendment more before they made a decision.

The Commissioner of the Revenue questioned if the business license fees that are currently in place would still apply.

One citizen asked how this was going to affect the Boy Scouts with fundraisers that they do.

Some of the Board members were concerned about how this is going to affect the small nonprofit groups such as the Boy and Girl Scouts, local volunteer rescue squads and fire departments.

Supervisor Osl stated that currently the smaller groups fall into the same category as large events and festivals, but this amendment would reduce the requirements and cost for the smaller groups making thing easier for them.

Planning and Zoning Director, Bret Schardein commented that the amendment to the ordinance would put requirements on larger events that impact neighboring property owners and make it easier on the smaller groups to receive approval. He also stated that this request came from an event applicant and not from the County. Mr. Schardein stated that they receive numerous complaints from property owners on the larger events such as traffic, noise, and trespassing and, with the current ordinance they have no enforcement.

The Chairman closed the Public Hearing.

Supervisor Meinhard made a motion, which failed, to bring up the issue at a later time so the Board will have more time to look into the information.

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

Supervisor Ingle made a motion which carried, to amend Chapter 6 and Chapter 74 to revise how large festivals and events are permitted

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION APPROVING AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 11-08:
“AN ORDINANCE AMENDING CHAPTER 6 - AMUSEMENTS
AND ENTERTAINMENTS AND CHAPTER 74 - ZONING OF THE
CUMBERLAND COUNTY CODE RELATED TO FESTIVALS AND
SPECIAL EVENTS.”

February 14, 2012

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse Courtroom A, Cumberland, Virginia 23040 commencing at 7:00 p.m., February 14, 2012, the following action was taken following a duly held public hearing during which time the Planning Director provided a review of the code amendment request and the text of the ordinance 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 approve, in

accordance with the following Resolution, an ordinance amending Chapters 6 and 74 relating to permitted events and festivals;

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

Present:	Vote:
David Meinhard, Chairman	nay
William F. Osl, Jr.	Aye
Lloyd Banks, Jr.	nay
Kevin Ingle	Aye
Parker Wheeler	Aye

Dated: 2/14/2012 Attested: _____

Judy Ownby, Clerk

Board of Supervisors of Cumberland County

WHEREAS, at a meeting held on January 9, 2012, the Planning Commission discussed the proposed amendments to the Code of Cumberland County, which said amendments (collectively the "Code Amendment") address "AN ORDINANCE AMENDING CHAPTER 6 - AMUSEMENTS AND ENTERTAINMENTS AND CHAPTER 74 - ZONING OF THE CUMBERLAND COUNTY CODE RELATED TO FESTIVALS AND SPECIAL EVENTS." (as shown in the attached ordinance); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment for public review on November 21, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on January 9, 2012; and

WHEREAS, the Planning Commission 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 Planning Commission gave reasonable consideration to furthering the goals of the County's Comprehensive Plan and Zoning Ordinance by addressing ordinance provisions regarding the above defined uses and in what zoning districts such activities shall be a permitted use or a conditional use; and

WHEREAS, after conducting a public hearing and considering the comments of County staff, landowners, residents, and the general public, the Planning Commission found that the Code Amendment furthers the goals of the Comprehensive Plan and Zoning Ordinance by providing greater management for the safety and enjoyment of such activities in Cumberland County; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, the Planning Commission desires to affirm its findings and make its recommendations to the Board of Supervisors with respect to the Code Amendment;
; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on February 14, 2012; 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 the recommendation from the Planning Commission; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County's Comprehensive Plan and Zoning Ordinance

by providing a lower ratio of parking spaces to feet of retail floor space;

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 and ORDAINED by the Board of Supervisors, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.
- b. The Board of Supervisors finds that the Code Amendment is in substantial accordance with the County’s Comprehensive Plan.
- c. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment numbered 11-08 to amend the County Code of Cumberland, Virginia with the specific text and provisions of such ordinance as attached to and incorporated in this Resolution.
- d. This Resolution is effective immediately.

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

- d) Amendment to Subdivision and Zoning Ordinances to address lot line adjustments to pre-existing non-conforming lots

Planning Director Bret Schardein advised the Board that the landowners with non-conforming lots, which is lot that existed before the county had subdivision or zoning ordinances and are usually smaller lots, currently cannot extend their property line unless it extends it to the full size the code requires for a lot. Mr. Schardein stated that Cumberland would like to amend the code to be more like other localities and that currently Cumberland's code is one of the strictest in Virginia. He also stated that it would give landowners with older, smaller lots more flexibility to adjust their lot lines as long as they are not making it smaller. Mr. Schardein also advised the Board that he has had numerous requests from landowners to adjust their lot lines but was not able to approve it due to the strict language of the code

The Chairman opened the Public Hearing. There was no one signed up to speak and the Hearing was closed.

On a motion by Supervisor Osl and carried the Board approved the Amendment to Subdivision and Zoning Ordinances to address lot line adjustments to pre-existing non-conforming lots.

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION APPROVING AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 11-09:
"AN ORDINANCE AMENDING CHAPTERS 54 SUBDIVISIONS
AND 74 ZONING OF THE CUMBERLAND COUNTY CODE
AMENDING SECTIONS 54-51 DEFINITIONS, 54-71 LOT LINE
ADJUSTMENTS AND 74-786 NONCONFORMING LOTS."

February 14, 2012

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse Courtroom A, Cumberland, Virginia 23040 commencing at 7:00 p.m., February 14, 2012, the following action was taken following a duly held public hearing during which time the Planning Director provided a review of the code amendment request and the text of the ordinance 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 approve, in accordance with the following Resolution, an ordinance amending Chapters 54 and 74 relating to lot line adjustments of pre-existing non-conforming lots;

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

Present:	Vote:
David Meinhard, Chairman	Aye
William F. Osl, Jr.	Aye
Lloyd Banks, Jr.	Aye
Kevin Ingle	Aye
Parker Wheeler	Aye

Dated: 2/14/2012 Attested: _____
Judy Ownby, Clerk
Board of Supervisors of Cumberland County

WHEREAS, at a meeting held on January 9, 2012, the Planning Commission discussed the proposed amendments to the Code of Cumberland County, which said amendments

(collectively the “Code Amendment”) address “AN ORDINANCE AMENDING CHAPTERS 54 SUBDIVISIONS AND 74 ZONING OF THE CUMBERLAND COUNTY CODE AMENDING SECTIONS 54-51 DEFINITIONS, 54-71 LOT LINE ADJUSTMENTS AND 74-786 NONCONFORMING LOTS.” (as shown in the attached ordinance); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment for public review on November 21, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on January 9, 2012; and

WHEREAS, the Planning Commission 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 Planning Commission gave reasonable consideration to furthering the goals of the County’s Comprehensive Plan and Zoning Ordinance by addressing ordinance provisions regarding the adjustment to boundary lines of pre-existing non-conforming lots; and

WHEREAS, after conducting a public hearing and considering the comments of County staff, landowners, residents, and the general public, the Planning Commission found that the Code Amendment furthers the goals of the Comprehensive Plan and Zoning Ordinance by providing greater flexibility in how property owners may shape their property; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, the Planning Commission desires to affirm its findings and

make its recommendations to the Board of Supervisors with respect to the Code Amendment; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, the Planning Commission desires to affirm its findings and make its recommendations to the Board of Supervisors with respect to the Code Amendment; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on February 14, 2012; 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 the recommendation from the Planning Commission; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County's Comprehensive Plan and Zoning Ordinance by providing a lower ratio of parking spaces to feet of retail floor space;

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 and **ORDAINED** by the Board of Supervisors, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.

- b. The Board of Supervisors finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan.
- c. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment numbered 11-09 to amend the County Code of Cumberland, Virginia with the specific text and provisions of such ordinance as attached to and incorporated in this Resolution.
- d. This Resolution is effective immediately.

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

5. Departments/Agencies –

- a) VDOT

There was no representative present from VDOT.

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

Superintendent of the Cumberland County Schools, Dr. Amy Griffin advised the Board that fifth grader Michaela Woodson won the division spelling bee and will participate in the Richmond Times Dispatch Regional competition on March 10th. Three students placed in the James River District Forensics competition. The School Board received a grant to implement a new Human Resources software that will allow people to fill out applications and look at job postings on the schools website. The school hosted Super Saturday which allowed one-on-one assistance with parents

and students from a financial aid advisor. The School also posted their new You Tube channel. The Cumberland County girls and boys basketball teams are competing in the James River District Tournament. Three athletes will be competing in the state wrestling tournament. A draft of the new school calendar is on the website which includes the new recommended 9 week grading period. A copy of the proposed 2013 budget is on the website.

c) Kelly Snoddy, Conservation Specialist

Ms. Kelly Snoddy introduced herself and other members from the Peter Francisco Soil and Water Conservation District to the Board. Ms. Snoddy advised the Board that the Peter Francisco Soil and Water Conservation District represents both Cumberland and Buckingham, they are funded by the State and utilize local and Federal funding. She stated that they have been working with Mr. Bret Schardein the Planning and Zoning Director, Lee Leeds the Building Inspector, and Gary Thompson the Emergency Services Coordinator for Cumberland County. Ms. Snoddy stated the Peter Francisco District offer many informational documents to the community, educational programs for the community and schools. They also offer a college scholarship to a High School senior or a college undergraduate who wishes to pursue an education in the conservation field, for a High School student to attend a conservation camp at Virginia Tech, and for Middle School and High School students to attend a forestry camp at Holiday Lake State Park. The District also offers rental of a no till drill, there is one located in each County. The drill for Cumberland is located at the Cumberland Extension Office. The Peter Francisco District has been working with the emergency personnel in Cumberland on how they should respond in the event of a dam break. Ms. Snoddy is also planning a field visit of the dams with the Board so they can get a better understanding of what they do.

Supervisor Osl question if there were any building restrictions in flood plain areas in Cumberland County.

Planning and Zoning director Bret Schardein stated that there are building code restrictions in Cumberland County on development in flood plain areas. He also stated that they are in the process of advising land owners in the flood plain areas who may not know in case they had any future plans of building in those areas.

e) Karen Critcher and Toni Herrmann, Relay for Life

Toni Herrmann introduced herself to the Board; she is the American Cancer Society Staff partner for the Cumberland County Relay for Life. She stated that the Relay for Life is a fundraiser that is usually twelve hours in length that celebrates cancer survivors and remembers the lives lost to cancer. People will form teams who will raise money then all come together on the night of the event and walk to symbolize that cancer never sleeps so neither will we. Ms. Herrmann also informed the Board of the many services the American Cancer Society offers cancer patients and their families and the services are possible due to donations.

Karen Critcher is the Event Coordinator for Cumberland The Relay for Life in Cumberland will be Saturday, April 28th and will start at 1:00pm and end at 1:00 am. She invited the County's leaders to participate in the Relay for life. She stated that the Cumberland Sheriff's Department has a team and that Supervisor Ingle is already signed up to participate.

e) Mary Hickman, Acting President and CEO of Commonwealth Regional Council

i) Presentation of Annual Report

The Commonwealth Regional Council President Mary Hickman went over the Annual Report that was given to the Board.

County Attorney Howard Estes commented that the CRC staff was a great help with the redistricting and helped save the County a lot of money.

ii) Resolution to adopt updated hazard mitigation plan

On a motion by Supervisor Meinhard and carried the Board adopted the resolution to adopt Commonwealth Regional Council Regional Hazard Mitigation Plan:

RESOLUTION TO ADOPT COMMONWEALTH REGIONAL COUNCIL REGIONAL HAZARD MITIGATION PLAN

WHEREAS, Cumberland County is vulnerable to an array of hazards that can cause loss of life and damage to public and private property; and

WHEREAS, the County desires to seek ways to mitigate situations that may aggravate such circumstances, and the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from hazards; and

WHEREAS, the County is covered under a regional hazard mitigation plan that outlines ways to protect its citizens and property from the effects of hazards, in accordance with Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, that plan must be reviewed and updated every five years for the County to remain in compliance with Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to remain eligible for certain

types of federal assistance in the event of a disaster affecting the County; and

WHEREAS, the Commonwealth Regional Council (CRC) has undertaken an update of the regional hazard mitigation plan, which includes Cumberland County, with input from the appropriate local and state officials; and

WHEREAS, the Virginia Department of Emergency Management and the Federal Emergency Management Agency have reviewed the updated hazard mitigation plan for legislative compliance and have approved the plan pending the completion of local adoption procedures.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors for Cumberland County hereby adopts the updated CRC Regional Hazard Mitigation Plan, as applicable to the County, and agrees to take such official actions as reasonably necessary, and as available resources allow, to carry out the proposed actions in the plan.

Adopted on: February 14, 2012

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

f) Paul D. Hoffman, Field Representative

Mr. Paul Hoffman introduced himself to the Board. He is staff to Congressman Robert Hurt and informed the Board that he is available to assist the County in any way he can. The Board had no questions for Mr. Hoffman.

6. **Asst. Administrator/Finance & Human Resources**

- a) Consent agenda
 - 1) Approval of minutes
 - 2) Approval of bills January 2012 and February 2012
Approved bills for February 14, 2012 total \$113,725.32.
Ratified bills for January 2012 of warrants total \$381,266.84 with check numbers ranging from 62032-63255. Direct deposits total \$244,691.28.
 - 3) Appropriation to Sheriff's Dept. for insurance recoveries in the amount of \$926.74

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

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

- b) Monthly budget report

Assistant County Administrator, Jill Matthews reviewed the budget report. There were no questions from the Board.

- c) Registrar's request for Supplemental Appropriation

On a motion by Supervisor Banks and carried the Board approved Registrar's request for the supplemental appropriation of \$13,370 to cover the following extra expenses for the upcoming elections: Repair and Maintenance of Voting Machines, printing and binding of documents, travel and mileage, part-time employee salary and wages.

Vote: Mr. Osl – aye Mr. Banks – aye

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

7. **Planning Director's Report** –

a) Update on PC activities

Planning Director Bret Schardein advised the Board that the Planning Commission was having a public hearing for Green Creek Baptist Church who has requested a CUP for expansion to the church.

b) Appointment to at-large position

Supervisor Wheeler advised the Board that he would like to appoint Mr. Larry Adkins to the at-large position on the Planning Commission. He stated that Mr. Adkins is very knowledgeable and would be a great asset to the Planning Commission.

Supervisor Wheeler made a motion to appoint Larry Adkins to the at-large position on the Planning Commission for a term ending....

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

c) Planning Commission Schedule 2012

Planning Director Bret Schardein advised the Board that a copy of the Planning Commission's schedule was in the Board packet.

g) Response to DCR on Storm Water Regulations

Planning Director Bret Schardein advised the Board that the Department of Conservation and Recreation is interested in allowing localities to take over the Storm water Management Program that is currently administered by the DCR. The DCR would like a non-binding response on whether the Board is interested or not by March 1st.

On a motion by Supervisor Osl and carried the Board will respond to the DCR's non-binding agreement to voluntarily participate in the Storm water Management Program, and future adoption depends on future funding.

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

8. County Administrator's Report

County Administrator Judy Ownby had no report.

9. Community Development Director's Report

a) Update on projects

Community Development Director Greg Baka went over the list of project updates that was in the Board packet. There were no questions from the Board.

b) Lease to Mid-Atlantic Broadband Cooperative (MBC) for a telecommunications hut for fiber optic serviced adjacent to Maintenance Shop site on Poor House Road

Mr. Baka advised the Board that the Mid-Atlantic Broadband Cooperative (MBC) would like to set up a fiber optic telecommunications hut to serve more residents with high speed internet near the County maintenance shop on Poorhouse Road. Mr. Baka stated that MBC has requested

that the Board grant an easement of approximately 50x50 feet to install the hut. A fiber optic cable would be installed and will transmit data at speeds starting at 10mbs and could go up to 10gbs.

Supervisor Banks questioned the cost of the new service for the citizens of Cumberland and would there be any competition for the company.

Community Development Director Greg Baka advised that there are no set prices in place at this time but they discussed a range of \$39.99 for basic up to around \$59.99. He also stated that this company would be competition for the already existing services in the County.

On a motion by Supervisor Osl and carried the Board adopted the resolution to grant an easement for Mid-Atlantic Broadband Cooperative to construct a telecommunication hut:

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF CUMBERLAND, VIRGINIA**

WHEREAS, the Cumberland County Board of Supervisors believes it is important to attract and develop economic opportunities in order to stimulate individual and economic growth; and

WHEREAS, Cumberland County is promoting opportunities to expand high-speed internet capabilities along US Route 60, through the Courthouse village and county-wide; and

WHEREAS, the Board of Supervisors understands this to be a critical step in maximizing Cumberland's ability to develop its economic potential by attracting new businesses to the Route 60 corridor and the County's Industrial Park; and

WHEREAS, the Board of Supervisors believes that increasing the availability of high-speed internet will continue to enhance educational and economic opportunities for all citizens in the County;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Cumberland County, Virginia, authorizes its Chairman to enter into an Agreement to grant at no cost a permanent and perpetual easement not to exceed a 50' x 50' area on the northeast corner of Tax Map 49-A-71A adjacent to Poor House Road in a form to be approved by the County Attorney for Mid-Atlantic Broadband Cooperative to construct a telecommunications hut (approximately 10' x 20') and related utility lines that provides the necessary equipment to support an open-access fiber optic broadband system that will help foster future business development.

Certification

I hereby certify that the foregoing resolution was duly considered by the Board of Supervisors of the County of Cumberland, Virginia, at a regular board meeting in Cumberland County, Virginia, at which a quorum was present and the same was passed by a vote of five (5) in favor and zero (0) opposed, the 14th day of February 2012.

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

10. County Attorney's Report

County Attorney Howard Estes commented on the suggestion for the Board to adopt staggered terms. Mr. Estes stated that he had provided the prior Board with extensive information on this and the County Administrator has copies of these documents. He also stated that the School Board's suggestion to do the staggered terms is due to the fact that they

cannot do them unless the Board of Supervisors does, the School Board has to follow the same election cycle as the Board of Supervisors does.

Mr. Estes stated that any changes the Board makes to the Public Comments section of the Agenda should also be changed in the Board's by-laws. He also stated that ground rules should be set for the public comment process so that everyone knows the rules and what to expect, this would help eliminate future problems.

11. Public Comments (Part Two)

There were no public comments

12. Board Members Comments

Supervisor Osl commented that the time limits set for public comments are appropriate. He suggested that if someone had something that they wanted to bring up to the Board and they wanted to talk longer they could request to be added to the agenda. He also stated his concern about the transfer station on route 45 being open more and that with the budget constraints this may not be possible but there is a transfer station that is open seven days a week that can be used. Supervisor Osl questioned the issue from a citizen with the County not having enough minorities employed. County Administrator Judy Ownby stated that the County had 24% minorities who are currently employed by Cumberland County under her direct supervision. She also stated that the County does not discriminate against minorities and they are encouraged to apply for jobs.

Supervisor Wheeler questioned what the duties of the Chairman were. County Attorney Howard Estes stated that the Board acts by a majority vote. that the duties of the Chairman were to preside over the Board while in session and to serves as the ceremonial head.

Supervisor Banks wanted to thank all the citizens for coming out to voice their concerns to the Board.

Supervisor Ingle wanted to thank everyone for coming to the meeting. He also wanted to thank the Relay for Life for and the Representative for After Prom for coming to speak to the Board.

Supervisor Meinhard thanked the citizens for coming out and showing interest in what was going on in the County.

13. Additional Information –

- a) Treasurer's Report
- b) Building Inspections Report
- c) DMV Report
- d) Recycling Report
- e) Business License Annual Report
- f) Cumberland Animal Hospital Open House – Feb. 19th 2-5pm

14. Adjourn

With no additional business to come before the Board, the Chairman adjourned the meeting until Thursday, February 16th at 7:00 pm in the Cumberland Middle School Media Center.

David Meinhard, Chairman

Judy Ownby, County Administrator