

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 10th day of July, 2012, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2, Vice-Chairman
Kevin Ingle, District 3
David Meinhard, District 4, Chairman
Parker Wheeler, District 5
Vivian Giles, County Administrator / Attorney
Greg Baka, Director of Community Development
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 Pledge of Allegiance was led by Supervisor Wheeler. The Chairman advised the Board that they would like to go back to opening the meetings with an invocation starting at the next regular monthly meeting.

1. Approval of Agenda

On a motion by Supervisor Wheeler and carried the Board approved the Agenda.

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

2. Public Hearing

Planning Director, Mr. Bret Schardein advised the Board that the proposed amendment was to add Recreational Vehicle Parks as a conditional use permit to A2, Agricultural Zoned Areas. Mr. Schardein stated that the amendment would allow RV Parks, which is currently not addressed by the code. The amendment would also amend the STUP section of the Code. This would have them apply to the board for the permit, and if they would like it renewed they could come before the Zoning Administrator. He stated that if the Board felt there were any issues with the permit they could request to review it. Currently the

person applying for the permit would have to apply before the Board annually. Mr. Schardein commented that staff and the Planning Commission recommend approval.

The Chairman opened the Public Hearing. With no citizens signed up to speak the Chairman closed the Hearing.

On a motion by Supervisor Osl and carried the Board approved CA 11-07 for Recreational Vehicle Parks.

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION ADOPTING
AMENDMENTS TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 11-07:
“AN ORDINANCE AMENDING CHAPTER 74 ZONING OF THE
CUMBERLAND COUNTY CODE AMENDING SECTIONS 74-2
DEFINITIONS, 74-10 SPECIAL TEMPORARY USE PERMITS AND 74-
133 PERMITTED USES WITH CONDITIONAL USE PERMIT.”
July 10, 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., July 10, 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 Section 74-2, 74-1- and 74-133 of the zoning ordinance pertaining to recreational vehicle campgrounds and special temporary use permits;

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:

<u>Present:</u>	<u>Vote:</u>
David Meinhard, Chairman	aye
Lloyd Banks, Jr., Vice-Chairman	aye
William F. Osl	aye
Kevin Ingle	aye
Parker Wheeler	aye
Absent:	None
Dated: July 10, 2012	

WHEREAS, at a meeting held on June 18, 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 74 ZONING OF THE CUMBERLAND COUNTY CODE AMENDING SECTIONS 74-2 DEFINITIONS, 74-10 SPEICAL TEMPORARY USE PERMITS AND 74-133 PERMITTED USES WITH CONDITIONAL USE PERMIT." (as shown in the attached ordinance); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment for public review on May 21, 2012; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on June 18, 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 recreational vehicle campgrounds and renewals of Special Temporary Use Permits; 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 promoting small business growth, tourism and hospitality; 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;

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on July 10, 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 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 is in substantial accordance with the County's Comprehensive Plan and Zoning Ordinance.

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 11-07 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.

County Code of Cumberland County, Virginia – July 10, 2012

Amend and Re-enact the following provisions by Ordinance adopted July 10, 2012:

Sec. 74-2. - Definitions.

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 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 vehicles shall comply with the setback requirements of the zoning ordinance.

Sec. 74-133. - Permitted uses with conditional use permit.

The following uses are permitted in the A-2 district with a conditional use permit:

- (1) Airstrips.
- (2) Animal research facility.
- (3) Antique shops.
- (4) Borrow, extraction, excavation and stockpiling of soil, gravel, or sand, consistent with the provisions of section 74-150.
- (5) Churches and cemeteries.
- (6) Convenience and general stores.
- (7) Fire and rescue facilities.
- (8) Golf courses, country clubs, golf driving ranges and mini-golf.
- (9) Group home.
- (10) Guesthouse.
- (11) Gun clubs with or without indoor or outdoor shooting ranges, skeet shooting ranges and ball clubs.
- (12) Kennels, commercial.
- (13) Landfill (CDD) (including inert waste).
- (14) Livestock markets.
- (15) Nursery schools and private kindergartens.
- (16) Nursing home, convalescent home and rest home.
- (17) Parks and playgrounds.
- (18) Porta-John business [es].
- (19) Public utilities.
- (20) Public utility generating plants, public utility booster or relay stations, transformer substations, meters and other facilities, including railroads and facilities, and water and sewerage facilities.
- (21) Racetracks (auto, motorcycle, and horse).
- (22) Radio stations, television stations and cable TV facilities, communication station and/or tower or related facilities; subject to provisions of section 74-731 et seq.
- (23) Recreational vehicle park**
- (24) Special recreational events.
- (25) Transitional home.
- (26) Veterinary hospital.
- (27) Wood products (processing and assemblage of), as defined in section 74-2**

Sec. 74-10. - Special temporary use permits.

(a) Special temporary use permits may be issued by the board of supervisors, ~~permitting, for a time limited as provided in this chapter,~~ a use or structure otherwise not permitted in the particular zone, subject to the following conditions:

(1) That a request for such special temporary use permit be submitted in writing by the owner or agent seeking such permit, setting forth the nature of the use sought, the provisions of this chapter which prohibit or limit the use requested, the reason such special temporary use is needed, and the length of time for which such permit is requested.

(2) That such permit is for a mobile home, office, **recreational vehicle, camper** or other temporary structure which can be completely removed from the premises at the expiration of the special temporary use permit.

(3) That such special temporary use is related to the creation or preservation of a permitted use ~~in the particular zone,~~ including but not limited to the following ~~relationships:~~

- a. Housing for construction workers;
- b. Housing for a family during construction or renovation of a single-family dwelling **on their property;**
- c. Storage or office facilities during construction or renovation of business facilities; and
- d. Other similar relationships.

(4) That no such special temporary use permit shall be issued at any one time for more than 12 months' duration. Such a permit ~~may be reviewed once at the discretion of the board of supervisors~~ **renewed annually by the zoning administrator upon request of the property owner or agent. The zoning administrator may refer the renewal request to the board of supervisors. The renewal request may also be referred to the board at their own request.**

(b) The board of supervisors, in granting such special temporary use permit, may require the owner or agent requesting the permit to post a bond to ensure the complete removal of such temporary structure from the premises and the site left in good order upon expiration of the permit.

(c) The board of supervisors, in granting such special temporary use permit, may impose such other reasonable conditions upon the applicant as will promote the public interest and the stated purposes of this chapter respecting such premises.

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

3. **Public Comments**

There were no citizens signed up to speak.

4. **Department / Agencies**

a) VDOT

There was no representative present from VDOT.

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

Dr. Griffin could not be present, but Ms. Elizabeth Jamerson was there to speak on her behalf. Ms. Jamerson advised the Board that Summer School has ended, remedial programs to prepare for the S.O.L.'s. The High School offered a "Credit Recovery" program to assist students who did not pass some classes they could do work to recover the credits needed. Also if a student did not pass the S.O.L. they were offered remediation. The Middle School worked on Friendship and Tolerance, to help with bullying. This was also tied into the reading program. There were enrichment activities offered to the students such as Volleyball, Wrestling, Working in the Green House, Zumba, Cosmetology, Theater, and Spanish Culture and Cooking. The School is also working on twenty first century learning and leadership. They have formed a committee and are making sure that classes are student centered. Cumberland has taken on being the Coordinator for the region for Summer governor School. The program will be a week long and be held at Montross, Virginia at the Longwood Hull Spring Farm, which is owned by Longwood University. July 30th and 31st they will welcome the new teachers, August 1st is opening breakfast, all the Board members are invited. August 8th is the first day of School for students.

c) Ms. Beverly Hawthorne, Chairman of Virginia's Retreat

Ms. Beverly Hawthorne, Chairman of Virginia's Retreat gave the Board two (2) handouts. She advised the Board that she was there due to their decision not to provide funding to the Virginia's Retreat. Based on this decision they would have to remove Cumberland from their brochure and noted that the new brochure was going to feature the newly constructed high bridge trail on the cover.

There was much discussion from the Board members on their concerns with the all the funding for the program and what the County gets back in return from it.

Ms. Hawthorne requested that the Board get back to her as soon as possible with their decision and that the brochure is ready to go to press.

5. Planning Director's Report

a) Update on Planning Commission Activities

Planning Director Mr. Bret Schardein advised the Board that the Planning Commission is still working on updates. He also stated that they are still taking surveys from citizens and they have been getting a lot of feedback from the survey. He also gave an update on Bodacious, that due to the recent weather they have not had a chance to meet yet but they will be meeting next week and he will have something for the Board at the next meeting.

b) Set Public Hearing CA 12-01

Planning Director, Mr. Bret Schardein advised the Board that staff is requesting the Board set CA 12-01 for a public hearing at the August Meeting.

On a motion by Supervisor Osl and carried the Board approved to set the Public Hearing for CA 12-01 for the August Meeting.

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

6. County Administrator's Report

a) Consent Agenda

- 1) Approval of Minutes
- 2) Approval of Bills for June and July 2012. Approved bills for July 10, 2012 total \$266,705.15. Ratified bills for June 2012 of warrants total \$380,596.78 with check numbers ranging from 64014-64311. Direct Deposits total \$166,544.84.

Supervisor Osl questioned an amount of \$3,000, County Administrator, Ms. Vivian Giles advised the Board that the amount was to compensate for a consultant to come in and make sure everything was still on track from when Ms. Matthews left.

On a motion by Supervisor Wheeler 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

Supervisor Osl questioned when the Audit would be taking place and if they would need to hire a second CPA or firm to review the audit items like what has been done in the past.

County Administrator, Vivian Giles advised that they have already come for a preliminary audit and should be returning soon. She also stated that they would do what has been done in the past.

c) Appropriation of \$4,111.14 Registrar's Office

On a motion by Supervisor Wheeler and carried the Board approved the appropriation of \$4,111.14 for the Registrar's Office.

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

d) Appropriation of \$16,580.25 Cumberland County School Surplus Auction

On a motion by Supervisor Meinhard and carried the Board approved the appropriation of \$16,580.25 Cumberland County School Surplus Auction.

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

e) Appropriation of \$3,797 Treasurer's Office

On a motion by Supervisor Osl and carried the Board approved the Appropriation of \$3,797 Treasurer's Office.

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

f) Social Services Request financial assistance for Program

Supervisor Ingle advised the Board that he met with Social Services and at this time they have been receiving donations from churches and other places. Mr. Ingle stated that the program helps a lot of people in the community and he would like to bring this item up again at the next meeting in case they are in need of funds then.

g) Mr. Jimmy Sanderson, Davenport & Company

Mr. Jimmy Sanderson with Davenport & Company provided the Board with a handout and reviewed the handout with the Board.

There was much discussion with the Board members such as; questions about the interest rates, the fees that Davenport & Company will charge the County, options of other firms providing a cheaper rate.

h) 2001 Bond Refinance Resolution

On a motion by Supervisor Banks and carried the Board approved the resolutions to refinance the 2008 and 2001 bonds.

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

WHEREAS, the Industrial Development Authority of Cumberland County, Virginia (the "Cumberland IDA"), has previously issued its \$3,845,000 Public Facility Lease Revenue Bonds (Cumberland County Courthouse Expansion Project), Series 2001 (the "Series 2001 Bonds"), the proceeds of which were loaned to Cumberland County, Virginia (the "County"), to provide funds to finance the construction, renovation and other costs of certain improvements, upgrades and additions to the existing courthouse building and administrative facilities for the benefit of the County (collectively, the "2001 Project");

WHEREAS, pursuant to the terms of a Ground Lease dated as of October 1, 2001 (the "2001 Ground Lease"), the County granted to the Authority a leasehold interest in certain real property and improvements, including the property on which a portion of the 2001 Project is located (the "Property");

WHEREAS, pursuant to the terms of Lease Agreement dated as of October 1, 2001 (the "2001 Lease Agreement"), the Authority leased the Property back to the County;

WHEREAS, the Series 2001 Bonds are secured by, among other things, the Authority's rights to receive payments from the County under the 2001

Lease Agreement, and such other rights as were assigned by the Authority to U.S. Bank National Association, as successor trustee (the “2001 Trustee”), for the benefit of the holders of the Series 2001 Bonds, all pursuant to the terms of an Assignment Agreement dated as of October 1, 2001, by and between the Authority and the 2001 Trustee;

WHEREAS, the Board of Supervisors of the County (the “Board”) has previously expressed its desire to refinance the 2001 Project and now desires to request the Cumberland IDA to facilitate such refinancing by issuing public facility lease revenue refunding bonds (the “Series 2012B Bonds”),

WHEREAS, at the request of the Board, the County’s administration, in collaboration with Davenport & Company LLC, the County’s financial advisor (the “Financial Advisor”), has solicited proposals from several banking institutions for the purpose of purchasing the Series 2012B Bonds to be issued by the Cumberland IDA; and

WHEREAS, the Financial Advisor has recommended that the Board accept the proposal submitted by Sun Trust Bank, a copy of which has been circulated at this meeting (the “Proposal”);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CUMBERLAND COUNTY, VIRGINIA:

1. The Board hereby finds and determines that the refinancing of the 2001 Project will be in the public interests of the County, and its residents, and hereby requests that the Cumberland IDA facilitate such refinancing by issuing its Series 2012B Bonds secured by the existing lease structure or a new lease financing structure with the County.

2. The Board hereby authorizes the County Administrator, in collaboration with the Financial Advisor and the Cumberland IDA, to negotiate with the Bank the final terms of the Proposal and the Series 2012B Bonds as she shall determine to be in the best interests of the County. Such final terms and the financing and lease documents related to the Series 2012B Bonds shall be subject to further approval by the Board at a subsequent meeting.

3. The County hereby recommends to the Cumberland IDA that Hunton & Williams LLP be appointed as bond counsel in connection with the issuance of the Series 2012B Bonds.

4. This Resolution shall take effect immediately.

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

i) 2008 Bond Refinance Resolution

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

WHEREAS, the Industrial Development Authority of The County of Stafford and the City of Staunton, Virginia (the “Stafford/Staunton IDA”) has previously issued its \$20,200,000 Lease Revenue VML/VACO Bonds (Cumberland County High School Complex Project), Series 2008 (the “Series 2008 Bonds”), and loaned the proceeds thereof to Cumberland County, Virginia (the “County”), pursuant to the terms of a Loan Agreement dated as of December 1, 2008 (the “2008 Loan Agreement”), to enable the County to finance and refinance certain infrastructure improvements, including the acquisition, construction, renovation and equipping of capital facilities and projects for a combined middle school and high school, renovations to other school-related facilities, acquisition of emergency services vehicles and equipment, acquisition and renovation of emergency services facilities, renovation and repair to other County facilities, and related administrative and financing costs (collectively, the “2008 Project”);

WHEREAS, the County has issued its \$20,200,000 Public Facility Lease Revenue Note, Series 2008 (the “2008 Note”), as evidence of its repayment obligations to the Authority under the 2008 Loan Agreement;

WHEREAS, pursuant to the terms of a Prime Lease dated as of December 1, 2008 (the “2008 Prime Lease”), the Cumberland County School Board (the “School Board”) granted to the County a leasehold interest in certain real property and improvements, including the property on which a portion of the school-related facilities are located (the “Property”);

WHEREAS, pursuant to the terms of Lease Agreement dated as of December 1, 2008 (the “2008 Lease Agreement”), the County leased the Property back to the School Board;

WHEREAS, the 2008 Note is secured by, among other things, the County’s rights to receive payments from the School Board under the 2008 Lease Agreement, and such other rights as were assigned by the County to U.S. Bank National Association, as trustee (the “2008 Trustee”), for the benefit of the holders of the Series 2008 Bonds and certain other secured parties, all pursuant to the terms of an Assignment Agreement dated as of December 1, 2008, by and between the County and the 2008 Trustee;

WHEREAS, the Board of Supervisors of the County (the “Board”), has previously expressed its desire to prepay the 2008 Note and terminate its obligations under the 2008 Loan Agreement, and now desires to request the Cumberland IDA to facilitate such prepayment and termination by issuing public facility lease revenue bonds (“Series 2012A Bonds”), and using the proceeds thereof to undertake a new lease financing structure with the County and the School Board;

WHEREAS, at the request of the Board, the County’s administration, in collaboration with Davenport & Company LLC, the County’s financial advisor (the “Financial Advisor”), has solicited proposals from several banking institutions for the purpose of purchasing the Series 2012A Bonds to be issued by the Cumberland IDA; and

WHEREAS, the Financial Advisor has recommended that the Board accept the proposal submitted by Sun Trust Bank, a copy of which has been circulated at this meeting (the “Proposal”);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CUMBERLAND COUNTY, VIRGINIA:

The Board hereby finds and determines that the prepayment of the 2008 Note and the termination of the 2008 Loan Agreement will be in the public interests of the County, and its residents, and hereby requests that the Cumberland IDA facilitate such prepayment and termination by issuing its Series 2012A Bonds and undertaking a new lease financing structure with the County and the School Board.

The Board hereby authorizes the County Administrator, in collaboration with the Financial Advisor and the Cumberland IDA, to negotiate with the Bank the final terms of the Proposal and the Series 2012A Bonds as she shall determine to be in the best interests of the County. Such final terms and the documents related to the new lease financing structure shall be subject to further approval by the Board at a subsequent meeting.

The County hereby recommends to the Cumberland IDA that Hunton & Williams LLP be appointed as bond counsel in connection with the issuance of the Series 2012A Bonds.

This Resolution shall take effect immediately.

7. Community Development Director’s Report

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.

8. Public comments (Part Two)

There were no citizens signed up to speak.

9. Board Members Comments

a) Piedmont Regional Jail Board Request

Supervisor Wheeler advised the Board that Piedmont Regional Jail, due to the economic times may be requesting funding from each of the six counties that use the Jail. He stated that the Counties are required by law to pay one sixth of costs for the Jail. In the past twenty-four years the Counties have not had to do that. The Jail is requesting that

each County set aside the money needed to operate just in case they do need it.

Supervisor Ingle stated that he wanted to thank everyone for coming. He stated that he has been asked to hold meetings with the residents in his district. He stated that he will be holding a District three meeting at the Cumberland Volunteer Fire Department building Sunday, August 5th from 2:00pm to 4:00pm. Mr. Ingle stated that if any other members would like to use the Fire House for meeting to let him know, they were more than welcome to use it.

Supervisor Meinhard stated that he would still like to see more people at the meetings; he was disappointed that no one signed up for any of the public comments. He stated that it looked like they were taking steps in the right direction.

Supervisor Banks stated that he wanted to thank the people from District two for showing their support. He also wanted to thank Mr. Franklin Marion for his contribution to the community; Mr. Marion is a very large employer for the County.

10. Additional Information

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

11. Adjourn

David Meinhard, Chairman

Vivian Giles, County Administrator