

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 11<sup>th</sup> day of March 2014, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1  
Lloyd Banks, Jr., District 2, Chairman  
Kevin Ingle, District 3, Vice-Chairman  
David Meinhard, District 4  
Parker Wheeler, District 5  
Vivian Giles, County Administrator / Attorney  
Tracie Wright, Finance Director  
Sara Carter, Planning Director  
Meghan Allen, Deputy Clerk

Absent: None

**1. Call to Order**

Mr. Banks called the meeting to order.

**2. Roll Call**

County Administrator Vivian Giles called the Roll.

**3. Approval of Agenda**

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

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

4. **Adjourn to Closed Session**

On a motion by Supervisor Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 (A-1) Personnel Matters.

Subject: Assignment of duties and promotions.

The Board returned to regular session on a motion by the Chairman.

A motion was made by Mr. Wheeler and adopted by the following vote:

Mr. Osl - aye  
Mr. Banks - aye  
Mr. Ingle - aye  
Mr. Meinhard - aye  
Mr. Wheeler - aye

That the following Certification of a Closed Meeting be adopted in accordance with The Virginia Freedom of Information Act:

**WHEREAS**, the Board of Supervisors of Cumberland County has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Cumberland County hereby certifies that, to

the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Cumberland County.

No action was taken regarding the items discussed.

The Vice-Chairman adjourned to the 7p.m. regular meeting

**5. Moment of Silence and Pledge of Allegiance**

The Moment of Silence and Pledge of Allegiance was led by Supervisor Banks.

**6. Public Hearing**

CUP 11-05 Renewal Bodatious

Planning Director Sara Carter advised the Board that in the addendum there is an updated resolution. She noted that there are three changes staff is recommending to the Board; Camping, Payment Options and Contact List for citizens. She stated that currently there are campers located on the site which constitutes a zoning violation and Bodatious Event Staff are working on removing those. She stated that staff also recommends a one year approval of the CUP.

The Chairman opened the Public Hearing for comment. There were eleven (11) citizens signed up to speak, their comments for the Board included: opposition of Bodatious; concerns with safety of residents that live on the road where

the event takes place; concern with safety of people that attend the event; questioning why the event sponsor is not required to have liability insurance; in favor of event as it brings in revenue for the Rescue Squad and Fire Departments.

A representative from the Bodacious Event advised that their events help the local fire and rescue raise money, they also donate money to many organizations in the community. He stated that currently they have an insurance policy of \$300,000 and are working to get a \$500,000 policy.

With no further comments for the Board the Chairman closed the Public Hearing.

The Board, Ms. Carter, Ms. Giles and the representative from Bodacious discussed issues and resolutions and how to make the event better for everyone involved.

On a motion by Supervisor Wheeler and carried the Board approved the renewal of CUP 11-05 Bodacious Event:

BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION  
RENEWING AND AMENDING  
CONDITIONAL USE PERMIT #11-05  
FOR TAX MAP PARCELS 12-A-3 & 12-A-4  
March 11, 2014

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., March 11, 2014, the following action was taken following a duly held public hearing during which time County staff provided a review of the conditional use permit renewal request, the

applicant’s representative and agents provided a review of the proposal and members of the public offered comment:

On a motion made by Supervisor Wheeler, it was moved that the Board of Supervisors of Cumberland County renew and amend the Conditional Use Permit in accordance with the following Recitals and Resolutions;

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:

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

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WHEREAS, the Old Dominion 4-Wheel Drive Club (the “Applicant”) seeks a renewal of Conditional Use Permit 11-05 (the “Permit”) obtained by the Applicant to operate Special Recreational Events in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”); specifically, the Permit allows for three annual weekend long off-road racing and associated activities on the Property; and

WHEREAS, the subject property is located on the west side of Boston Hill Road (Route 605) approximately two (2) miles north of the intersection of Boston Hill Road and Columbia Road (Route 609), with a physical address of 415 Boston Hill Road and more particularly described as Tax Map Parcel 12-A-3 and 12-A-4 (the "Property"), with respect to approximately 135.00 acres, currently zoned A-2 Agricultural and is not located in a growth area as designated by the Comprehensive Plan; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on March 11, 2014; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing on March 11, 2014, in support or opposition to the amendment to the Permit and gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for the proposed use, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies, the conditional use permit standards more fully described in Section 74-702 of the Zoning Ordinance; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such documentation, information and data, including information and materials presented at this public hearing, the Board of Supervisors desires to affirm its findings and take action with respect to the Permit;

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 and the conditions set forth on the Zoning Ordinance, including Section 74-702 of the Zoning Ordinance, the Board of Supervisors finds it appropriate to renew and amend Conditional Use Permit #11-05 in accordance the recommended conditions.

c. The Board of Supervisors further finds that the request made in the CUP amendment is in substantial accordance with the County's Comprehensive Plan.

d. The Board of Supervisors has also determined that the renewal and amendment to CUP 11-05 furthers the general purpose and objectives of the Zoning Ordinance and such use would be beneficial and appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice; and

The Board of Supervisors hereby renews for one year and amends the conditions of CUP 11-05 to allow special recreational motorsports events and related activities the Property subject to the following terms and conditions:

1. Terms and definitions: For the purpose of this Conditional Use Permit, the following terms shall have the following meaning and no other:

a. "Property Owner" shall mean the person, persons or group that owns the following Cumberland County Tax Map parcels 12-A-3 and 12-A-4.

b. "Property" shall mean the property indentified as the following Cumberland County tax Map Parcels 12-A-3 and 12-A-4 and shown on permit site plan.

c. "Main Events" shall mean an event that occurs over a Friday, Saturday and Sunday period that lasts no more than 60 consecutive hours.

d. "Motor Sports Complex" shall mean an outdoor sports complex containing race track(s) suitably constructed to provide for public viewing of motor vehicle racing.

e. "Restricted Areas" shall mean areas where spectators shall not be permitted.

f. "Club" shall mean the Virginia 4 Wheel Drive Conversion Club or their successor.

g. "Club staff" shall mean the members of the Club who facilitate and manage Main Events. Such individuals shall clearly be identifiable by special shirts, uniforms, armbands or other methods.

2. Events permitted: No more than three (3) Main Events shall be allowed in any calendar year and may only be held during the months of April through September. Additional events may be permitted by amendment to the Conditional Use Permit.

3. Noise and quiet hours: Motor sports events and club sponsored activities shall only take place between the hours of 9:00 A.M and 12:00 A.M. Quiet hours shall be enforced by club staff from 12:00 A.M. to 9:00 A.M. Any noise during quiet hours resulting from any event or club sponsored activity on the Property shall not exceed a noise level of 70 decibels for any continuous 60 second period. If Cumberland County receives any complaints from adjacent property owners regarding noise levels during quiet hours or upon its own investigation discovers upon inspection that the noise levels exceed what is allowed during quiet hours, the Owner shall be given a warning for the first offense and shall not have another noncompliant event throughout the year. If the Owner violates the noise standards within the warning period, then the County reserves the right to: A) restrict events until the Property is brought back into compliance with the noise standards, B) fine the Owner \$500.00 and/or C) require noise reducing measures to be installed immediately at the cost of the Owner. For any offense after the first offense, the Owner shall A) pay a fine of \$1,000.00, B) have operation hours restricted until the Owner can bring the Property into compliance with the noise standards and C) must install any necessary noise reducing measures to come into compliance with the noise standards.

4. Alcohol consumption: All alcohol consumption on the Property shall follow the rules and regulations of the Virginia Alcohol and Beverage Control Board and the Code of Virginia. Any individual consuming alcohol that is under the age of 21 shall be reported to the local authorities and the parent or legal guardian of an underage drinker will be contacted by the local authorities if the underage drinker is a minor. Drivers and crew members are not permitted to consume alcoholic beverages while racing. Alcoholic beverages shall not be allowed in Restricted Areas.

5. Method and manner of entry: (contingent on condition 4) All attendees must enter the Property by using the entrance on Boston Hill Road. No other entry point shall be permitted. Every individual requesting entry into the Property shall provide a valid ID showing their date of birth. Both hands of individuals under the age of 21 shall be clearly marked with black permanent marker to indicate they cannot consume alcohol. Staff shall re-mark the hands of individuals if the ink fades over the course of the event.

6. Prohibited items and activities: The following shall be prohibited:

- a. Fireworks
- b. Firearms, knives or other weapons
- c. Illegal drugs and contraband

7. Camping and overnight parking: Camping shall only be permitted and regulated in designated areas as permitted by the Virginia Department of Health. Camping and overnight parking of vehicles shall only be permitted on Friday and Saturday nights. There shall remain, at a minimum, one security officer in the camping area at all times during the event. Any travel trailers or recreational vehicles, as defined in the Code of the County of Cumberland, Virginia, brought to the site for the use of camping must be removed at the end of each event weekend.

8. Security: One trained unarmed security officer, who has successfully completed unarmed security guard training and been certified through the Virginia Department of Criminal Justice Services, per every 100 people is required throughout the main event. This is in addition to the off-duty deputies hired by the Club to work throughout the event and coordinated through the local Sheriff. Planning for the number of security officers required shall be based upon the average attendance at the previous year's events. One Emergency Medical Technician or off-duty fire and rescue personnel is required during all motorsports activities. If only one medical staff member is present and they become unavailable, then all motorsport activities must be discontinued until they can return to standing by for that event.

9. Parking: All spectators shall park in designated parking areas.

10. Event signage: Proper signage for parking and for entering and exiting the site, along with traffic control measures are required. At least two 24"x36" brown or green signs with white text that are professionally made shall be displayed at the entrance and near the race track stating the rules and regulations.

11. Virginia Department of Transportation (VDOT) Permit and Compliance: The applicant shall receive a VDOT permit and shall comply with all VDOT requirements for traffic control.

12. Traffic Control: The applicant shall locate caution signs along Boston Hill Road warning drivers of the event and encouraging caution for the duration of the main events in a manner consistent with VDOT specifications and coordinate with state and local police for monitoring and enforcement.

13. Dust Control: The applicant shall apply a dust control additive to the dirt roads prior to each event in a

manner according to VDOT specifications and coordinate the schedule and frequency of applications with VDOT.

14. Spectator safety: All motor sports areas shall be protected by guardrails and spectator areas shall be setback a minimum of one hundred (100) feet from the mud bog pit and a minimum of fifty (50) feet from the sand drag and motorcross track. All spectators must remain within the designated area during the event. Staff, emergency personnel, and event competitors are the only exception to this condition.

15. Participant safety: All trucks, cars and other motor vehicles used in race events and other competitions shall have the proper safety equipment and devices and shall comply with club rules. No child under the age of twelve (12) shall be permitted to participate in any race event without parental consent. Children under twelve (12) participating in race events shall be limited to race vehicles with no larger than a ninety (90) cubic centimeter engine.

16. Garbage disposal: The Owner shall remove all trash created by the event from the property and along Boston Hill Road by 6:00 PM Wednesday evening following the event, weather permitting, and shall dispose of such garbage at locations approved by the Department of Environmental Quality.

17. Water & sewage service: Drinking water and toilet facilities shall be provided as required by the Virginia Department of Health.

18. Outdoor light control: Lighting shall not constitute a nuisance and shall not produce glare or otherwise spillover onto adjacent properties. All outdoor lighting shall be fully-shielded fixtures that direct light towards the ground and not upwards.

19. Site planning: A final schematic site plan shall be submitted and approved by the Zoning Administrator prior to initiating the use.

20. Liability insurance: The Owner or Applicant shall make every effort to obtain and keep a liability insurance policy in the amount of \$1,000,000 in as short a period as possible. A minimum policy of \$300,000 is required. If the Owner or Applicant has not obtained a policy of at least \$1,000,000 within one year of the effective date of this permit the Applicant shall be required to reapply for the Conditional Use Permit and provide evidence and reasons why the policy has not yet been obtained.

21. Compliance with laws, rules and regulations: All operations shall be conducted in compliance with all current applicable federal, state, and county laws, rules and regulations and the Owner shall perform all testing and monitoring required by applicable regulation.

22. Accessory uses: The location of any use that may be accessory or ancillary to the primary use of the Property shall be shown on the final schematic site plan. Such accessory uses may include small-scale sale of items to the general public. Any such use that is located outdoors shall be screened and meet all requirements set forth in the conditions contained herein.

23. Additional uses and changes: Any substantial changes, as determined by the Zoning Administrator, in the use of the Property by the Owner over what has been permitted by this Conditional Use Permit shall require an amendment to this Conditional Use Permit. Substantial changes can include, but are not limited to, changes or additions to the use of the property that would increase the amount of traffic, parking, outdoor lighting, noise, particulate emission, water usage or have other similar impacts.

24. Right to inspect: The Board of Supervisors, or their designated representative, has the right to inspect any activity or event governed by this permit for compliance with these conditions at any time.

25. Permit Renewal: The Applicant or Owner shall be required to renew this permit through the Zoning Administrator every one year. The Zoning Administrator may request Planning Commission or Board of Supervisors review of the permit renewal. If the Owner or Applicant fails to renew the permit every one year this Conditional Use Permit shall be considered invalid and all events allowed by this permit shall cease.

26. Revocation of permit: Violation of any of these terms and conditions shall, at the sole discretion of the Zoning Administrator, be grounds for revocation of this Conditional Use Permit by the Board of Supervisors. This Conditional Use Permit shall remain in effect for the period of time that the Owner owns the Property provided that all required conditions are adhered to; however, any amendment to this Conditional Use Permit or subsequent Conditional Use Permit regarding the same or similar recreational events on the Property shall take precedence when there shall be any conflicting conditions; at any time that the Owner shall no longer retain ownership of all the Property, this Conditional Use Permit shall be considered invalid within one year and all events allowed by this permit shall cease.

27. At any point, if the applicant fails to pay within thirty days of the date of the invoice for any county services provided, this permit shall terminate and be immediately revoked without any further action by Cumberland County.

28. County staff shall maintain a list of concerned nearby property owners and neighbors who live within a one mile radius of the event site and who request to be added to such list. The applicant shall make contact with those

individuals prior to each event, giving them a contact name and number for an individual with the club who can be available in case of any problems in the adjacent area during event weekends.

e. This Resolution is effective immediately.

**7. Public Comments**

There were five (5) citizens signed up to speak. Their comments for the Board included: concern about the HVAC system at the Elementary school; concern with proposed budget; and concern with the Bodatious event.

On a motion by Supervisor Banks and carried the Board approved for County staff to begin the process for the replacement of the HVAC System for the elementary school with an anticipated total project cost of approximately \$900,000.

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

Supervisor Banks asked if there were any citizens who wanted to speak who were not signed up. There were three (3) citizens who commented, their comments for the Board including: in favor of the Bodatious Event; in opposition to the Bodatious event.

Supervisor Osl commented that he lives close to the Bodatious event, and also stated that Cartersville Fire Department and Rescue Squad is on site and both benefit financially from the event.

**8. State and Local Department/Agencies**

a) Dr. Amy Griffin Superintendent of Cumberland County Schools

Dr. Griffin advised the Board that the Middle/High School hosted a Youth Art Night; Third grader Baily Meinhard had art work chosen by Longwood's Visual Arts Center; Daughters of the American Revolution held a ceremony and awarded seventh grader Veronica Nelson the American History Essay Award, and tenth grader Katherine Smith the Christopher Columbus Essay Award; The Forensics Team places fourth in the Regional Competition; Magnificent Marching Dukes performed at the Longwood girls final basketball game; The elementary school raised over \$5,000 for the Jump Rope for Heart; Cumberland County School Foundation will be holding a 5K at High Bridge Trail; Some of spring break will be used as snow makeup days; The 2014-15 School Year calendar was adopted; and General Assembly should be passing to reduce the number of SOL tests that third – eight graders take.

b) VDOT

Mr. Shippee from VDOT advised the Board that a bridge on Route 600, Plank Road would be closed for fourteen (14) weeks for construction. He also noted that VDOT had been working on pothole repairs, brush cutting and keeping the roads cleared during the winter weather. He advised the Board that they needed to set a date to have a workshop to work on the secondary six year plan.

**9. County Attorney/County Administrator Report**

a) Consent Agenda

1) Approval of Bills for February 2014 and March 2014.  
Approved bills for March total \$133,937.93. Ratified bills for February warrants total \$314,584.43 with check numbers ranging from 67736 to 67885. Direct Deposits total \$148,629.11.

2) Monthly Budget Report

On a motion by Supervisor Banks 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) Approval of Minutes

On a motion by Supervisor Ingle and carried the Board approved the minutes.

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

c) Appointment of Board Representative to the VGA

Ms. Vivian Giles advised the Board that the VGA offered the County a free membership for six (6) months, and they are requesting a representative from the Board attend the meetings.

On a motion by Supervisor Banks and carried the Board approved Supervisor Meinhard to serve as the Board representative for the VGA.

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

d) Weatherization Assistance Program Recommendation

Ms. Vivian Giles advised the Board that the County had received requests for letters of support from STEPS, Telamon, and Project: HOMES for the Board to approve to go with their grant applications for the Weatherization Assistance Program

i) STEPS

A representative from STEPS advised the Board that they are currently participating in the Weatherization program and through this grant will received more funds to assist more people in the Cumberland County area.

ii) Telamon Corporation

A representative from Telamon Corporation advised the Board that they are currently participating in the weatherization program in Southill and also hold the contract for Emergency Home Repairs for Cumberland County; they took this over when HOPE lost their grant.

iii) New Horizons / Project: HOMES

A representative from Project: HOMES reviewed a power point presentation for the Board.

Ms. Giles advised that the Board could approve all three companies.

On a motion by Supervisor Wheeler and carried the Board approved to support all three (STEPS, Telamon Corporation and New Horizons / Project: HOMES).

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

e) Letter of Support for Cartersville Volunteer Rescue Squad

On a motion by Supervisor Ingle and carried the Board approved the letter of support for the Cartersville Volunteer Rescue Squad to accompany a state grant application.

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

f) County Museum – Mr. Robert Oertel

Mr. Robert Oertel gave the Board members a handout.

Supervisor Banks read the information to the Board and the public.

Mr. Oertel advised that the renovation of the old jail would not be taking place anytime soon and that the Old Clerk's Office was not being fully utilized and would make a great place to have the museum items until the renovation of the old jail was complete.

**10. Planning Director's Report**

a) Update on Planning Commission Activities

There were no updates to report.

b) County Project update

Sara Carter Planning Director advised the board that the list of project updates was in the packet and to let her know if they had any questions.

c) Stormwater Management Ordinance Set Public Hearing

Sara Carter advised the Board that

The public hearing was set for the next regular monthly meeting, April 15, 2014.

On a motion by Supervisor Wheeler and carried the Board approved to set the Stormwater Management Ordinance for Public Hearing at the next monthly meeting, April 15, 2014.

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

Mr. Wheeler – aye

**11. Public Comments (Part 2)**

There was one (1) citizen signed up to speak. Her comments for the Board included: thanking the Board for approving the home weatherization assistance program and wanting to know who to contact to apply for participation in the program.

Supervisor Ingle advised that once the program was in place, citizens should contact Social Services to apply.

**12. Board Member Comments**

Supervisor Ingle commented that he wanted to thank everyone for coming, and felt it was a very long but successful meeting.

Supervisor Osl commented

Supervisor Banks commented that he wanted to thank everyone who attend and the Board would be meeting again Thursday.

**13. Additional Information**

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

14. **Adjourn** - Budget Workshop March 13, 2014 at 7:00 pm in the Basement Administration Conference Room

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Lloyd Banks, Jr., Chairman

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Vivian Giles, County Administrator