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At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 18th day of November, 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

Absent: None

1. Call to Order

The Chairman called the meeting to order.

2. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Banks.

3. Roll Call

County Administrator, Vivian Giles, stated that all members of the Board are present.

4. Approval of Agenda

Supervisor Ingle made a motion to approve the amended agenda as presented. Supervisor Wheeler made a substitute motion to move the Closed Session from the end of the agenda to

the first item on the agenda. Supervisor Ingle then withdrew his motion.

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

- NEW** 5. Adjourn into Closed Session
- NEW** 6. Reconvene in Open Session
- REVISE** 8. Public Hearings
 - a. Poultry ~~Housing~~ **Processing**
- REVISE** 10. County Attorney/ County Administrator's Report
 - c. Holiday Schedule **Informational**
- REVISE** 11. Finance Director's Report
 - a. Monthly Budget Report **Informational**

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

5. Adjourn into Closed Session

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

Pursuant to Virginia Code § 2.2-3711.A.6: Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; and

Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with legal counsel employed or retained by a public body

regarding specific legal matters requiring the provision of legal advice by such counsel.

Subject: Review of Host Community Agreement between the Board of Supervisors of Cumberland County, Virginia and Cumberland County Development Company, LLC

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

6. Reconvene in Open Session

The Board returned to regular session on a motion by Supervisor Banks.

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

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

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

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

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

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

No action was taken regarding the items discussed.

7. Public Comments

There were no citizens signed up to speak.

8. Public Hearings

a) CA 14-07 Poultry Processing

Planning Director, Sara Carter, informed the Board that the Planning Commission, at the Board's request, reviewed the matter of having poultry processing as a by-right use in the Agricultural District. The Planning Commission held a special workshop to discuss this matter, and is submitting a set of recommendations to the Board, that allow poultry processing as a by-right use in the Agricultural District with a set of development standards.

The Chairman then opened the public hearing. One citizen spoke in favor of the poultry processing plant. With

no other citizens wanting to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl, and carried unanimously, the Board approved Code Amendment 14-07:

Sec. 74-132. - Permitted uses and structures.

Permitted uses and structures in the A-2 district are as follows:

- (1) Minor subdivisions, conventional;
- (2) Major subdivisions, cluster;
- (3) Single-family detached dwellings;
- (4) Two-family dwellings;
- (5) Manufactured homes;
- (6) Accessory uses and structures.
- (7) Agriculture, general farming and forestry.
- (8) Boarding, rooming or lodging houses and bed and breakfast inns.
- (9) Boat landings and piers.
- (10) Cabinet-making, furniture and upholstery shops (home-based).
- (11) Childcare (home-based).
- (12) Farm-based equipment sales/service.
- (13) Foster care and adult family care (home-based).
- (14) Garden shops, greenhouses, nurseries.
- (15) Home-based service business.
- (16) Home occupations (Refer to [section 74-2](#)).
- (17) Hunting lodges and clubs and boat clubs.
- (18) Kennels, private.
- (19) Off-street parking for permitted uses.
- (20) Poultry processing facilities (Refer to article 74-XXIII)
- (~~20~~1) Preserves and conservation areas.
- (~~21~~2) Riding schools, horse breeding establishments, riding stables.
- (~~22~~3) Sawmills (portable).
- (~~23~~4) Special events.
- (~~24~~5) Wayside stands (temporary, seasonable or sale of on-site farm products).

Article XXIII – Poultry Facilities

Sec. 74-991. Intent.

It is the intent of this article to provide for the continued security of the county's agricultural sector by encouraging the orderly and responsible growth of its poultry industry.

Sec. 74-992. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Existing dwelling means either:

- (1) A structure designed for residential use, which is occupied on the date a completed application for a poultry facility permit is received by the office of the zoning administrator; or
- (2) A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or which has been occupied for any period of time within the five years immediately preceding the date on which a completed application for a poultry facility permit is received by the office of the zoning administrator.

Existing natural buffer means any hills or trees in any combination which completely blocks the view of a poultry house or processing facility from public roads and any existing dwellings located on properties adjoining a poultry house or processing facility.

Grower or owner means the owner of the poultry house or processing facility or of the land on which the facility is located.

Poultry ~~facility~~ house means a structure, the purpose of which is to house and shelter poultry, together with ~~poultry house~~ and accessory uses or structures, including but not limited to facilities utilized for disposal of dead birds by a procedure approved by the appropriate state regulatory agencies, veterinary

~~office of the state department of agriculture and consumer services, division of animal health, and dry waste disposal facilities.~~

Poultry processing facility means any facility for the processing of chickens for meat, including but not limited to facilities utilized for slaughter, meat packing and disposal of dead birds by a procedure approved by the appropriate state regulatory agencies.

Sec. 74-993. Setbacks from existing dwellings.

Each poultry ~~facility~~ house shall be set back from all existing dwellings not owned by the grower a distance of 300 feet. In addition, one of the following buffers shall be required for all poultry ~~facilities~~ houses placed into operation after October 5, 1992:

- (1) An existing natural buffer between the existing dwelling and the new poultry ~~facility~~ house; or
- (2) A buffer consisting of three staggered rows of native evergreens between the existing dwelling and the poultry ~~facility~~ house.

Each poultry processing facility shall be set back from all properties with existing dwellings not owned by the processor a distance of 300 feet. Within this setback, no structures or parking lots are allowed. Additionally, within this setback, a vegetative buffer of 100 feet is required. The buffer may be comprised of an existing, well established natural area with extensive tree cover, or may consist of five staggered rows of planted evergreens, with a minimum of one evergreen per 30 lineal feet in each row. The buffer shall be provided in the 100 feet of the setback closest to the adjacent residence.

Sec. 74-994. Setbacks from property lines and public roads.

- (a) The setback for poultry ~~facilities~~ houses from property lines shall be at least 150 feet.
- (b) The setback for poultry ~~facilities~~ houses from the ditch line of public roadways shall be as follows:

- (1) At least 150 feet from Route 60, Route 45 and Route 13
 - (2) At least 100 feet from all other public roadways.
- (c) The setback for poultry processing facilities from property lines shall be 300 feet.

Sec. 74-995. Other setbacks.

All poultry houses shall be set back at least 1,000 feet from incorporated towns, residentially zoned districts as provided in articles VI, VII, VIII, and X of this chapter, public schools, county, town and community recreation areas, public wells, springs and water intakes.

Sec. 74-996. Location requirements

All poultry processing facilities shall be located with direct access to Route 13,45, or 60. Prior to the issuance of any building permit, an entrance permit will be required from the Virginia Department of Transportation (VDOT).

Sec. 74-997. Poultry development plans.

(a) In the A-2 district, a grower or a potential grower or processing facility shall file with the zoning administrator a development plan which indicates the number, size and location of all structures ~~poultry facilities~~ planned for the subject parcel. When a poultry development plan has been filed with and approved by the zoning administrator and during the period in which it remains in effect, the planned ~~poultry~~ facilities shall meet setbacks only from those dwellings existing at the time the poultry development plan is approved.

(b) The poultry development plan shall be based on the requirements of this article and shall be accompanied by a plan of development verifying the accuracy of the distances shown in the poultry development plan.

(c) The poultry development plan shall remain in force only so long as the poultry facilities proposed are constructed in accordance with the poultry development plan and are placed in service in a timely manner.

(d) For poultry houses, ~~At~~ at least one poultry house ~~facility~~ indicated in the poultry development plan must be placed into service within 24 months of the date on which the poultry development plan is approved by the zoning administrator unless at least one such poultry facility is already in service on

the subject parcel at the time the poultry development plan is filed. Zoning approval for any subsequent poultry facility indicated in the poultry development plan may only be obtained if no more than five years have passed since the date on which either:

(1) A poultry development plan was approved for a parcel with at least one poultry facility already in service at the time of approval; or

(2) Zoning approval was obtained for a poultry facility which has been placed into service under the approved poultry development plan for the subject parcel.

(e) The grower or owner shall notify the zoning administrator, in writing, within 30 days of the placement into service of any ~~poultry facility~~ structure indicated in his poultry development plan.

(f) If a grower or owner fails to build a poultry house or processing facility indicated in the poultry development plan within 24 months of obtaining approval for the poultry facility or fails to obtain zoning approval for any of the poultry facilities indicated in his poultry development plan within the prescribed five-year period, the zoning administrator shall revoke the poultry development plan, and all future development of poultry facilities on the subject parcel shall strictly conform to the requirements of this article.

(g) For any poultry processing facility, the applicant must provide an engineer's certification that the provision of adequate and necessary water supply and waste disposal for the site can be accomplished without significant negative effects on adjacent properties.

(h) For any poultry processing facility seeking to use county wastewater facilities, the developer or owner must obtain all necessary permissions to use the wastewater facilities. If the developer is not able to obtain all necessary permissions, all waste must be treated on-site in strict accordance with all federal, state and local laws, regulations and ordinances.

(i) All poultry processing facilities are subject to the standards enumerated in Section 74-549 (a).

Sec. 74-9978. Nutrient management plan.

(a) After October 5, 1992, no poultry facility permit shall be issued until a nutrient management plan for the proposed poultry facility has been approved

or is pending approval by the Peter Francisco Soil and Water Conservation District and is on file with the zoning administrator.

(b) The nutrient management plan shall provide for the lawful disposal or use of 100 percent of the poultry waste produced by each poultry facility.

(c) The nutrient management plan shall also provide for a site, with or without a permanent structure, for the storage of poultry wastes.

(d) The nutrient management plan shall be revised every five years or more frequently if deemed necessary by the county. All revised nutrient management plans shall be reviewed and approved or disapproved by the Peter Francisco Soil and Water Conservation District.

Sec. 74-998~~9~~. Prior permits valid.

The provisions of this article notwithstanding, a poultry facility permit approved by the county prior to October 5, 1992, shall remain valid, as issued, on condition that all requirements set forth in the permit are met and construction is completed by October 5, 1994.

Secs. 74-999—74-1050. Reserved.

Sec. 74-1101. - Activities requiring site plans.

- (a) In order to ensure that the requirements of this chapter have been met, a site plan shall be required to be submitted to the county for the following uses:
- (1) Any use in the business or industrial zoning districts.
 - (2) Any nonresidential use in which automobile parking space is to be used by more than one establishment.
 - (3) Any of the following residential uses not required to submit a subdivision design plan for approval:
 - a. Duplexes.
 - b. Multiplexes.
 - c. Townhouses or condominiums.

- d. Apartments.
 - e. Other allowed multifamily residential uses.
 - (4) Convalescent, nursing homes and retirement facilities.
 - (5) Required landscaped buffers and landscaped screens.
 - (6) Required recreational facilities.
 - (7) Manufactured home parks.
 - (8) Poultry processing facilities.
 - (9) The use, change of use construction, of any improvement or facility that is to be reviewed by the planning commission to determine conformance with the comprehensive plan under Code of Virginia, § 15.2-2223.
- (b) The zoning administrator shall require a site plan to be submitted with an application for a conditional use permit.
- (c) No permit shall be issued for the construction of any building or improvement on the site of any of the above uses until the site plan is approved.

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

b) CA 14-06 – Home Occupations

Planning Director, Sara Carter, informed the Board that the current County Code contains two definitions that address businesses in the home, and that the County Code as written is confusing and difficult to administer. This code amendment will consolidate both definitions and address the primary issues that adjacent owners may have. The Planning Commission recommends approval of the amendments, and adoption by the Board.

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

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved Code Amendment 14-06:

Home Occupations:

From 74-2 Definitions:

~~*Home-based service business* means a small commercial or professional use which in no way detracts from adjacent agricultural or residential uses, which is located on the same property as the owner's primary dwelling, and which may be located within the home or in separate buildings. In no instance shall the separate buildings in aggregate be larger than 2,500 square feet in gross floor area of use or, if located within the owner's home, no more than 50 percent of the occupied living space of such dwelling shall be used for the business.~~

~~*Home occupation* means an occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, no noise, no odor, no change from the residential or agricultural character of the home, and no one is employed in the home other than the members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; professional offices such as medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant. Traffic impacts to adjacent residences should be consistent with adjacent uses and zoning.~~

- **Sec. 74-132. - Permitted uses and structures.**

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Permitted uses and structures in the A-2 district are as follows:

- (1) Minor subdivisions, conventional;
- (2) Major subdivisions, cluster;
- (3) Single-family detached dwellings;
- (4) Two-family dwellings;
- (5) Manufactured homes
- (6) Accessory uses and structures.
- (7) Agriculture, general farming and forestry.
- (8) Boarding, rooming or lodging houses and bed and breakfast inns.
- (9) Boat landings and piers.
- (10) Cabinet-making, furniture and upholstery shops (home-based).
- (11) Childcare (home-based).
- (12) Farm-based equipment sales/service.
- (13) Foster care and adult family care (home-based).
- (14) Garden shops, greenhouses, nurseries.
- ~~(15) Home-based service business.~~
- (16~~5~~) Home occupations (Refer to [section 74-2](#)).
- (17~~6~~) Hunting lodges and clubs and boat clubs.
- (18~~7~~) Kennels, private.
- (19~~8~~) Off-street parking for permitted uses.
- (20~~19~~) Preserves and conservation areas.
- (21~~0~~) Riding schools, horse breeding establishments, riding stables.
- (22~~1~~) Sawmills (portable).
- (23~~2~~) Special events.
- (24~~3~~) Wayside stands (temporary, seasonable or sale of on-site farm products).

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

9. State and Local Department/Agencies

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

In Dr. Griffin's absence, Ms. Liz Jamerson gave the following report to the Board:

- A group of high school students are working with NASA in reference to a Mars exploration Project.
- 53 middle school students were inducted into the National Junior Honor Society
- The JROTC cadets presented the colors at the Cumberland Ruritan's Veteran's Day Breakfast
- The Lady Dukes Volleyball Team placed second in the Conference 44 Tournament
- Three Art students were selected to have their artwork displayed at Longwood University Hull building.
- Jared Halverson placed 7th in the Cross Country competition
- 25 students attended the SVCC Career Fair
- The Cumberland Theater team placed 4th in the regional championship play, and Justin Crawford was named the top male performer in theater.
- Delegate Tommy Wright and Kevin Reynolds from Senator Tom Garrett's office visited the schools.
- The elementary school hosted an anti-bullying program
- The Thanksgiving feast for students and their families will be held on November 19th and 20th.

The Chairman discussed the possibility of replacing the Cumberland Elementary School roof. The estimate for replacement would be around \$450,000. There has been discussion that the County would provide \$300,000 and the School would pay the balance.

On a motion by the Chairman and carried unanimously, the Board authorized the payment of up to \$300,000 for the replacement of the Cumberland Elementary School roof on the condition that the School Board provide the balance of

the remaining funding, with no appropriation being made until a later date:

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

b) VDOT

There were no representatives present at the meeting.

c) Cumberland Public Library, Director, Jennifer Beech

Library Director, Jennifer Beach, informed the Board that the attendance for the new children’s program, Mother Goose on the Loose, has tripled. Ms. Beech invited the Board to the annual tree lighting on December 1, 2014 at 6:00 p.m.

d) Commissioner of the Revenue, Julie Phillips

Commissioner Julie Phillips briefly discussed the machinery tools and heavy equipment tax process with the Board.

10. County Attorney/County Administrator Report

a) Consent Agenda

1) Approval of Bills for October and November 2014. Approved bills for November 18, 2014 total \$71,411.76. Ratified bills for October and November warrants total \$465,306.85 with check numbers ranging from 69170 to 69510. Direct Deposits total \$232,639.84.

2) Approval of Minutes (October 14, 2014)

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

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

b) South Central Workforce Investment Act Consortium Agreement – set public hearing

On a motion by Supervisor Osl and carried, the Board set a public hearing for the December 9, 2014 Board meeting:

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

c) Holiday Schedule

County Administrator, Vivian Giles, informed the Board that the County offices will be closed for the following holiday schedule:

- Thanksgiving- closed ½ day on Wednesday, November 26, 2014, closed Thursday, November 27, 2014, and Friday, November 28, 2014.
- Christmas – closed Wednesday, December 24, 2014, Thursday, December 25, 2014, and Friday, December 26, 2014.
- New Year’s – Closed Thursday, January 1, 2015, and Friday, January 2, 2015.

- d) Award bid for Financial Server replacement

County Administrator, Vivian Giles, informed the Board that only one bid was received. CAS Severn submitted a bid with additional options in consultation with Mr. Howard and Ms. Giles. The total cost for the recommended replacement of the server alone is \$59,881.00. The cost of replacing the server with additional training and an additional check processing software and hardware option, all of which was recommended, would total \$87,161.00.

On a motion by Supervisor Osl and carried, the Board awarded the bid for the Financial Server Replacement to CAS Severn in the amount of \$59,881.11; approved the additional Bright software training requested by staff up to \$9,500; and approved the purchase of a check processing software and hardware solution from Softdocs at a cost of \$17,780, all as recommended:

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

11. Finance Director’s Report

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

- b) Revenue Appropriations

On a motion by Supervisor Banks and carried by the following vote, the Board approved the Revenue appropriations:

- \$67,897.00 – CCPS Region 8 Governor’s Youth Development Academy
- \$57,514.00 – CCPS 2014 School Security Equipment Grant Program

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

12. Planning Director’s Report

- a) County Project update

There was no discussion on the current county projects.

13. Old Business

N/A

14. New Business

N/A

15. Public Comments (Part 2)

There were no citizens signed up to speak.

16. Board Member Comments

Supervisor Osl stated that he is in support of the server replacement and the support it will provide the county staff.

Supervisor Ingle thanked staff for their hard work.

17. Additional Information

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

18. Adjourn -

On a motion by Supervisor Banks and carried, unanimously, the Board adjourned the meeting until the next regular meeting on December 9, 2014 at 7:00 p.m. in the Circuit Courtroom, Cumberland Courthouse.

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

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney