

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13th day of October, 2015, 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
Sara Carter, Planning Director
Tracie Wright, Finance Director

Absent: None

1. Call to Order

Chairman Banks called the meeting to order.

2. Welcome and Pledge of Allegiance

The Pledge of Allegiance was led by the Chairman.

3. Roll Call

County Administrator, Vivian Giles, called the roll.

4. Approval of Agenda

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

Vote: Mr. Osl – aye Mr. Banks – aye

Mr. Ingle – aye
Mr. Wheeler – aye

Mr. Meinhard – aye

5. Public Comments

Mr. Tim Kennell came before the Board to give an update on how far the schools have come since the new school was built in 2009. Ms. Undra Deshazor inquired as to what benefits are the citizens receiving for their tax money other than the School System? Ms. Joanna Vaughan and Ms. Pauline Trent voiced concern with the current state of the county, the tax rate, and the possibility of a tax increase. Ms. Barbara Hinton stated that a tax increase is what will need to happen.

6. State and Local Department/Agencies

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

Dr. Amy Griffin, Superintendent of Cumberland County Public Schools, gave the Board the following update on school activities:

- Report Cards will be coming home with students on October 20, 2015
- Parent Teacher conferences will be held on October 22, 2015
- The High School Afterschool Program will host a Light's On Night to showcase the afterschool programs
- Cumberland tops the graduation rate in the area.
- Ms. Griffin provided the Board with a handout regarding the Destiny 21 Strategic Plan
- Team Win are finishing the 3rd and 4th grade pod painting

- b) VDOT

There were no representatives from VDOT present.

- c) Cumberland Public Library

Jennifer Beach, Librarian, was not present.

- d) Ms. Susanna Blauch, American Red Cross/Relay for Life

Ms. Blauch informed the Board and those in attendance about the services the American Red Cross and Relay for Life provide to the community. She also provided handouts with additional information.

7. **Public Hearings**

- a) Workforce Investment Area Consortium Agreement

County Administrator, Vivian Giles, informed the Board that due to changes in some of the legislation, changes to the structure of the Workforce Investment Area Board, and thereby the agreement governing the Board, are needed. Ms. Giles requested that the Board adopt the Ordinance that amends the already-in-force Consortium Agreement. Because these changes require adoption by Ordinance, they also then require a public hearing.

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 Meinhard and carried unanimously, the Board approved the Workforce Investment Area Consortium Agreement:

SOUTH CENTRAL WORKFORCE INNOVATION AND OPPORTUNITY ACT CONSORTIUM AGREEMENT

This agreement is executed by the duly authorized elected officials from the Counties of Amelia, Brunswick, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway and Prince Edward (the “Member Jurisdictions”) and shall be effective on the latter of July 1, 2015 , or on the day that the last Member Jurisdiction enters into this agreement.

WHEREAS, the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128), hereinafter the “Act”), provides federal funding to states for the delivery of workforce training and other services; and

WHEREAS, the Act requires the Governor of the Commonwealth of Virginia to designate local workforce development areas for the delivery of such services within the state; and

WHEREAS, the Act requires that the Governor approve a local workforce development area designation request from local areas that existed as such under the Workforce Investment Act of 1998 when the member jurisdictions have each made known their desire for such designation; and

WHEREAS, the Act requires that the Governor consider and approve requests for Workforce Innovation and Opportunity Act funds made by a combination of local government units; and

WHEREAS, the Member Jurisdictions wish to jointly perform the responsibilities prescribed under the Act; and

WHEREAS, Va. Code §15.2-1300 provides that local governments may enter into agreements for the joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually; and

WHEREAS, the Member Jurisdictions desire to form a joint entity under Va. Code §15.2-1300 to be designated as the South Central Workforce Development Area Consortium (the “Consortium”) and to be recognized as Virginia’s Area VIII Local Workforce Development Area; and

WHEREAS, each Member Jurisdiction by ordinance approved the establishment of the Consortium as a joint entity empowered to exercise the responsibilities of the Chief Local Elected Officials as set forth in this Agreement; and

WHEREAS, creation of the Consortium will permit the delivery and oversight of workforce services in a manner that will ensure accountability to local elected officials of the Member Jurisdictions.

NOW, THEREFORE, the parties do mutually covenant and agree as follows:

Article I – Entity

Section 1. **Formation of Consortium.** The Member Jurisdictions acting pursuant to authority granted to them under Va. Code §15.2-1300 hereby create the South Central Workforce Development Area Consortium as an entity to exercise the powers set forth in this Agreement.

Section 2. **Consortium Membership.** The Member Jurisdictions of the Consortium shall be the Counties of Amelia, Brunswick, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway and Prince Edward.

Section 3. **Consortium as Workforce Development Area.** Subject to the approval of the Governor of Virginia, the ten Member Jurisdictions shall also comprise the boundaries of Virginia's Area VIII Local the Workforce Development Area (the "Area") required by the Act pursuant to 29 U.S.C. § 2831(a)(1).

Article II – Consortium Board Membership

Section 1. **Consortium Board Membership.** The Member Jurisdictions shall establish a Consortium Board comprised of one Representative from each Member Jurisdiction (the "Representative"). The Consortium Board shall have in addition to the powers set forth herein all the powers, duties, and responsibilities of the Chief Local Elected Official as set forth in the Act.

Section 2. **Representative of Member Jurisdictions and Term.** The Representative to the Consortium Board shall be a member of the governing body of the Member Jurisdiction. A Member Jurisdiction may appoint the chief administrative officer to serve as an Alternate for the member of the governing body. Such Alternate shall only serve when the member of the governing body cannot attend a meeting. When the Alternate so serves, the Alternate shall have the same powers and responsibilities as those possessed by the member of the governing body including the right to vote on all matters and shall be counted when determining a quorum. No person shall serve as a Representative if such person is no longer a member of the governing body or its chief administrative officer. Each Member Jurisdiction shall determine the length of term for its Representative and be responsible for filling the vacancy of its Representative who is no longer qualified to serve.

Section 3. **Policy Making Authority.** Every Consortium Board Member shall have the authority to speak affirmatively for the Member Jurisdiction and, in conformity with this Agreement, to commit the Consortium to a course of action.

Section 4. **Removal of Representative.** Under the bylaws and governing rules of the Member Jurisdiction, the Member Jurisdiction may remove its Representative from office.

Article III – Consortium Powers (Chief Local Elected Official)

Section 1. **Powers under the Act.** The Consortium Board shall engage in all activities necessary and proper for the execution of its responsibilities that are assigned or reserved by law to the Chief Local Elected Official, including:

A. Collectively perform the functions of the chief local elected officials of the Member Jurisdictions as permitted in the Act.. For purposes of the Act, the Member Jurisdictions shall act through the Consortium Board.

B. Apply to the Governor of Virginia for Area designation.

C. Appoint the members of the Local Workforce Development Area Board as provided in Article VI of this Agreement.

D. Execute an agreement with the Local Workforce Development Area Board for the operation and functions of the Local Workforce Development Area Board set out in the Act. .

E. Continually establish the vision and priorities of the Consortium in conjunction with the Local Workforce Development Area Board.

F. Develop the region’s strategic plan as the Local Plan under the Act in partnership with the Local Workforce Development Area Board. The plan shall be submitted to the Virginia Board of Workforce Development (hereinafter, the “Workforce Board”) in the manner prescribed by the Workforce Board.

G. Provide input into and approve the budget of the Local Workforce Development Area Board and provide continuing fiscal oversight of all funds received and expended.

H. Work with the Local Workforce Development Area Board and Governor of Virginia to establish local performance measures.

I. Approve the Local Workforce Development Board’s selection and designation of one-stop operator(s), its evaluation of the performance of one-stop operator(s), and its termination of their eligibility for cause as provided in the Act. .

J. From among the Member Jurisdictions, identify annually the local government to serve as Grant Recipient of all funds received under the Workforce Innovation and Opportunity Act.

Section 2. **General Powers.** The Consortium Board shall engage in all things necessary or convenient to carry out the business and affairs of the entity, including, without limitation, the authority to:

A. To sue, be sued, complain and defend in its name.

B. To adopt and amend bylaws, not inconsistent with this Agreement or with the laws of the Commonwealth, for managing the business and regulating the affairs of the Consortium.

C. To purchase, receive, lease, or otherwise acquire, and own, hold, improve, use and otherwise deal with in its own name, real or personal property, or any legal or equitable interest in property, wherever located.

D. To sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property.

E. To make contracts,, borrow, and secure any of its obligations by mortgage or pledge of any of its property, franchises, or income; provided that no such liability or obligation to be paid beyond the current fiscal year shall be binding on any Member Jurisdiction without the specific approval of such Member Jurisdiction's governing body, and any such contract, liability or obligation undertaken that contemplates payment from funds received from any Member Jurisdiction(s) shall contain language expressly making it subject to annual appropriation of the required amount by each affected governing body.

F. To elect officers and define their duties.

G. To hire, discharge, establish the terms and conditions of employment, and pay salaries and benefits to employees who provide staffing services to the Consortium Board, the Local Workforce Development Area Board, and Youth Committee. Such benefits may include retirement and deferred compensation plans, health and life insurance, and other leave and pay benefits as the Consortium Board determines are consistent with the practices within the Member Jurisdictions. The Executive Director shall report directly to the Consortium Board.

H. To pay compensation, or to pay additional compensation, to any or all employees on account of services previously rendered to the Consortium, whether or not an agreement to pay such compensation was made before such services were rendered.

I. To obtain indemnity insurance for the Consortium, its Board, the Local Workforce Development Area Board, and the Youth Committee and any of its officers or employees for any cause of action or claim asserted against them for acts engaged in their official capacity.

J. To employ legal counsel, accountants, and other advisors as the Consortium Board deems necessary as may be permitted under the Act.

K. To have and exercise all powers necessary or convenient to affect any or all of the purposes for which the corporation is organized.

Section 3. **Consortium Board's Oversight and Control.** The Consortium Board shall perform the following functions:

- A. Oversee the local workforce development services in the Consortium Area.
- B. Oversee the youth and other programs and fund sources which may from time to time fall under the purview of the Local Workforce Development Area Board.
- C. Consult on appointments to the Local Workforce Development Area Board's Youth Committee.
- D. Assist in the development of the Local Plan and Plan modification, review and approval for the Act's programs and other programs for which the Local Workforce Development Area Board is given responsibility.
- E. Adopt a budget for the Workforce Development Area including the operating budget developed by the Local Workforce Development Area Board.
- F. To the extent feasible, align all activities in workforce development in the Area under the policy umbrella of the Consortium Board.
- G. When applicable, ensure that the workforce development policies of the Local Workforce Development Area Board become integrated into county overall policies for economic development, education and workforce investment.
- H. Any and all powers necessary and proper to carry out the Consortium's oversight and financial control of the Act's funds and programs.

Article IV – Governance

Section 1. **Consortium Board Meetings and Officers.** The Consortium Board shall meet as determined by its members. The Consortium Board shall elect from its membership a chairperson, a vice-chairperson and other officers as provided in the bylaws to serve for a term of one year or until a successor is elected and qualified. The Consortium Board shall fill any vacancies in officer positions by election for the remainder of the unexpired term. The chairperson shall appoint a board clerk. Election shall be by a majority of the members of the Consortium Board.

Section 2. **Consortium Board By-Laws.** The Consortium Board may adopt operational and procedural bylaws consistent with this Agreement, applicable federal and state laws, and rules and regulations pursuant thereto. Such bylaws shall be adopted or amended by a majority of the members of the Consortium Board.

Section 3. **Procedural Rules.** Roberts Rules of Order (revised) or other procedural rules shall govern the proceedings of the Consortium Board insofar as they do not conflict with applicable law or the bylaws duly adopted by the Consortium Board.

Section 4. **Quorum.** A simple majority of the Representatives of the Member Jurisdictions (six jurisdictions out of ten) shall constitute a quorum.

Section 5. **Voting.** Except as provided below or required by state or federal law, all votes shall be approved by a simple majority vote. An affirmative vote of at least six (6) Representatives is required to approve the following actions:

A. Issuance of long-term debt obligations (i.e., obligations with maturities exceeding one (1) year, such as lease purchase and borrowings).

B. Sale, conveyance, mortgage, pledge, lease, exchanges and otherwise disposing of all or any part of its real property.

C. Grants or other contractual obligations which require local matching funding from the Member Jurisdictions subject to the appropriation of matching funds by each Member Jurisdiction.

D. Hiring and discharging the Executive Director.

E. Designation of a Fiscal Agent.

Section 6. **Minutes.** Written minutes shall be kept on all meetings. Such minutes shall state the substance of the matters considered and all votes taken.

Article V – Operational Provisions

Section 1. **Allocation of Funds.**

A. Funds allocated under the Act shall be expended for the mutual benefit of the residents of the Member Jurisdictions without regard to place of residence or as required by applicable law, regulation or in the approved Local Plan.

B. The chief administrative officers or their designees may execute an Operational Agreement to specify the use of general funds that each Member Jurisdiction may provide for services and administration under the Act.

Section 2. **Designation of Fiscal Agent.** The Consortium Board shall select a local government to be the fiscal agent for all funds awarded by the federal government, the Commonwealth of Virginia, the local jurisdictions, or other funding sources for workforce development activities, including Title I funds provided by the Act. The Grant Recipient and the Fiscal Agent can be the same member jurisdiction.

Section 3. **Responsibility for Funds.** The Member Jurisdictions collectively and individually shall be financially responsible for the expenditure of funds.

Section 4. **Allocation of Financial Responsibility.** Disallowed costs shall be allocated to the Member Jurisdiction(s) on a pro-rata share for the services provided in their jurisdiction(s) in the prior fiscal year under the program(s) for which such costs were disallowed.

Section 5. **Return of Local Funds.** If Member Jurisdictions contribute funds, assets or resources to the programs of the Consortium other than funds obtained under the Act, each shall be entitled to the return of the pro rata portion of any remaining funds, assets and resources under the control of the Consortium Board in the event of the termination or expiration of this Agreement.

Section 6. **Liability Insurance.**

A. The Consortium Board shall provide from eligible funds liability insurance policies for itself and its affiliate entities, the Local Workforce Development Area Board and the Youth Committee and their representatives and their officers, members, employees, volunteers, and Member Jurisdictions (“the covered persons”) as it deems appropriate and shall provide legal defense of claims in accordance with the terms of the policies of insurance.

B. The liability insurance should be in such amounts as are sufficient to cover any and all claims resulting from the performance of the official duties and responsibilities of the covered person. The Consortium Board, or its authorized representatives, shall retain legal counsel to represent the covered persons to the extent deemed necessary to supplement legal counsel provided under said liability insurance policies.

C. Nothing contained in this Agreement shall be construed to abrogate or waive any defense of governmental or sovereign immunity on behalf of the Representatives, Alternates, covered persons, boards or entities.

Article VI – Local Workforce Development Area Board

Section 1. **Membership.**

A. The Consortium Board shall appoint the members of the Local Workforce Development Area Board in accordance with the criteria in the Act. . The Consortium Board shall make every effort to appoint creative and visionary individuals to the Local Workforce Development Area Board. Each Member Jurisdiction shall recommend to the Consortium Board nominees for the Local Workforce Development Area Board. The Consortium Board shall coordinate and consult with the Member Jurisdictions when necessary to ensure appropriate representation of the Member Jurisdictions, the regional labor market, the adult education providers, economic development leaders and the mandatory partner programs prescribed by the Act.

B. In making appointments, the Consortium Board shall ensure that resources and programs, although regional in nature, will address the critical workforce needs, present and future, of each Member Jurisdiction.

Section 2. **Membership Composition**

A. The membership of the Local Workforce Development Area Board shall be determined as follows:

1. There shall be two representatives from each Member Jurisdiction who are owners of a private business or chief executive officers of private businesses, or other business executives or employers with optimum policymaking or hiring authority; who represent businesses, including small businesses, or organizations representing businesses described here that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and employment in in-demand industry sectors or occupations in the local area; and who are appointed from among individuals nominated by local business organizations and business trade associations. Business representatives shall at all times comprise at least 51% of the Local Workforce Development Area Board's membership. The business representatives must represent a broad range of in-demand occupations available in the local labor market.

2. There shall be one representative from a local community college providing WIOA training services.

3. Not less than 20% of the members of the local Board must be made up of representatives of labor organizations. This includes representatives who have been nominated by local labor federations and representatives from apprenticeship programs. Community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities , and “out of school” youth can be included in the 20% with a minimum of at least two labor organization representatives. .

4. There shall be at least one representative from the Virginia Employment Commission who administers WIOA Title III activities for the local area.

5. There shall be at least one representative from a local economic and community development entity.

6. There shall be at least one representative of an eligible provider administering WIOA Title II Adult Education and Literacy activities locally.

7. There shall be at least one representative from a secondary public school’s Career and Technical Education program.

8. There shall be at least one representative from the Department for Aging and Rehabilitative Services who administers WIOA Title IV activities for the local area.

9. There may be other individuals or representatives of entities as the Consortium Board may determine to be appropriate to develop a comprehensive workforce policy within the region.

B. The Chair and Vice-Chair of the Local Workforce Investment Area Board shall be from among the representatives appointed under Subsection A(1) above.

C. The Executive Director shall notify the Consortium Board at the beginning of each fiscal year of the members serving on the Local Workforce Development Board.

Section 3. **Duties under the Act.** The Local Workforce Development Area Board shall do the following:

A. Enter into an agreement with the Consortium Board clearly detailing the partnership between the two entities for the governance and oversight of activities under the Act..

B. Establish the vision and priorities of the Local Workforce Development Area in conjunction with the Consortium Board.

C. Develop the Local Plan for the Local Workforce Development Area in partnership with the Consortium Board for submission to the Virginia Board of Workforce Development..

D. Develop a budget to meet its functions and responsibilities under the Act to present to the Consortium Board for its approval.

E. Work with the Consortium Board and Governor of Virginia to reach agreement on local performance measures.

F. Designate and certify one-stop operators as described in the Act with the agreement of the Consortium Board.

G. Evaluate and oversee the performance and operations of the one-stop operators, including termination of the eligibility of such operators for cause, with the agreement of the Consortium Board.

H. On the recommendations of the Local Youth Committee, competitively procure the services of youth service providers and recommend the awarding of contract(s) to the successful providers.

I. Direct the disbursement of funds for workforce development activities pursuant to the Act. .

J. As requested, assist the Governor of Virginia in developing a statewide employment statistics system.

K. Coordinate workforce activities authorized under the Act with local economic development strategies and develop employer linkages.

L. Promote participation of private sector employers in the statewide workforce system.

M. Conduct business in an open manner and make its activities and information known to the public on a regular and continuous basis.

Section 4. **Collaboration.** In partnership with the Consortium Board, the Local Workforce Development Area Board shall perform the following functions to fulfill the requirements of the Act:

- A. Develop a five (5) year strategic plan that connects all activities in workforce development.
- B. Conduct strategic oversight to the workforce delivery system.
- C. Oversee the One Stop Delivery System.
- D. Develop and enter into a Memorandum of Understanding (MOU) with workforce development system partners for the implementation and operation of the service delivery system in the local area.
- E. Certify one-stop operators and affiliate sites.
- F. Promote quality in customer services.
- G. Provide continuous accountability and evaluation through customer satisfaction surveys and other performance outcomes.
- H. “In partnership” is defined as keeping the Consortium Board informed of how these responsibilities are exercised.

Article VII – Youth Committee

Section 1. **Local Youth Committee Membership.** The Local Workforce Development Area Board shall appoint the members of the Local Youth Committee as described in the Act and notify the Consortium Board at the beginning of each fiscal year of the members so serving. The Local Youth Committee Members may include:

- A. Members of the Local Workforce Development Area Board with special interest or experience in youth policy. Members of the Local Workforce Development Area Board must serve as Chair and Vice-Chair of the Youth Committee.
- B. Representatives of youth service agencies, including juvenile justice and local law enforcement agencies.
- C. Representatives of local public housing authorities.
- D. Individuals, including former participants, and representatives of organizations, that have experience relating to youth activities, including faith-based organizations.
- E. Representatives of Job Corps, as appropriate.
- F. Representatives of K-12 education, post-secondary education and adult education.
- G. Representatives of vocational rehabilitation services.

H. Other individuals as the Local Workforce Development Area Board and the Consortium Board determine to be appropriate.

Section 2. **Duties of the Local Youth Committee.** The Local Youth Committee shall perform the duties and responsibilities described in the Act, which shall be included in the by-laws of the Local Workforce Development Area Board.

Article VIII – Conflict of Interest

Section 1. **Certain Votes Prohibited.** No individual member of the Consortium Board, the Local Workforce Development Area Board or the Youth Committee may:

A. Vote on a matter under consideration by the respective Board

1. Regarding the provision of services by such member (or by an entity that such member represents); or

2. That would provide direct financial benefit to such member or the immediate family of such member.

B. Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

Section 2. **Virginia Conflict of Interest Act.** The provisions of the Virginia Conflict of Interest Act, Virginia Code § 2.2-3100 *et seq.* shall apply to the officers, members and employees of the Consortium, the Local Workforce Development Area Board and the Youth Committee.

Article IX – Withdrawal and Removal of Member Jurisdiction

Section 1. **Without Long Term Indebtedness.**

A. Subject to the limits in this Section 1 any Member Jurisdiction may withdraw from participation in this Agreement, provided that it has given notice of its intent to withdraw at least 120 days in advance of the effective withdrawal date. Notice of the intent to withdraw shall be given in writing and delivered to all Member Jurisdictions.

B. Once notice of the notice of withdrawal is received, each Member Jurisdiction shall provide the public with notice that the Joint Powers Agreement will be amended to reflect the removal of the Member Jurisdiction from the Joint Powers Agreement. The vote of each Member Jurisdiction may be done by resolution recorded in the Minutes of the governing body.

C. Prior to any vote on the withdrawal of a Member Jurisdiction, the Member Jurisdiction so withdrawing must provide by written agreement how its share of the financial obligations (including the annual appropriation of funds) of the Consortium for the current fiscal year will be met; such agreement shall be signed by the Chair of the Consortium and the County Administrator or Board Chair of the withdrawing jurisdiction.

D. An affirmative vote of the majority of the Member Jurisdictions is required.

Section 2. **Long Term Indebtedness.** If the Consortium has incurred any outstanding indebtedness that obligates the Member Jurisdictions to payments beyond the present fiscal year, in addition to the steps in Section 1 of this Article, the following steps must be taken before a Member Jurisdiction can withdraw:

A. A written agreement must be entered into to which each Member Jurisdiction is a party setting forth how the withdrawing Member Jurisdiction's share of all existing short and long term financial obligations will be met.

B. An affirmative vote of sixty percent (60%) of the Member Jurisdictions is required for the withdrawal of the Member Jurisdiction.

C. If there are any bonds that have been issued in the name of the Consortium, the consent of the bondholders shall be obtained.

Article X – Dissolution

Section 1. **Dissolution of Consortium.** This Agreement may be terminated and the Consortium dissolved upon the occurrence of any of the following events:

A. The Governor's re-designation of the Area that excludes any of the Member Jurisdictions, or includes any localities that are not Member Jurisdictions.

B. The cessation of funding under the Act and approval by ordinance of each Member Jurisdiction for the dissolution of the Consortium.

C. Approval by ordinance of each Member Jurisdiction of a Consortium Agreement which supersedes or rescinds this Agreement. If the new agreement alters the boundaries of the Area, it shall not become effective prior to approval by the Governor of Virginia.

Article XI – Miscellaneous

Section 1. **Effective Date of Agreement.** This agreement shall be effective upon approval by ordinance by the governing bodies of all of the Member Jurisdictions and execution by the chief elected officials thereof.

Section 2. **Amendments.** The Member Jurisdictions may amend this Agreement by ordinance upon approval of a written amendment by the governing body of each Member Jurisdiction and execution by the chief elected officials thereof.

Section 3. **Repeal of Prior Agreements.** This agreement shall repeal and supersede any and all prior written or oral agreements including, but not limited to, the Charter Chief Local Elected Officials-Workforce Investment Board Agreement dated November 12, 2004, and agreements under P.L. 102-367 (the Job Training Partnership Act) and P. L. 105-220 (the Workforce Investment Act). On the effective date of this Agreement, all the duties and responsibilities of any Board or Council operating under such prior agreements shall immediately and

simultaneously cease operating and the responsibilities under the Act shall vest in the Consortium Board created in this Agreement.

Section 4. **Implementation of Agreement.** This Agreement shall be implemented to ensure that the Consortium Board, Local Workforce Development Area Board and Local Youth Committee are in place and the designation of one-stop operators is complete as soon as possible but no later than two months following the effective date.

Section 5. **Severability.** Should any part of this Agreement be invalidated or otherwise rendered null and void, the remainder of this Agreement shall remain in full force and effect.

Section 6. **Amendments by Operation of Law.** References to all federal and state statutes and/or regulations shall include amendments thereto.

Section 7. **Duplicate Originals.** This Agreement may be entered into by each Member Jurisdiction as an original document. The signature on each Agreement shall bind the Member Organization.

IN WITNESS WHEREOF, the Chief Elected Officials of the Member Jurisdictions execute this Agreement pursuant to an ordinance enacted by each of the Member Jurisdictions.

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

b) Code Amendment 15-08 Cemeteries

 Planning Director, Sara Carter, informed the Board that, currently, cemeteries are a conditional use in the A-2 district and a permitted use in the R-2 and R-3 districts. The Planning Commission has reviewed the language in the Zoning Ordinance and recommends to the Board that family and church cemeteries be a permitted use in the A-2 district. Cemeteries that are private, for-profit cemeteries or cemetery associations would still require a conditional use permit.

 The Chairman opened the public hearing for Conditional Use Permit 15-08 Cemeteries.

Ms. Rose McClinton requested additional information in regard to the required survey. Ms. Carter stated that the bounds of a new family cemetery would be required to be surveyed. With no additional citizens wishing to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl and carried unanimously, the Board approved Code Amendment 15-08 Cemeteries:

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) Cemeteries, family or church (Subject to Virginia Code §57-26)
- (142) Childcare (home-based).
- (13) Churches (less than 100,000 square feet)
- (124) Farm-based equipment sales/service.
- (135) Foster care and adult family care (home-based).
- (146) Garden shops, greenhouses, nurseries.
- (157) Home-based service business.
- (168) Home occupations (Refer to [section 74-2](#)).
- (179) Hunting lodges and clubs and boat clubs.
- (1820) Kennels, private.
- (1921) Off-street parking for permitted uses.
- (2022) Poultry processing facilities (Refer to article 74-XXIII)
- (2123) Preserves and conservation areas.
- (2224) Riding schools, horse breeding establishments, riding stables.
- (2325) Sawmills (portable).

(~~24~~26) Special events.

(~~25~~27) Wayside stands (temporary, seasonable or sale of on-site farm products).

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 (of over 100,000 square feet) and cemeteries, private cemetery association or for-profit.

(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) Special recreational events.

(24) Transitional home.

(25) Veterinary hospital.

(26) Wood products (processing and assemblage of), as defined in [section 74-2](#)

Sec. 74-2. - Definitions.

Cemetery, family or church, means a family, individual, or church owned place for the final disposition of human remains. A survey of the bounds of the cemetery, with confirmation of State Code requirements being met, and showing a five foot setback from any adjacent properties and a 100 foot setback from any active wells must be recorded with the Circuit Court Clerk prior to establishment of the cemetery.

Cemetery, private, cemetery association or for-profit, means a privately owned and/or operated place for storage of human remains where lots or storage places may be sold and perpetual care is furnished.

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION RECOMMENDING
PROPOSED AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY
CODE AMENDMENT 15-08:
“AN ORDINANCE AMENDING CHAPTER 74-132 OF THE
CUMBERLAND COUNTY CODE TO ALLOW CEMETERIES
AS PERMITTED USES IN THE A-2 DISTRICT”**

October 13, 2015

At a meeting of the Board of Supervisors of Cumberland County, Virginia, held at the Circuit Courtroom of the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., October 13, 2015, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal 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 adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-132 Zoning relating to permitting family or church cemeteries as a by-right use in the A-2 district;

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

<u>Present:</u>	<u>Vote:</u>
Lloyd Banks, Jr., Chairman	Aye
Kevin Ingle, Vice-Chairman	Aye
William F. Osl	Aye
David Meinhard	Aye
Parker Wheeler	Aye

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on October 13, 2015; 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

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County; and

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. 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 the Code Amendment as attached hereto and incorporated herein by this reference.
- c. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and Zoning Ordinance.
- d. Upon consideration of the foregoing, the proposed Code Amendment text, testimony, staff remarks, and public comment, the Cumberland County Board of Supervisors adopts, as set forth in the specific ordinance text as attached hereto, and requests county staff to do and perform such acts necessary and as consistent with this Resolution for recommendation of 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) Code Amendment 15-09 Buffers

Planning Director, Sara Carter, informed the Board that the Planning Commission had some citizens voice concern regarding expansion or redevelopment of existing commercial uses adjacent to residential neighborhoods. The Planning Commission is recommending a provision to allow the Zoning Administrator to address buffers at the time of Zoning Permit issuance.

The Board discussed the proposed language and the definition of the term “reasonable buffer”. Ms. Carter informed the Board that the Planning Commission struggled with the language as they considered several more specific recommendations, but concluded that language that both gives latitude to address the issue and a means to seek a waiver if necessary was the best course.

The Chairman opened the public hearing. Ms. Patty Pedrick stated that this proposed ordinance would be consistent with the requirements for new business. With no other citizens signed up to speak, the Chairman then closed the public hearing.

- **Sec. 74-5. - Zoning permits.**

(a) Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the administrator.

(b) The commission may request a review of the zoning permit approved by the administrator in order to

determine if the contemplated use is in accordance with the district in which the construction lies.

(c) Each application for a zoning permit shall be accompanied by ~~three~~ one copys of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of the parcel of land and to the right-of-way of any street or highway adjoining the parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this chapter, a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

(d) Where a zoning permit is for expansion (over 50% of building area) or redevelopment (tear down and rebuilding) of a commercial use, the scale drawing shall show how vegetation, landscaping, fencing, or other means shall provide for a reasonable buffer to any adjacent residential properties. If the property owner is unable to provide a buffer, a waiver may be sought pursuant to Section 74-14.

A motion was made by Supervisor Meinhard to pass Code Amendment 15-09 Buffers, which failed by the following vote:

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

It was the consensus of the Board to send the matter back to the Planning Commission for a more precise definition of required buffers.

d) Conditional Use Permit 15-07 Blue Door Mini Storage

Planning Director, Sara Carter, informed the Board that the property owner, Michael Yoder, previously purchased the property and states that it will not perk. He would like to build mini-storage units on the property, which do not require a septic system. The Planning Commission sends this item to the Board on a divided vote as to the recommendation to the Board. Should the Board wish to approve the use, staff recommends consideration of a few conditions which include, but may not be limited to, lighting, hours of operation, and the possibility of outside storage.

The Chairman opened the public hearing. Ms. Joanne Vaughan asked whether the land was already cleared. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved Conditional Use Permit 15-07 for Blue Door Mini Storage with the conditions recommended by staff with-out requiring fencing:

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

e) Conditional Use Permit 15-09 Harrison Diversified, LLC

Planning Director, Sara Carter, informed the Board that the applicant owns two contiguous lots in Cartersville, neither of which are conforming to current zoning standards. The current zoning Ordinance requires that any adjustments not yield any con-conforming lot more non-

conforming. This request seeks to make at least one of the two lots closer to conforming, though still nonconforming, in configuration and total acreage.

The Chairman opened the public hearing. Ms. Rose McClinton asked the Board why an Ordinance would have been passed if all the parcels in Cartersville would be considered non-conforming. With no additional citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl and carried unanimously, the Board approved Conditional Use Permit 15-09 for Harrison Diversified, LLC with the condition that there be no multi-family housing or duplexes on the property:

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

8. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for September 2015 and October 2015. Approved bills for October 13, 2015 total \$157216.92. Ratified bills for September 9, 2015 through October 12, 2015 warrants total \$565,443.31 with check numbers ranging from 71312 to 71562. Direct Deposits total \$156,634.37.
 - 2) Approval of Minutes (September 8, 2015)

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

Vote: Mr. Osl – aye Mr. Banks – aye

Mr. Ingle – aye
Mr. Wheeler – aye

Mr. Meinhard – aye

b) Stormwater Resolution

County Administrator, Vivian Giles, informed the Board that in 2014, legislation passed in the General Assembly (HB 1173, Hodges, and SB 423, Hangar) which allowed localities to opt-out of administering their own Stormwater Management Plans, and instead requiring the Virginia Department of Environmental Quality (DEQ) administer these plans. Fifty out of Virginia's ninety-five localities in the State of Virginia, Cumberland included, made this election, along with four other localities (cities or towns). There is potential that DEQ, primarily through a recommendation from the Stormwater Advisory Group, may try to reverse the legislation and require the localities to manage their own Stormwater Management Plans. The adopted Resolutions will be presented to the members of the Stormwater Advisory Group (SAG) and members of the General Assembly, and Ms. Giles recommended that the Board follow many other counties in adopting the proposed resolution.

Supervisor Osl stated that this is an unfunded mandate that the state is trying to pass on to the localities. Supervisor Osl also stated that this could potentially cost Cumberland hundreds of thousands of dollars.

On a motion by Supervisor Ingle and carried unanimously, the Board approved the Resolution in support of retaining for Virginia's localities the option to "opt-out" of administering a Virginia Department of Environment Quality Stormwater Management Plan:

RESOLUTION OF THE BOARD OF

**SUPERVISORS OF
CUMBERLAND COUNTY
IN SUPPORT OF THE OPTION TO
“OPT OUT”
OF THE VIRGINIA DEPARTMENT
OF ENVIRONMENTAL QUALITY STORMWATER
MANAGEMENT PLAN**

OCTOBER 13, 2015

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia’s expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth’s expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied

through the expanded Stormwater Management Program;
and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to “Opt Out”, leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia’s lead environmental regulatory agency, the DEQ was established as the Commonwealth’s VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth’s environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Cumberland County, along with 54 other localities in Virginia, voted in 2014 to “Opt Out” of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged

with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia's "Opt Out" localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to "Opt Out" provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory "Opt Out" constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to "Opt Out"

receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Supervisors of Cumberland County **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia's counties and cities the statutory right to "Opt Out" of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Cumberland County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to "Opt Out" be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT:

The Board of Supervisors of Cumberland County **strongly recommends** that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant "Opt Out" alternatives to all localities equally.

Adopted this 13th day of October 2015.

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

- c) Water and Sewer Advisory Committee Appointment of Larry Latham

On a motion by Supervisor Meinhard and carried unanimously, the Board appointed Larry Latham to the Water and Sewer Advisory Committee as an at-large member:

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

- d) Water and Sewer Advisory Committee Recommendations

This item was tabled until the next regular meeting of the Board to be held on November 17, 2015.

- e) HVAC recommendations requested

County Administrator, Vivian Giles, informed the Board that there are three HVAC units from the Cumberland Elementary School that were kept for potential use in the gym at the Cumberland Community Center. It is proposed that staff store two of these units until such time as they can

be used in the gym; the third will be sold at the upcoming County surplus auction.

9. Finance Director's Report

a) Monthly budget Report

There was no monthly budget report submitted to the Board this month.

b) FYE16 Utility Fund Loan Appropriation Request

On a motion by Supervisor Osl and carried unanimously, the Board approved and appropriated a Utility Fund Loan in the amount of \$299,194.19:

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

c) Approval and appropriation of grant funds for Cumberland County Public Schools (CCPS) in the amount of \$265,897.00

On a motion by Supervisor Osl and carried unanimously, the Board approved and appropriated \$265,987.00 in grant funds to the Cumberland County Public Schools:

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

d) FY 16-17 Capital Improvements Program Schedule

On a motion by Supervisor Osl and carried
unanimously, the Board approved the FY 16-17 Capital
Improvements Program Schedule:

CUMBERLAND COUNTY, VA.
CALENDAR FOR DEVELOPMENT OF THE
FY 2017 – 2021 CAPITAL IMPROVEMENTS PLAN

TENTATIVE SCHEDULE

October 16, 2015	CIP package to departments
October 30, 2015	CIP requests returned to Finance Manager
November 13, 2015	Requests and recommendations are sent to CIP Committee for review
November 16-27, 2015	CIP Committee meets to review requests and begin ranking projects
December 7-18, 2015	CIP Committee is available for to meet with requestors
January 4, 2016	CIP Committee presents and recommends proposed CIP to Planning Commission for public hearing
February 15, 2016	Planning Commission holds public hearing on Capital Improvements Plan
April 5, 2016	Board holds public hearing on CIP
April 12, 2016	Adoption of CIP

Vote: Mr. Osl – aye Mr. Banks – aye

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

e) FY 16-17 Budget Calendar

**CUMBERLAND COUNTY
FISCAL YEAR 2016-2017 BUDGET CALENDAR**

December 18, 2015	Finance Manager prepares budget instruction and estimate forms. Instruction and estimate forms are issued to departments and agencies.
January 2016	County Administrator and Treasurer prepare revenue estimates.
January 14, 2016	Deadline for submission of budget requests to the Finance Manager.
January 29, 2016	Finance Manager presents budget requests to County Administrator.
February 17-18, 2016	Departments, agencies and school administration present budget requests to the Board of Supervisors. School Board and Board of Supervisors hold a joint public budget meeting.
March 11, 2016	County Administrator issues recommended budget to the Board of Supervisors.
March 21-	Board of Supervisors budget work sessions. Approval

- April 1, 2016 of budget, tax rates, and capital improvement program for publication.
- March 25, 2016 Advertise proposed budget, tax rates, and capital improvement program and April 1, 2016 for public hearing.
- April 5, 2016 Public Hearing on the proposed budget, tax rates, and capital improvement program.
- April 12, 2016 Adoption of fiscal year 2016-2017 budget, tax rates, and capital improvement program.
- June 2016 Appropriation of funds for the adopted fiscal year 2016-2017 budget.

This calendar is subject to change at any time at the direction of the Board of Supervisors.

On a motion by Supervisor Osl and carried unanimously, the Board approved the FY 16-17 Budget Calendar:

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

10. Planning Director’s Report

- a) Planning Project update

There was no discussion on the current Planning projects.

- b) Set public hearing for REZ 15-01 Dunn

On a motion by Supervisor Meinhard and carried unanimously, the Board set REZ 15-01 for Kevin Dunn for November 17, 2015:

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

- c) Set public hearing for REZ 15-05 Bales

On a motion by Supervisor Meinhard and carried unanimously, the Board set REZ 15-05 for Howard Bales for November 17, 2015:

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

- d) Set public hearing for CUP 15-10 Fleming

On a motion by Supervisor Meinhard and carried unanimously, the Board set CUP 15-10 for Olander and Minerva Fleming for November 17, 2015:

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

- e) Vacation of Plat for Christopher Bishop

This item was tabled until the next regular meeting of the Board to be held on November 17, 2015.

11. Old Business

N/A

12. New Business

N/A

13. Public Comments (Part 2)

Mr. Randy Bryant informed the Board that there is a business in his district that has a Conditional Use Permit that is being violated and that the County should enforce the Permit.

Ms. Joanne Vaughan asked what exactly does the Ordinance say about abandoned buildings? How does one start the process to enforce the Zoning Ordinance?

Ms. Orene Hampton informed the Board that her daughter lives on Samuels Drive and has serious health issues. She stated that the dust from the traffic to and from the Hamilton Transfer Station is affecting her health and needs to be addressed.

Ms. Pauline Trent requested that Stoney Point Mill Road be paved into Amelia County.

14. Board Member Comments

Supervisor Ingle thanked the County staff for their efforts.

15. Additional Information

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

16. 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.7: Consultation with Legal Counsel

Subject: Community Host Agreement; and

Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel pertaining to actual or probable litigation

Subject: Citizen tax complaint

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

17. Reconvene in Open Session

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

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

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

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

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

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

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

No action was taken regarding the items discussed.

18. Adjourn -

On a motion by Supervisor Banks and carried unanimously, the Board adjourned the meeting until the next regular meeting of the Board to be held on November 17, 2015 at 6:00 p.m. in the

Circuit Courtroom of the Cumberland Courthouse, Cumberland,
Virginia.

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