

At a meeting of the Cumberland County Board of Supervisors held at 6:00 p.m. on the 9<sup>th</sup> day of February 2021, at the Cumberland County Circuit Courtroom:

Present: Brian Stanley, District 1, Chairman  
Eurika Tyree, District 3, Vice-Chairman  
Gene Brooks, District 4  
Robert Saunders, Jr., District 5  
Don Unmussig, County Administrator  
Jennifer Crews, Finance Director  
Brian Butler, County Attorney  
Chelsey White, Zoning Administrator  
Stephany Johnson, Deputy Clerk

Absent: Ron Tavernier, District 2

**1. Call to Order**

The Chairman called the meeting to order at 6:00 p.m.

**2. Roll Call**

Deputy Clerk, Stephany Johnson, called the roll.

**3. Adjourn into Closed Meeting**

On a motion by Supervisor Tyree, seconded by Supervisor Brooks and carried by the following vote, the Board entered into closed meeting pursuant to the Virginia Code Section set forth below to discuss the subject identified:

- Pursuant to VA 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.



convened a closed session on this date pursuant to an affirmation 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 session to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered by the Board of Supervisors of Cumberland County; and (iii) no action was taken in closed session.

**5. Welcome and Pledge of Allegiance**

The Pledge of Allegiance was led by the Chairman.

**6. Approval of Agenda**

On a motion by Supervisor Tyree and seconded by Supervisor Tavernier, the Board approved the agenda as amended, which stricken item 10.d.:

Vote:	Mr. Stanley – aye	Mr. Tavernier – aye
	Mrs. Tyree – aye	Mr. Brooks – aye
	Mr. Saunders – aye	

**7. State and Local Departments/Agencies**

a. Cumberland County Public Schools

Dr. Jones gave the following update to the Board:

- Staff are still conducting home visits for students and surprised School Board members with a home visit to celebrate School Board Appreciation month
- There are little libraries stands outside the schools and the Cartersville Ruritan Club where families can pick up books
- Two CHS students received honors in the Virginia Music District 3 Competition
- CCPS was awarded a \$30,000 Jobs for VA grant to assist with career development for at-risk students after high school
- Graduation preparations have begun, and Seniors are finalizing their Senior Project Activities
- Food distributions are continuing
- CCPS honored Taylor Septic Service with the VSBA Business Honor Roll for their support of the School System
- The School System will host the Farmville Chamber of Commerce Leadership Farmville Session on Education and Economic Development

b. VDOT

Assistant Residency Engineer, Mr. Steve Snell, who participated by phone, informed the Board that they will continue with snow removal and road preparations for upcoming winter weather. There is one guard rail repair needed that will be completed in the next thirty (30) days.

c. Cumberland Public Library

Mrs. Lisa Davis, Librarian, provided the Board with the following report:

- The Library is now operating with reduced hours during the week
- Financial Management Class is currently being offered via electronic meeting
- Sweets in the Stacks has been moved to May 1, 2021
- The Summer Reading Program will begin June 7, 2021

- The Library now has free notary services available

d. Southside Center for Violence Prevention (Madeline's House)

Ms. Sydney Johnson, Forensic Advocacy Program Director, provided the Board with an overview of Southside Center for Violence Prevention (SSCVP) activities from 2020. SSCVP is a non-profit organization providing free, confidential and comprehensive services to those affected by sexual and domestic violence. In 2020, SSCVP received a total of 97 hotline calls, and assisted 11 Cumberland residents who spent 25 nights in the shelter. So far in fiscal year 2021, they received 82 hotline calls, and assisted 10 Cumberland residents who spent 15 nights in the shelter.

e. Cumberland Community Cares/Delma's Food Pantry

Mrs. Doris Seal provided the Board with the following report:

- Thanked the Board for the continued Capital Improvements to the building
- Cumberland Community Cares received a donated commercial van from Parris Ford in Goochland County
- Cumberland Path vouchers are now accepted by Kroger
- Pharmacist, Mrs. Kim Wright will offer a COVID-19 vaccine clinic at the Food Bank building during food distributions on February 19, 2021 for Phase 1B and seniors

**8. Public Hearing Notices/Set Public Hearings**

N/A

**9. Public Hearings**

a. REZ 21-01 Harold J. Collins

Zoning Administrator, Mrs. Chelsey White, reviewed the proposed project for the Board. Mr. Harold Collins is requesting rezoning of 20 acres of land, known as TaxMap 97-3-6, from A-2

to M-2 for a proposed meat processing facility, farm market, retail center, agricultural development center and related activities. The property is in the Farmville Growth Area designated by the Comprehensive Plan. The purpose of the project is to provide stable and reliable processing services to local livestock producers. Applicants Mr. Richard Cropp and Mrs. Margaret Taylor-Collins provided an overview of the proposed project. Mr. Cropp states that the COVID-19 pandemic has wreaked havoc on meat processing facilities. As of today, there are only 11 USDA public processing plants in the state of Virginia, and three of them are currently closed. Farmers are having to wait one to two years to have their livestock processed which is creating an extreme hardship for farmers.

The Chairman opened the public hearing, and the following residents spoke regarding the proposed rezoning:

- Ms. Shelly Riddle voiced concerns with sewage, water usage, how the project would affect the tax assessment of surrounding properties
- Mr. Darin Justus stated that his questions to the Planning Commission went unanswered. He also stated that the notice for this public hearing was just received today, and that there is an open DEQ investigation. He and other adjoining land owners have retained legal counsel and will fight this project in court.
- Ms. Sandra Carroll voiced concerns with water and sewage usage by the proposed business.
- Mr. Richard Justus, a Mecklenburg County resident, stated that he is in favor of development in Cumberland, but implores the Board to carefully consider the environmental effects on the surrounding properties
- Mrs. Sarah Large of Buckingham County is a livestock producer both in Buckingham and Cumberland Counties. She states that the COVID-19 pandemic brought about just how fragile our food supply system is. When you go to the grocery store and there is no protein on the shelf, most people turned to local meat processors who were then overwhelmed and created an extremely long back-up of

appointments. This facility will allow for timely processing of livestock for the state, and Mrs. Large is in favor of the project.

- Mr. Frankie Large is in support of the facility
- Mrs. Carrie Saxtan is a local farmer and spoke in favor of this project. They too, had difficulty scheduling an appointment to get their beef cattle processed for beef shares.
- Mr. Harold Collins stated that he liked to believe he has been a good neighbor, and should any problems arise, he will do his best to rectify them immediately.
- Mr. John Lapp voiced his support for this project.
- Mr. Brooks Davis is a beef and lamb farmer and supports this project. He is currently driving over 120 miles, one way, to take his livestock to the processor, and would very much appreciate the Board's support of this project.
- Mr. Thomas Varner, a Prince Edward County resident and fourth generation farmer, states that he and his brother look after 250 head of cattle. This project would be a great benefit to Cumberland.
- Mr. Joe Hazlegrove is the owner of a large dairy and beef farming operation in districts 3, 4 and 5. He states that he farms very close to the location of the proposed facility and supports the Collins family. The operation currently drives 2 hours to Gladys, Virginia for meat processing, and has been told there is an 18 month wait to schedule processing of his beef. Just today, he contacted a processing facility in Fauquier, Virginia, and was told there is a two-year wait for a processing appointment. This proves the need for the proposed facility.
- Mrs. Betty Myers signed up to speak but was no longer in attendance.
- Mr. Paul Bolden, a farmer and resident of Hanover County, stated that farming is hard enough, without the difficulties of finding a processor. He began looking for a processing facility four years ago, and at that time, the closest location was an hour and a half one way.

With no other citizens signed up to speak, the Chairman closed the public hearing, and allowed the applicants the opportunity to answer some of the questions posed by the public.

Mrs. Margaret Collins and Mr. Richard Cropp stated that there would only be 30 animals processed per week maximum, and the parts of the animal that are inedible are taken off-site to be processed or composted at another facility. There will be a well built on-site, and would use at most, 4,500 gallons of water per week. While addressing the possible issue of noise, they state that there will be no industrial noise on the exterior of the building, only that of an air conditioner or mechanical equipment.

Supervisor Brooks stated that he was unaware of the tremendous need for a facility like the one proposed. Chairman Stanley reminded everyone in attendance that this hearing for simply for the rezoning of the property, not for approval of the project. Also, the property on which it was stated there was a DEQ violation is not the same property for the proposed project.

County Administrator, Don Unmussig, clarified that all processes were followed according to regulation. It is unfortunate that some of the resident's receipt of their notifications were delayed even though staff advertised the public hearing according to state code.

On a motion by Supervisor Tyree, seconded by Supervisor Brooks, the Board approved REZ 21-01 Collins:

Vote:	Mr. Stanley – aye	Mr. Tavernier – aye
	Mrs. Tyree – aye	Mr. Brooks – aye
	Mr. Saunders – aye	

Supervisor Tyree stated to everyone in attendance that the Board does not take their concerns lightly. The previous motion was only for the rezoning of the property, and when the project request comes before the Board, they will ensure that the concerns regarding water, sewer, noise and other issues will be addressed.

b. CA 21-01 Ordinance ensuring Continuity of Government

County Attorney, Brian Butler, informed the Board that in March of 2020, the Board adopted an Emergency Ordinance to address the affects of the COVID-19 pandemic on the continuity of government. Subsequently, the Board adopted a the full and duly advertised Ordinance in April 2020. AS it appeared that the COVID-19 situation appeared to improve, the Board allowed the April 2020 Ordinance to lapse in November 2020. With the recent spike in positive COVID-19 cases, the Board adopted a second Emergency Ordinance last month, which now requires this current public hearing to adopt the full Ordinance.

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 Tavernier, seconded by Supervisor Brooks, the Board approved CA 21-01 Continuity of Government:

**EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.**

**February 9, 2021**

**WHEREAS**, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

**WHEREAS**, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

**WHEREAS**, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local

governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, on March 16, 2020, the Board of Supervisors of Cumberland County, Virginia (“BOARD”) declared a local emergency effective March 16, 2020 at 4:30 PM, EDT; and

**WHEREAS**, the BOARD adopted this emergency ordinance on April 8, 2020, and ratified this ordinance on April 28, 2020 which expired on October 28, 2020; and

**WHEREAS**, the BOARD finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;” and

**WHEREAS**, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months beyond the end of the declaration of emergency; and

**WHEREAS**, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;” and

**WHEREAS**, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of BOARD may convene solely by electronic means “to address the emergency;” and

**WHEREAS**, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

**WHEREAS**, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have

recommended suspension of public gatherings of more than ten attendees;  
and

**WHEREAS**, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

**WHEREAS**, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Cumberland County, Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Board of Supervisors, the School Board, the Planning Commission, Board of Zoning Appeals, Board of Equalization, and all local and regional boards, commissions, committees and authorities created by the Board or to which the Board appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.

2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and

b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and

e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and

f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

**IT IS FURTHER ORDAINED** that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

**IT IS FURTHER ORDAINED**, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

**IT IS FURTHER ORDAINED**, that each incorporated town within the boundaries of Cumberland County, Virginia are encouraged, authorized and/or directed to declare its own state of local emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt an ordinance for the continuity of town government.

**IT IS FURTHER ORDAINED**, that the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the Board of Supervisors in conformity with the notice provisions set forth in Virginia Code §15.2-1427 but in no event shall such ordinance be effective for more than six (6) months beyond the end of the declaration of emergency. Upon rescission by the BOARD or automatic expiration as described herein, this emergency ordinance shall terminate, and normal practices and procedures of government shall resume.

Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

**ADOPTED** by the CUMBERLAND COUNTY BOARD OF SUPERVISORS  
THIS 9<sup>TH</sup> DAY OF FEBRUARY 2021.

Vote:           Mr. Stanley – aye                               Mr. Tavernier – aye  
                  Mrs. Tyree – aye                           Mr. Brooks – aye  
                  Mr. Saunders – aye

**10. County Attorney/County Administrator Report**

- a.   Consent Agenda
  - 1)   Approval of Bills for January 2021 and February 2021.  
      Approved bills for February 9, 2021 total \$ 227,420.92.  
      Ratified bills for January 12, 2021 to February 8, 2021 of  
      warrants total \$324,283.49 and Direct Deposits total  
      \$167,521.08, all with check numbers ranging from 83866-  
      84125.
  - 2)   Approval of Minutes – January 7, 2021 and January 12, 2021

On a motion by Supervisor Tyree and seconded by  
Supervisor Saunders, the Board approved the consent agenda as  
presented:

Vote:           Mr. Stanley – aye                               Mr. Tavernier – aye  
                  Mrs. Tyree – aye                           Mr. Brooks – aye  
                  Mr. Saunders – aye

- b.   Adoption of Emergency Operations Plan (EOP) and Continuity of  
      Operations Plan (COOP)

County Administrator, Don Unmussig, informed the Board that in  
the beginning of the COVID-19 pandemic, staff became aware that  
the county did not have a continuity of operations plan in the  
event of an emergency. The County entered into a contract with

The Olson group, who in conjunction with county staff, created the new Continuity of Operations Plan and updated the Emergency Operations Plan. The Emergency Operations Plan that had been previously approved was based on the Emergency Services Functions Concept. The Olson Group recreated the EOP based on the National Incident Management Systems (NIMS) concept.

On a motion by Supervisor Tavernier, seconded by Supervisor Saunders and carried unanimously, the Board adopted the Resolution, and approved the Emergency Operations Plan and Continuity of Operations Plan:

**Resolution Adopting  
County of Cumberland Emergency Operations Plan and  
Continuity of Operations Plan**

**February 09, 2021**

**WHEREAS**, Va. Code § 44-146.19 requires that each locality conduct a comprehensive review and revision of its emergency operations plan every four years; and

**WHEREAS**, the County of Cumberland Emergency Operations Plan was last reviewed and revised on November 14, 2017; and

**WHEREAS**, the County of Cumberland Emergency Operations recently has undergone a comprehensive review and revision, which has been submitted to the Board of Supervisors of Cumberland County for consideration.

**NOW, THEREFORE, BE IT RESOLVED** by the Cumberland County Board of Supervisors that the County of Cumberland Emergency Operations Plan and Continuity of Operations Plan are hereby adopted in the form attached effective immediately.

Adopted the 9<sup>th</sup> day of February 2021.

Vote:	Mr. Stanley – aye	Mr. Tavernier – aye
	Mrs. Tyree – aye	Mr. Brooks – aye
	Mr. Saunders – aye	

- c. Appointment needed for Planning Commission

On a motion by Supervisor Tyree, seconded by Supervisor Brooks and carried unanimously, the Board reappointed Mr. William Flippen as an at-large member for a three-year term beginning February 1, 2021, and expiring January 31, 2024:

Vote: Mr. Stanley – aye                      Mr. Tavernier – aye  
Mrs. Tyree – aye                         Mr. Brooks – aye  
Mr. Saunders – aye

**11. Finance Director’s Report**

- a. Monthly budget Report

There was no discussion regarding this item.

- b. Request for appropriation of grant funds from Cumberland County Public Schools - \$30,000 Jobs for Virginia Graduates:

On a motion by Supervisor Tavernier, and seconded by Supervisor Tyree, the Board approved the appropriation of \$30,000 in grant funds to the Cumberland County Public Schools:

Vote: Mr. Stanley – aye                      Mr. Tavernier – aye  
Mrs. Tyree – aye                         Mr. Brooks – aye  
Mr. Saunders – aye

- c. Budget transfers and supplements for current FYE21

On a motion by Chairman Stanley, seconded by Supervisor Tyree, the Board approved the FYE21 budget transfers and supplemental appropriations:

Vote: Mr. Stanley – aye                      Mr. Tavernier – aye  
Mrs. Tyree – aye                         Mr. Brooks – aye  
Mr. Saunders – aye

**12. Planning Director’s Report**

a. Planning Project Update

At the last Board meeting, Mrs. White was made aware of a complaint regarding lighting at Bear Creek Market becoming a nuisance to surrounding property owners. Mrs. White investigated this complaint and did not find any code violations or substantial issues with the lighting at the store.

**13. County Attorney's Report**

N/A

**14. Old Business**

N/A

**15. New Business**

N/A

**16. Public Comments**

Mrs. Betty Myers had signed up to speak but was no longer in attendance.

**17. Board Member Comments**

Chairman Stanley stated his gratitude for the professional decorum during the REZ 21-01 Collins project discussion.

Supervisor Tyree requested the speaker's podium be sanitized between each speaker.

**18. Additional Information**

- a) Treasurer's Report
- b) DMV Report
- c) 2020 Annual Business License Report
- d) Monthly Building Inspections Report

- e) Approved Planning Commission meeting minutes – N/A
- f) Approved EDA meeting minutes – N/A
- g) Cumberland 4-H monthly update – N/A
- h) Cumberland Community Cares/Delma’s Food Pantry/Cumberland Path monthly update – N/A

**19. Adjourn -**

On a motion by Supervisor Tyree and seconded by Supervisor Brooks, the Board adjourned the meeting until the next meeting of the Board to be held at 6:00 p.m. on February 16, 2021 in the Board meeting Room located at 1 Courthouse Circle, Cumberland, Virginia.

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Brian Stanley, Chairman

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Don Unmussig, County Administrator