

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 10<sup>th</sup> day of September 2013, at the Cumberland County Circuit Court Room:

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

Absent: None

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

The Pledge of Allegiance was led by Supervisor Ingle.

**2. Approval of Agenda**

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

Move item up:

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

c) Appropriation Federal Funding 2013-14  
School Year

**6. County Attorney/County Administrator**

c) Cobb's Creek Reservoir authorize  
Condemnation proceedings

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

**3. Public Hearing**

a) CA 13-03 Utility Easements

Rachel Falkenstein reviewed the information in the Board Packet.

On a motion by Supervisor Osl and carried the Board approved to adopt CA 13-03 Utility Easements

BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION ADOPTING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 13-03:

“An ordinance amending Chapter 54 Subdivisions of the Cumberland county code amending section 54-56. Minor Subdivision application procedure, section 54-58. family subdivision minimum platting requirements, section 54-196. location of utilities above and underground”

**September 10, 2013**

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., September 10, 2013, 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 Mr. Osl, it was moved that the Board of Supervisors of Cumberland County grant, in accordance with the following Resolution, an ordinance amending Chapter 54 subdivisions relating to requiring utility easements in proposed subdivisions;



make its unanimous recommendation to the Board of Supervisors for approval with respect to the Code Amendment;

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on September 10, 2013; and

**WHEREAS**, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment and the recommendation from the Planning Commission; and

**WHEREAS**, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County's Comprehensive Plan and Zoning Ordinance;

**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 Planning Commission, as follows:**

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the foregoing, the Planning Commission 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 proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment numbered 13-03 to amend the County

Code of Cumberland, Virginia with the specific text and provisions of such ordinance as attached to and incorporated in this Resolution.

e. This Resolution is effective immediately.

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

**4. Public Comments**

There were nine (9) citizens signed up to speak. Their comments for the Board included: Concern with the upcoming Bodacious event and condition of the road, Cobb’s Creek Reservoir buffer management; and requests for the Bright Hope Community Center to become exempt from County real estate taxes.

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

a) VDOT

There was no representative present from VDOT.

b) Dr. Amy Griffin Superintendent of Cumberland County Schools

Dr. Griffin advised the Board that the ROTC lead the Powahatan Labor Day parade; September, 11 there will be a twelve o’clock dismissal for students; last week was a great week for athletics, with numerous wins; the School received a School Security Grant for \$40,000 which will be used for a new intercom system at the Elementary School; On September 23, 2013 the Schools will hold a lock down drill; The parents doing the Pod makeovers will be holding an open house on Friday; the Longwood Lab Students are in place and

were taken on a tour of the County so see what environment the students come from; the School Board passed two (2) resolutions, one in support of Norfolk Public Schools and VSBA in their suit against Governor McDonald for institution takeover, which removed the rights from local Boards and Committees, and the other concerning high stakes standardized testing.

c) Appropriation Federal Funding 2013-14 School Year

Dr. Griffin advised that the School Board is requesting appropriation of funds from the Board of Supervisors for the following grants they have received: Project Graduation Summer Academy 2013 Grant for \$197,635, The Governor's Youth Development Academy for \$67,897, PluggedIn VA Grant for \$49,325 and Region VIII Education Center for \$20,000.

On a motion by Supervisor Osl and carried the Board approved to appropriate Federal Funding for the 2013-14 School Year

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

d) Rural Route to Postsecondary Education initiative

Dr. Griffin advised that they are applying for a grant and were requesting the Board's support through the letter that's included in the packet.

On a motion by Supervisor Wheeler and carried the Board approved to support the School in the Rural Route Postsecondary Education Initiative.

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

**6. County Attorney/County Administrator Report**

a) Consent Agenda

- 1) Approval of Bills for August 2013 and September 2013. Approved bills for September total \$58,057.52. Ratified bills for August warrants total \$482,034.54 with check numbers ranging from 66728-66862. Direct Deposits total \$145,118.18.
- 2) Monthly Budget Report
- 3) Year-end Transfers

On a motion by Supervisor Osl and carried the Board approved the consent agenda.

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

b) Approval of Minutes

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

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

c) Cobb’s Creek Reservoir authorize condemnation proceedings

County Administrator Vivian Giles advised that the resolution us for the purpose of hiring a law firm generally used by Henrico County for condemnation proceedings and for authorizing condemnation proceedings for the Cobb's Creek Reservoir project if that become necessary. Ms. Giles advised that Henrico County will pay all the costs associated with ay needed condemnation proceedings.

Supervisor Wheeler and Supervisor Banks both commented that this needed to be looked into more.

On a motion by Supervisor Banks and carried the Board tabled this item until the next meeting.

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

d) Bright Hope Center request for tax relief

County Administrator Vivian Giles advised that the Board could not retroactively relive the property owner of the taxes they owe, but the property owner could apply for real estate tax exemption for future years. No action was taken on this matter, as an application must to be completed by the organization and then a Public Hearing must be held.

Supervisor Osl questioned if this was something the Board was even going to consider. If not there was no need for the Bright Hope Center to invest the time or expense to apply.

Commissioner of the Revenue, Anita French advised the Board that in 2009 an assessment was done and it was found that the Bright Hope had not

applied for tax exempt status, but until that time was being considered tax exempt.

e) CIP Calendar

On a motion by Supervisor Wheeler and carried the Board approved the CIP Calendar

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

f) Board and Committee Appointments

1) Planning Commission – District 1 Representative

On a motion by Supervisor Osl and carried the Board approved the re-appointment of Raymond Bryant as the District 1 Representative for the Planning Commission

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

2) Water and Sewer Advisory Board – District 3 Representative

On a motion by Supervisor Meinhard and carried the Board approved the re-appointment of Carolyn Helgeson as the District 3 Representative for the Water and Sewer Advisory Board

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

g) Special Election for Commissioner of the Revenue

County Administrator Vivian Giles advised that due to the retirement of the current Commissioner of the Revenue, Anita French the request to appoint Chief Deputy, Julie Phillips to serve as the Commissioner of the Revenue until a special election could be held and would be presented to the judges in the circuit court. In addition a special election must be held at the general election in 2014, pursuant to the Code of VA to fill the office for the remainder of the term.

On a motion by Supervisor Osl and carried the Board approved the resolution for Special Election for the Commissioner of the Revenue.

**BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION  
FOR SPECIAL ELECTION  
September 10, 2013**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, Cumberland County Courthouse, Cumberland, Virginia 23040, commencing at 7:00 p.m., September 10, 2013, the following action was taken:

On a motion made by Supervisor Osl, it was moved that the Board of Supervisors of Cumberland County authorize a special election for Commissioner of the Revenue to be held November 4, 2014.

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

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

Dated: \_\_\_\_\_ Attested: \_\_\_\_\_

Vivian Seay Giles, Clerk to the  
Board of Supervisors of  
Cumberland County

**WHEREAS**, on August 13, 2013, the Board of Supervisors received notification, in person, of the retirement of Anita H. French, Commissioner of the Revenue for Cumberland County, Virginia, which retirement shall be effective September 30, 2013; and

**WHEREAS**, in accordance with Va. Code § 24.2-228.1, the vacancy created by the said retirement shall be filled by special election at the next ensuing general election to be held in November, or the second ensuing general election if the vacancy

occurs within 90 days prior to the next ensuing general election;  
and

**WHEREAS**, in accordance with Va. Code § 24.2-228.1, the Board of Supervisors of Cumberland County, Virginia shall petition the Cumberland County Circuit Court to issue a writ of election to fill the vacancy created by the said retirement.

**NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:**

- a. On behalf of the Board of Supervisors of Cumberland County, Virginia and in strict accordance with Va. Code § 24.2-228.1, a petition shall be filed with the Cumberland County Circuit Court for a special election to be held November 4, 2014 for the purpose of filling the vacancy created by the resignation of the Commissioner of the Revenue of Cumberland County, Virginia.
- b. The County Attorney is instructed and authorized to prepare and file the said petition and any and all paperwork necessary for this purpose.
- c. The Chairman of the Cumberland County Board of Supervisors is authorized to sign the said petition and any and all paperwork necessary for this purpose.

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

**7.           Planning Director’s Report**

- a) Update on Planning Commission Activities

  There were no updates for the Planning  
Commission.

b) County Project update

Rachel Falkenstein Planning Director advised the board that the list of project updates was in the packet and to let her know if they had any questions. She also noted that Joyce Engineering would like to give a presentation to the Board and Planning Commission on a regional storm water management program at the October meeting at 6:00 pm.

c) CA 13-04 Accessory Structure Setbacks

Rachel Falkenstein Planning Director advised the board that the Planning Commission is requesting the Board set CA 13-04 Accessory Structure Setbacks for a Public Hearing at the next Board meeting.

On a motion by Supervisor Wheeler and carried the Board approved to set CA 13-04 Accessory Structure Setbacks for Public Hearing at the October 8, 2013 Board Meeting.

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

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

There were no citizens signed up to speak.

**9. Board Member Comments**

Supervisor Osl commented the he was curious as to why the Board was not included on the meetings that Henrico County has held about Cobb's Creek. He thought

the Board should be included and information should be given to them to adopt.

Supervisor Banks commented that he agreed with Supervisor Osl.

Supervisor Ingle commented that he wanted to thank everyone who came out.

**10. Additional Information**

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

**11. Adjourn - Regular Meeting Tuesday, October 8, 2013**

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David Meinhard, Chairman

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Vivian Giles, County Administrator