

At a meeting of the Cumberland County Board of Supervisors held at 6:30 p.m. on the 14<sup>th</sup> day of October, 2014, at the Cumberland County Circuit Court Room:

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

Absent: None

**1. Call to Order**

The Chairman called the meeting to order.

**2. Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Banks.

**3. Roll Call**

County Administrator, Vivian Giles, called the Roll.

**4. Approval of Agenda**

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

MOVE 10. County Attorney/County Administrator's Report  
f. County Projects update from 10f. to 12a.

NEW f. LEPC membership appointments

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

**5. Adjourn into Closed Session**

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

Pursuant to Virginia Code § 2.2-3711.A.5: New Business

Subject: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' interest in locating or expanding its facilities in the community. Grant Applications, utilization of grant funds and negotiations with a business interested in locating in the Cumberland Business Park.

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

**6. Reconvene in Open Session**

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

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

7. **Public Comments**

Two citizens made comment that in times of medical emergency, there was no ambulance or emergency services personnel available. One citizen respectfully requested that the Board move the Resolution for Mr. Richard Foster, to the next item on the agenda.

**8. Resolution in Memoriam of Mr. Richard E. Foster, Jr.**

On a motion by Supervisor Osl, and carried unanimously, the Board approved a Resolution in Memoriam of Mr. Richard E. Foster, Jr.:

**RESOLUTION**

**IN MEMORY OF**

**RICHARD E. FOSTER, JR.**

**WHEREAS**, on behalf of our community, we wish to record our deep sorrow over the passing of Richard E. Foster, Jr.; and

**WHEREAS**, Richard E. Foster, Jr. served as an elected member of the Cumberland County Board of Supervisors, Central District, from January 1981 through December 1991; and

**WHEREAS**, Richard E. Foster, Jr. served as an elected member of the Cumberland County School Board from April 1973 through December 1980; and

**WHEREAS**, Richard E. Foster, Jr. served his country in the Armed Forces, served his community as a mail carrier for over fifty years and as an active member of Rocky Mount Baptist Church, and served the students of Cumberland County as a school bus driver for many years; and

**WHEREAS**, Richard E. Foster, Jr. gave freely and unselfishly

of his time and strength to each of the boards, committees and organizations on which he served; and

**WHEREAS**, Richard E. Foster, Jr. was abounding with personality and good humor, and was esteemed by his associates and loved by his many friends and acquaintances;

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors honors the life and records the death of Richard E. Foster, Jr. and extends to the family its deepest sympathy.

**BE IT FURTHER RESOLVED** that the Board of Supervisors directs that a copy of this resolution be made a part of the permanent record of the official minutes of the Cumberland County Board of Supervisors and that a copy be given to the family.

**Adopted the 14<sup>th</sup> day of October 2014.**

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

**9. Public Hearings**

a) REZ 14-02 – Rt. 45 Cumberland Community Center

Planning Director, Sara Carter, informed the Board that a community center is being proposed in the county. Mr. Gary Singh and Mrs. Pilvinder Kaur seek to develop a 2.8 acre property at the northeast corner of Rt. 45S, Cumberland Road, and Rt. 631, Davenport Road. Currently, the property is zoned A-1, and the applicant is requesting that zoning be changed to B-1 for the purpose of having a recreation center. A list of adopted proffers offered by the applicant was provided to the Board, and it was explained that those

proffers addressed issues raised at the public hearing of the Planning Commission, such as lighting, noise, security, and rubbish. The Planning Commission recommended approval by a 3-2-1 vote held at their October 7, 2014 meeting.

The applicants and their representative were present at the meeting for questions. The applicant's representative and son, Mr. Amardeep Singh, spoke to the Board about the concerns of the citizens and the proffers offered by the applicants.

The Chairman then opened the public hearing. Two citizens spoke in opposition to the proposed rezoning stating that there was a better location than the one proposed for a community center. One citizen spoke in favor of the applicants and the proposed rezoning. With no other citizens wanting to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Meinhard, and carried unanimously, the Board approved REZ 14-02:

BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION  
RECOMMENDATION  
FOR REZONING APPLICATION #14-02  
TAX MAP PARCEL 65-A-62A

October 14, 2014

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse Courtroom A, Cumberland, Virginia 23040 commencing at 6:30 p.m., October 14, 2014, the following action was taken following a duly held public hearing during which time County staff provided a review of the rezoning request, the applicant's representative and agents provided a review of the proposal and members of the public offered comment:

On a motion made by Supervisor Meinhard, it was moved that the Board of Supervisors of Cumberland County grant, in accordance with the following Resolution, the request to rezone from A-2, Agricultural to B-1, Business, the property described in said Resolution;

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
David Meinhard	aye
William F. Osl, Jr.	aye
Parker Wheeler	aye
<u>Absent:</u>	none

-----

**WHEREAS**, Mr. Gary Singh (the “Applicant”) filed a rezoning application and supporting materials (the “Rezoning Application”) seeking to rezone the property described below from A-2, Agricultural to B-1, Business in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”); specifically, the Applicant has requested the rezoning in order to allow for a recreation center on the property; and

**WHEREAS**, the subject property is located on the east side of Cumberland Road (Route 45) just north of Davenport Road, and more particularly described as Tax Map Parcel 65-A-62A (the “Property”), and is approximately 2.804 acres; and

**WHEREAS**, the Planning Commission duly advertised and held a public hearing on September 15, 2014; and

**WHEREAS**, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Rezoning Application; and

**WHEREAS**, in its review of the Rezoning Application, the Planning Commission gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County’s Comprehensive Plan, the suitability of the Property for various uses, the trends of growth or change, and the current and future requirements of the County as to land use; and

**WHEREAS**, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at the public hearing and at this meeting, the Planning Commission unanimously recommended approval to the Board of Supervisors with respect to the Rezoning Application, subject to the proffers submitted on September 17, 2014;

**WHEREAS**, the Board of Supervisors carefully considered the Planning Commission's recommendation and the testimony and evidence presented at the public hearing on October 14, 2014, in support or opposition to the proposed REZ Application and gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for the proposed use, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies, the zoning standards more fully described in the Zoning Ordinance; and

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

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

a. The foregoing recitals are hereby incorporated by this reference.

b. Upon consideration of the foregoing and the conditions and standards set forth in the Zoning Ordinance, the Board of Supervisors considers it appropriate to rezone the Property in accordance with the Rezoning Application.

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

d. The Board of Supervisors has also determined that the request made in the Rezoning Application furthers the general purpose and objectives of the Zoning Ordinance and would be beneficial and appropriate taking into consideration public necessity, convenience, general welfare and good zoning practice;

e. Upon consideration of the foregoing, the Board of Supervisors grants the request in Rezoning Application #14-02 to rezone the Property from A-2, Agricultural, to B-1, Business.

f. Further, the rezoning shall be subject to the voluntarily proffered conditions set forth in the Applicant's proffer statement titled "Statement of Proffer" and further identified by Tax Map Parcel 65-A-62A and provided to the Board of Supervisors and presented at this meeting; and provided, further, that a copy of said proffer statement shall be recorded in the Office of the Clerk of the Circuit Court for Cumberland County; that the covenants and restrictions in such proffers shall be placed on the deed or deeds of the Property; that the right-of-way easements shall be duly recorded on the deed or deeds of the Property; and that such filings shall take place prior to ninety (90) days after rezoning is granted or such rezoning shall be deemed null and void and the Property will revert to its prior status.

g. This Resolution is effective immediately.

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

b) CA 14-05 – Amendments to Manufactured Housing Ordinance

Planning Director, Sara Carter, informed the Board that staff became aware of issues in the Ordinance when a citizen came to replace a manufactured home on their lot. After research on changes in State Code, staff reviewed the County Code for compliance and found several places where the County Code does not match adopted State Code. Additionally, the changes proposed by the Planning Commission address the removal of existing manufactured homes when they are being replaced. The Ordinance change will allow applicants to accomplish this either by a removal bond or by delaying the issuance of a final certificate of occupancy until the original home is removed from the property.

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

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved Code Amendment 14-05:

**Mobile Home Replacement Issue:**

**From Chapter 42 (Manufactured homes)**

**Sec. 42-31. Purpose.**

~~The purpose of this article is to allow for quiet and orderly installation of manufactured housing and mobile homes in permitted zones and to protect the health, safety or general welfare of the public.~~

**Sec. 42-32. Definitions.**

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

*Class A manufactured home* means a multisectional unit built after July 1, 1976, placed on a permanent foundation, taxed as real estate, and resembling a site-built home.

*Class B manufactured home* means a single or multisectional unit, built after July 1, 1976, that does not meet all criteria of a class A manufactured home.

*Class C manufactured home and mobile home* mean a single-width manufactured home which does not meet all the criteria of a class A or class B manufactured home but satisfies the standards of quality, durability, and safety established under the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended (42 USC 5401 et seq.) and the standards and regulations promulgated pursuant to such act. For the purposes of this article, any mobile home displaying the certification label as prescribed by the federal manufactured home construction and safety standards shall be deemed to satisfy the requirements of this article.

*Dealer* means any person engaged in the sale, leasing or distribution of manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

*Farm operation* means one or more parcels of land, either contiguous or separate, aggregating not less than 50 acres under constructive single ownership and/or management upon which the activity of agriculture is pursued in the production of natural fibers and food for human or animal consumption exclusive of forestry.

~~*Federal regulations* means the federal manufactured home procedural and enforcement regulations.~~

~~*Federal standards* means the federal manufactured home construction and safety standards.~~

~~*Imminent safety hazard* means a hazard that presents imminent risk of death or severe personal injury.~~

~~*Manufactured home* means a structure subject to federal regulations, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.~~

~~*Mobile home park* means a community of class B manufactured homes and, under certain conditions, class C manufactured homes on spaces that are leased or rented.~~

#### ~~Sec. 42-33. Site regulations.~~

~~All manufactured homes must meet all area, setback, frontage, yard and height regulations required in the permitted zone.~~

#### ~~Sec. 42-34. Water and sewage disposal.~~

~~(a) It shall be unlawful for any person or dealer to place or locate any manufactured home in the county unless such manufactured home is connected to an approved public water supply and sewage disposal system, or is connected to a water source and septic system which is approved by the state department of health.~~

~~(b) No permit shall be issued until the department of health shall furnish evidence to the county zoning~~

administrator that the manufactured home will meet the requirements of this section.

~~Sec. 42-35. Electrical services.~~

~~No person shall furnish electricity to any manufactured home in the county unless such person furnishing electricity has been notified by the county zoning administrator that the manufactured home is in compliance with all regulations.~~

~~Sec. 42-36. Mounting and anchorage.~~

~~All manufactured homes (regardless of date of manufacture) shall be mounted and anchored in accordance with instructions provided with the unit or by the methods in "The Virginia Industrialized Building Unit and Mobile Home Safety Regulations," adopted by the state corporation commission.~~

~~Sec. 42-37. Skirting.~~

~~The area between the bottom of the walls of the manufactured home and ground surface must be neatly skirted with material fabricated from metal, concrete, masonry, rigid vinyl or fiberglass; such skirts must be secured and installed in a manner to accommodate vibrations and wind and to prevent freezing.~~

~~Sec. 42-38. Single use or structure.~~

~~(a) A manufactured home, whether occupied, unoccupied, designated as a dwelling, or used for storage, must be the only dwelling or main building on a parcel, and no other main building shall be on the parcel except where permitted in sections [42-41](#) and [42-42](#)~~

~~(b) All individual class B and class C manufactured homes shall be located on lots or parcels of land which are not within a major subdivision of land required by the subdivision ordinance to be platted.~~

~~Sec. 42-39. Ingress and egress.~~

~~No means of ingress and egress may be established to serve the manufactured home until a driveway permit has been obtained from the state department of transportation. Points of ingress and egress must be established and maintained in accordance with the prevailing standards of state department of transportation.~~

#### ~~Sec. 42-40. Occupancy.~~

~~The manufactured home may not be occupied until a certificate of occupancy has been issued by the building official of the county. No such certificate shall be issued until each and every condition set forth by federal, state and county regulations have been complied with.~~

#### ~~Sec. 42-41. Manufactured homes on farm operation.~~

~~Notwithstanding regulations and uses set forth in this article applicable to manufactured home parks, there may be placed upon a farm operation in an agricultural zone, one manufactured home for the first 20 acres comprised by the farm operation and one additional manufactured home per each 20 acres not to exceed two manufactured homes per farm operation subject to the following conditions:~~

~~(1) *Head of household.* The head of the household who occupies each such manufactured home shall be gainfully employed full-time on the farm operation.~~

~~(2) *Reclassification.* If the land upon which each manufactured home is located shall be reclassified to a residential district, the affected manufactured homes shall be removed from the land and reclassified within 90 days following the effective date of the reclassification.~~

#### ~~Sec. 42-42. Mobile home parks.~~

~~All mobile home parks shall be located in an R-MH zone and governed by the regulations of that zone.~~

#### ~~Sec. 42-43. Joined manufactured homes.~~

~~Joined manufactured homes, as distinguished from double-wide premanufactured mobile homes, shall not be permitted in any zoning district. A joined manufactured home includes those units connected by decks, roofs or by any other structural means.~~

**From 74-2 (Definitions):**

*Dwelling* means any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, apartments and automobile trailers.

*Dwelling, multiple-family* means a structure arranged or designed to be occupied by more than one family.

*Dwelling, single-family* means a structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

*Dwelling, two-family* means a structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

*Dwelling unit* means one or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

...

*Manufactured home* means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

~~*Manufactured home, class A* means a multi-sectional unit, placed on a permanent foundation, taxed as real estate, and resembling a site-built home.~~

~~*Manufactured home, class B* means a single or multi-sectional unit that does not meet all the criteria of a class A manufactured home.~~

~~*Manufactured home, class C* means an older unit that is not constructed to national safety standards; may be referred to as a mobile home.~~

~~*Mobile home* means a manufactured home that was built prior to July 1, 1976, and does not comply with federal standards; which is constructed on a chassis for towing to the point of use and designed to be used, with or without a permanent foundation, for continuous year-round occupancy as a dwelling; or two or more such units separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.~~

~~*Mobile home*~~ *Manufactured home park* means any area designed to accommodate two or more manufactured homes or mobile homes intended for residential purposes.

~~*Modular and prefabricated housing unit*~~ means an industrialized building assembly consisting of two or more standardized subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems which are built to the Virginia Uniform Statewide Building Code standards, manufactured off-site and transported to the point of use for installation or erection, to a permanent foundation, as a finished building and not designed for removal to or installation, erection or assembly on another site.

**From 74-4. Manufactured homes and Modular or prefabricated housing units.**

Modular ~~or prefabricated~~ housing units are allowed in any zoning district that permits conventional dwellings. When replacing manufactured homes or modular housing units, no dual occupancy is permitted. Additionally, the unit being replaced shall be removed from the parcel no later than 60 days after the replacement manufactured home or modular housing unit is placed on the parcel. The Zoning Administrator shall either require a removal bond for the original unit (in the amount determined by the Zoning Administrator) or no permanent certificate of occupancy will be issued for the replacement unit until the original unit is removed.

**From 74-132 (A-2 District)**

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; classes A, B and C. Any mobile home which does not satisfy the criteria for class A, class B or class C manufactured home which is located in the county and is occupied on the effective date of the ordinance from which this section derives, shall be deemed to be a preexisting nonconforming use. In order to establish the existence of any such preexisting nonconforming use, the owner shall be required to identify the mobile home by title and county tax receipt or demonstrate that an occupancy permit was granted for the mobile home.~~

**From 74-182 (RA-1 District)**

Permitted uses and structures in the RA-1 district are as follows:

- (1) Minor subdivisions, conventional;
- (2) Major subdivisions, cluster;
- (3) Single-family detached dwellings;

(4) ~~Manufactured homes, class A;~~ Modular housing units

**From 74-222 (R-1 District)**

Permitted uses and structures in an R-1 district are as follows:

- (1) Minor subdivisions, conventional;
- (2) Major subdivisions, cluster;
- (3) Single-family detached dwellings;
- (4) Two-family dwellings;
- (5) ~~Manufactured homes, class A;~~ Modular housing units

**From 74-262 (R-2 District)**

- (1) Minor subdivisions, conventional;
- (2) Major subdivisions, cluster;
- (3) Single-family detached dwellings;
- (4) Two-family dwellings;
- (5) ~~Manufactured homes, class A;~~ Modular housing units

**From 74-302 (R-3 District)**

Permitted uses and structures in an R-3 district are as follows:

- (1) Minor subdivisions, conventional;
- (2) Major subdivisions, cluster;
- (3) Single-family detached dwellings;
- (4) Two-family dwellings;
- (5) ~~Manufactured homes, class A;~~ Modular housing units;

**From 74-382 (R-MH District)**

Principal permitted uses and structures in a R-MH district are as follows:

- (1) ~~One-family detached~~ manufactured housing.
- (2) Modular housing units.

- ~~(3) One-family detached multiple-section dwellings.~~
- ~~(4) One-family detached dwellings.~~

**From 74-787 (Non-conforming uses)**

(e) For the replacement or restoration of preexisting nonconforming manufactured homes the following shall apply:

(1) The replacement manufactured home shall comply with all building and construction codes in the Commonwealth of Virginia applicable to manufactured homes.

(2) The replacement manufactured home shall be located on the same parcel so as to comply with all current yard and setback requirements of the ordinance. ~~If the dimensions of the parcel are such that compliance is impossible, the replacement manufactured home shall meet the requirements of the board of zoning appeals regarding variances as provided in Code of Virginia, § 15.2-2309. The fee for this variance shall be waived.~~

~~(3) The manufactured home being replaced shall be removed from the parcel no later than 90 days after the replacement manufactured home is placed on the parcel.~~

~~(4) There shall be no dual occupancy when such manufactured homes are being replaced.~~

~~(5) The replacement manufactured home shall be located on the parcel not more than 90 days after removal of the manufactured home to be replaced.~~

~~(6) A removal bond (the amount of which to be determined by the zoning administrator) shall be required to ensure that if not removed within 90 days, the manufactured home being replaced can be removed at the owner's expense.~~

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

## **10. State and Local Department/Agencies**

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

School Superintendent, Dr. Amy Griffin, informed the Board about the following:

- Cumberland is above the state average for graduation rates in general, for students graduating with an advanced studies diploma, and for students graduating with an associate's degree
- This week is homecoming week where students decorate the classrooms and lockers for spirit days.
- The carpentry students have been building a lot of the structures that are needed to house the animals that are on loan to the Agriculture Department
- Teachers and staff have been attending many professional development events
- Cumberland Animal hospital hosted a rabies vaccination day at the School Complex where the athletics department sold refreshments as a fundraiser
- The Middle School participated in pink day to bring awareness to breast cancer
- The Middle School now has a football team
- High School teacher, Mr. Pearman, is teaching Virginia's first Sports Officiating class. Successful students of the class will be certified officials.
- Three grants have been awarded recently. One for agriculture in the amount of \$500; A security grant that will provide for new cameras in the elementary school; and a Governor's youth leadership academy grant to provide leadership training to at risk-students during the summer
- The Schools CIP meeting was held a few weeks ago, and the School Board approved the plan. The CIP will be submitted to the Board of Supervisors for approval

- b) VDOT

There were no representatives present at the meeting.

- c) Cumberland Public Library, Director, Jennifer Beech

Library Director, Jennifer Beach, informed the Board that there is a new children's program on Wednesdays called Mother Goose on the loose. It is a national program designed for children ages 0-3 and is free to the public. The annual Christmas Tree lighting will be held on December 1, 2014 at 6:00 p.m.

**11. County Attorney/County Administrator Report**

- a) Consent Agenda

- 1) Approval of Bills for September and October 2014.  
Approved bills for October 14, 2014 total \$278,983.90.  
Ratified bills for August and September warrants total \$496,187.24 with check numbers ranging from 69043 to 69272. Direct Deposits total \$157,586.17.
- 2) Approval of Minutes (September 9, 2014)

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

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

- b) Crossroads Community Services Board appointment

On a motion by Supervisor Meinhard and carried unanimously, the Board reappointed Supervisor Banks to the Crossroads Community Services Board:

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

- c) Approve refund of tax overpayment an interest to SBA Towers

On a motion by Supervisor Osl and carried unanimously, the Board authorized the Treasurer to issue a check for the refund of overpayment in taxes and interest to SBA Towers in the amount of \$14,267.09:

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

- d) Cooperative Extension Centennial Proclamation

On a motion by Supervisor Osl and carried unanimously, the Board adopted a Proclamation honoring the Centennial of the Smith-Lever Act establishing the Cooperative Extension:

**BOARD OF SUPERVISORS  
OF THE COUNTY OF CUMBERLAND**

**PROCLAMATION HONORING THE CENTENNIAL OF THE  
SMITH-LEVER ACT ESTABLISHING THE COOPERATIVE  
EXTENSION**

**OCTOBER 14, 2014**

**WHEREAS**, The Smith-Lever Act of 1914 established the Cooperative Extension Service, a state-by-state national network of extension educators who extend the university-based research and knowledge to the people in the counties; and

**WHEREAS**, the Cooperative Extension System is a nationwide educational network that is a collaboration of federal, state and local governments and Virginia Tech and Virginia State University , the state's land-grant universities; and

**WHEREAS**, the mission of the Cooperative Extension System is to disseminate research-based information on topics as varied as nutrition and health, youth development, agriculture, horticulture, animal husbandry, small business and personal finance. Every U.S. state and territory has a central state Extension office at its land-grant universities, and county offices staffed by professionals; and

**WHEREAS**, Cooperative Extension of Cumberland County serves its residents through faculty and staff providing educational programs and research to meet the needs of the county; and

**WHEREAS**, for 100 years, the Smith-Lever Act has stimulated innovative research and vital educational programs for youth and adults through progressive information delivery systems that improved lives and shaped a nation; and

**WHEREAS**, Cooperative Extension educational programs in the areas of Family and Consumer Sciences, Agriculture and Natural Resources, 4-H Youth Development, and Community Viability have benefitted more than 2,500 producers, businesses, families and youth in Cumberland County.

**NOW, THEREFORE, BE IT PROCLAIMED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CUMBERLAND as follows:**

That this Board, on behalf of the citizens of Cumberland County, recognizes the 100th Anniversary of the Smith-Lever Act that established Cooperative Extension. We honor and thank all the faculty and staff, past, present and future, of Virginia Cooperative Extension of Cumberland County who serve residents of all ages and backgrounds, and it is our hope that all residents continue to grow in awareness and support and reap the benefits of the programs and services provided by Virginia Cooperative Extension of Cumberland County.

**Adopted this 14<sup>th</sup> day of October 2014.**

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

e) Local Emergency Planning Committee Appointments

County Administrator/County Attorney, Vivian Giles, informed the Board that the membership of the Local Emergency Planning Committee (LEPC) needs to be restructured. Ms. Giles requested that the Board approve for appointment to the LEPC the citizens on the list that was provided to them. Once approved, the list will be submitted to the Virginia Emergency Response Council (VERC) for appointment. Ms. Giles informed the Board that the LEPC is an entity required under both federal and state law. The LEPC held its annual meeting on Thursday, October 9, 2014 at 6:00 p.m. at the Cumberland Fire Department, and is scheduled to meet again on January 8, 2015.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved and recommended the following list of appointees to the Cumberland County Local Emergency Planning Committee:

- Mark Chambliss - Cumberland Volunteer Fire Department
- Michael Cholko – Virginia Department of Environmental Quality
- Vivian Giles – Cumberland County
- Darrell Hodges – Cumberland County Sheriff Department
- Eric Houghland – Bear Creek Lake State Park, Virginia Department of Conservation and Recreation
- Shawn Howard – Cumberland County Information Technology
- Kevin Ingle – Cumberland County Board of Supervisors
- Chip Jones – Cumberland County Public Schools
- Ilsa Loeser – The Farmville Herald
- Sgt. John Madding – Virginia State Police
- Dave Martin - Virginia Department of Health
- Tim Mullins – Colonial Pipeline
- Doug Newman – Centra Southside Community Hospital
- Dennis Ownby – Cumberland County Sheriff's Department
- Jessica Ownby – Cumberland County Department of Social Services
- Benjamin Pfeiffer – Cumberland Volunteer Rescue Squad
- Jennifer Roberts – Cumberland County Emergency Services
- Lou Seigel – Cumberland County resident
- Ruth Seigel – Cumberland County resident
- Scot Shippee – Virginia Department of Transportation

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

**12. Finance Director's Report**

a) Monthly budget Report

There was no discussion regarding the monthly budget report.

b) Revenue Appropriations

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

- \$125,000 for refund of Tobacco Commission grant funds
- \$31,000 - CCPS "Plugged-in VA" Grant

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

c) Request for appropriation of Utility Funds

Per the Board's request, Utilities Worker, Bryan Saxtan, obtained two quotes for inspection of the County's manholes. Finance Director, Tracie Wright, informed the Board that based on the two quotes that were received, and the figures that were given by the Board's approval, \$9,270 will need to be appropriated from the General Fund Reserve to the Utilities Fund to cover the cost of the inspections. The County can supplement the Utility Fund, but the Utility Fund cannot supplement the General Fund.

On a motion by Supervisor Osl, and carried unanimously, the Board approved for purposes of this

expenditure an appropriation of funds from the Utility Reserve Fund in the amount of \$9,270.00. It was discussed that if at the end of the fiscal year the Utility Fund was in need of additional funds, monies from the General Fund could be transferred and appropriated at that time.

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

**13. Planning Director’s Report**

a) County Project update

There was no discussion on the current county projects.

b) Bodacious Report

Planning Director, Sara Carter, informed the Board that the old Dominion Four Wheel Drive Club is provisionally in compliance with the Conditional Use Permit for the September 2014 event, pending payment within 30 days.

c) Stormwater Memo

Planning Director, Sara Carter, informed the Board that with the adoption of the changed Virginia Stormwater Management Program (VSMP) at the state level last March, staff anticipated a very small staff role in stormwater regulation. However, with new legislation, the instruction that staff is receiving has changed substantially.

Staff is working with other localities and agencies in the region and the state, as well as contacting DEQ with concerns. The interpretation by DEQ seems to render meaningless the

option selected by the County to have DEQ administer the stormwater management programs.

On a motion by Supervisor Osl and carried, the Board directed staff to draft a letter to DEQ to be signed by the Chairman opposing the DEQ interpretation:

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

d) Set public hearing for Poultry Processing CA 14-07

On a motion by Supervisor Meinhard and carried unanimously, the board set CA 14-07 for public hearing on November 18, 2014:

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

**14. Old Business**

a) Closed Session

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

Pursuant to Virginia Code § 2.2-3711.A.1: Personnel

Subject: Salary and compensation review to consider a compensation evaluation request.

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

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

A motion was made by Supervisor 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.

**15. New Business**

a) Appointment to DSS Board

On a motion by the Chairman and carried unanimously, the Board appointed Mrs. Ruth Seigel to the Cumberland Department of Social Services Board:

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

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

There were no citizens signed up to speak.

**17. Board Member Comments**

Supervisor Osl stated that the Board takes citizen concerns into consideration in the decision making process, and that the Board wants Cumberland to be open for business.

Supervisor Ingle stated that he canvassed the citizens of District 3 and District 4 in regards to the proposed Community Center, and that the majority of those comments received were in support of the rezoning.

Supervisor Wheeler stated that he has all the confidence in the world that the Planning Commission will conduct research to ensure the decisions are made for the good of all.

Supervisor Meinhard thanked the citizens in attendance. He also commented on some of the negative comments that have been made in reference to the proposed zoning request.

**18. Additional Information**

- a) Treasurer's Report
- b) DMV Report
- c) Recycling Report
- d) Building Inspections Report
- e) Building Inspections ISO Audit
- f) Notification of Road Closure
- g) project:HOMES update

**19. Adjourn -**

On a motion by Supervisor Banks and carried, unanimously, the Board adjourned the meeting until the next regular meeting on November 18, 2014 at 7:00 p.m. in the Circuit Courtroom, Cumberland Courthouse.

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

---

Lloyd Banks, Jr., Chairman

---

Vivian Giles, County Administrator/County Attorney