

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 9<sup>th</sup> day of February, 2016, at the Cumberland County Circuit Court Room:

Present: 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: William F. Osl, Jr., District 1

**1. Call to Order**

The Chairman called the meeting to order.

**2. Welcome and 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 Meinhard and carried unanimously, the Board approved the Agenda as presented:

|       |                   |                    |
|-------|-------------------|--------------------|
| Vote: | Mr. Osl – absent  | Mr. Banks – aye    |
|       | Mr. Ingle – aye   | Mr. Meinhard – aye |
|       | Mr. Wheeler – aye |                    |

**5. Public Comments**

Mr. Roger Hatcher informed the Board that roadside litter on Tarwallet Road has been picked up, and he requested that Rt. 45 South, Cumberland Road, be next. Mr. Jacob McCann, Community Relations Coordinator for Southside Electric Cooperative, introduced himself to the Board, and offered to assist the county if his services were needed. He also stated that Southside Electric Cooperative has programs to help give back to the Communities they

serve, and he looks forward to working with the Board and staff of Cumberland County.

Ms. Earlene Canaan, with the Cartersville Rescue Squad, stated that the Board was now beginning to work on the budget, and she wanted to remind them of the cost benefit for Emergency Services. The Corporation for National and Community Service puts the value of volunteer service at \$23.07 per hour. Cartersville Volunteer Rescue Squad donated 4303 hours to the county for a total value of \$98,669.00. At minimum wage of \$7.25 per hour, the value given to the county would have been \$31,196.00, which is close to the amount the Rescue Squad is requesting for the FYE17 budget year. She asked that the Board keep that in mind when they are reviewing the budget requests for emergency services. Ms. Canaan also reminded everyone in attendance that there will be a joint meeting of the Cartersville Volunteer Rescue Squad and the Cartersville Volunteer Fire Department on February 27, 2016 at 4:00 p.m. at the Rescue Squad building.

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

### **a) Dr. Amy Griffin Superintendent of Cumberland County Schools**

Dr. Amy Griffin, School Superintendent, gave the following report to the Board:

- The Virginia Opera came to perform for the Middle School today and will be performing for the Elementary School on March 8, 2016.
- CCHS Student T.J. Jackson has accepted a scholarship to play football with Virginia Tech in 2016, and Ebony Jones has received a \$30,000 track and field scholarship from St. Andrews College.
- The Middle School inducted 37 new National Junior Honor Society members.
- The Wrestling team qualified for the 1A regional tournament.
- There have been 5 snow days so far and make-up days are already scheduled.
- The total amount raised for the Walk for Education was \$8,319.00.
- The Robotics Team continues to receive grant money and has travelled to Monacan High School to visit with their 60-member Robotics Team.
- Sierra Jeffries was the 2016 Spelling bee champion.

- Ms. Angela Whittaker just received a \$420 Agriculture in the classroom grant.

b) VDOT

There were no VDOT representatives present.

c) Cumberland Public Library – Resolution of Appreciation for Jennifer Beach

Ms. Beach introduced the new Library Director, Ms. Robin Sapp.

On a motion by Supervisor Wheeler and carried unanimously, the Board approved a Resolution in appreciation for Jennifer Beach:

**Resolution in Appreciation  
of the Service of Jennifer Beach**

**WHEREAS**, Jennifer Beach began employment in Cumberland County as the librarian of the Cumberland County Public Library in May of 2011; and

**WHEREAS**, recently, Ms. Beach left Cumberland County Public Library for a nearby opportunity at Longwood University; and

**WHEREAS**, during her tenure in Cumberland County, Ms. Beach worked tirelessly to secure grants for the library; to implement a significant number of programs to enhance the library experience for young and old alike; to provide programs for the community, like free income tax preparation services; and to improve the library itself, both in function and form, all while improving efficiencies and elevating fiscal responsibility; and

**WHEREAS**, in addition to improving the programming and the library itself, Ms. Beach worked to improve processes that would prove to benefit both staff and patrons alike, including the recruitment of library volunteers; and

**WHEREAS**, the Cumberland County Library Board has described Ms. Beach as credible, dependable, creative, proactive, and friendly, and has observed that Ms. Beach continually impressed the Board with her initiatives; and

**WHEREAS**, the Cumberland County Board of Supervisors likewise recognizes the significant contribution that Ms. Beach has made to the community.

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors recognizes the outstanding contribution that Ms. Jennifer Beach has made to the community through her work at the Cumberland County Public Library since May of 2011 and wishes her continued success at Longwood University.

Adopted the 9<sup>th</sup> day of February, 2016.

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

- d) Mr. Roger Hatcher, Cumberland Water and Sewer Advisory Committee

Mr. Roger Hatcher, Chairman of the Cumberland Water and Sewer Advisory Committee, informed the Board that the County formed the Committee in 2004, and the purpose of the committee is to oversee the Utilities Department activities. Their responsibilities include reviewing the annual budget and making recommendations to the Board. The Committee was very active in revising the Utilities Ordinance in 2010, including recommending rate changes. Mr. Hatcher also stated that the need for the utility system began out of necessity for the school system in 1994.

The Chairman clarified for those in attendance that the purpose of the discussion is to review the possibility of a utility rate increase. After much discussion, it was the consensus of the Board to table any action at this time and have staff bring back additional information in order to make an informed decision.

- e) Ms. Kelly Snoddy, Peter Francisco Soil & Water Conservation District

Ms. Snoddy provided the Board with an update of activities and programs that the District provides.

- f) Ms. Mary Hickman, Commonwealth Regional Council – request to appoint CRC representative

Ms. Mary Hickman, Executive Director of the Commonwealth Regional Council, provided the Board with a copy of the 2014-2015 CRC Annual Report. Ms. Hickman reported that Cumberland is an eligible member of the CRC even though they have chosen not to be an active member since 2012. The CRC has requested that current eligible non-members such as Cumberland County appoint a non-voting representative to attend CRC meetings to participate in the monthly discussion.

There was no action taken by the Board regarding the CRC request.

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

- a) Ratify the public hearing notice and set a public hearing for Code Amendment 16-02 Change the name of the Industrial Development Authority of Cumberland County, Virginia

On a motion by Supervisor Meinhard and carried unanimously, the Board ratified a public hearing notice and set a public hearing for Code Amendment 16-02 Change the name of the Industrial Development Authority of Cumberland County, Virginia, for February 9, 2016 at 7:00 p.m.:

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

- b) Ratify the public hearing notice and set a public hearing for Code Amendment 16-03 for Amending Utility Rates

On a motion by Supervisor Meinhard and carried unanimously, the Board ratified a public hearing notice and set a public hearing for Code Amendment 16-03 for Amending Utility Rates, for February 9, 2016 at 7:00 p.m.:

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

**8. Public Hearings**

- a) Code Amendment 16-02 Name Change of the Industrial Development Authority of the County of Cumberland, Virginia

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 Code Amendment 16-02 Name Change of the Industrial Development Authority of the County of Cumberland, Virginia:

**BOARD OF SUPERVISORS  
OF COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 16-02:  
“AN ORDINANCE AMENDING CHAPTER 22 OF THE  
CUMBERLAND COUNTY CODE REGARDING THE NAME  
CHANGE OF THE INDUSTRIAL DEVELOPMENT  
AUTHORITY OF THE COUNTY OF CUMBERLAND,  
VIRGINIA”**

**February 9, 2016**

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., February 9, 2016, 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 Meinhard, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 22 Community Development relating to the name change of the Industrial Development Authority of the County of Cumberland, Virginia;

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> |
|-------------------------------|--------------|
| Lloyd Banks, Jr., Chairman    | Aye          |
| David Meinhard, Vice-Chairman | Aye          |
| Kevin Ingle                   | Aye          |

William F. Osl

Absent

Parker Wheeler

Aye

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**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on February 9, 2016; 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. 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 adoption of the ordinance.
- d. This Resolution is effective immediately.

Sec. 22-31.- 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:

The authority means the Economic Development Authority of the County of Cumberland, Virginia.

Sec. 22-32. - Created.

There is created pursuant to Code of Virginia, §§ 15.2-4900-15.2-4920, a political subdivision of the commonwealth, a body politic and corporate, to be known as an industrial development authority, with such public and corporate powers as are set forth in such sections of the Code of Virginia.

Sec. 22-33. - Name.

The full name of the authority shall be the "Economic Development Authority of the County of Cumberland County, Virginia."

Sec. 22-34. - Powers and duties generally.

The authority shall have the same powers, duties and obligations as set forth in Code of Virginia, §§ 15.2-4900-15.2-4920.

Sec. 22-51.- Appointment; number.

The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors appointed by the board of supervisors. No director shall be an officer or employee of the county.

Sec. 22-52. -Terms of office; oath; residence.

- (a) The seven directors of the authority shall be appointed for staggered terms of four years except for appointments to fill vacancies, which shall be for the unexpired terms. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by Code of Virginia, § 49-1.
- (b) Every director shall, at the time of his appointment and thereafter, reside in this county or in an adjoining county or municipality. When a director ceases to be a resident of such locality, the director's office shall be vacant; and a new director may be appointed for the remainder of the term.

Sec. 22-53. - Officers; compensation.

The directors of the authority shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they

desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special or committee meeting or per each official representation as may be approved by the board of supervisors, not to exceed \$200.00 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

Sec. 22-54. - Meetings; quorum.

Four members of the board of directors of the authority shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

Sec. 22-55 – Records.

The board of directors of the authority shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of all its financial transactions and, unless exempted by Code of Virginia, § 2.1-164, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the board of supervisors and shall be open to public inspection.

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

b)     Code Amendment 16-03 Amending Utility Rates

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing. The Board tabled any action until the next regular meeting of the Board to be held on March 8, 2016.

c)     Code Amendment 16-01 Dam Break Inundation Zones

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 16-01 Dam Break Inundation Zones:

**BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 16-01:  
“AN ORDINANCE AMENDING CHAPTER 74-5 OF THE  
CUMBERLAND COUNTY CODE TO ADRESS DAM BREAK  
INUNDATION ZONES”**

**February 9, 2016**

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., February 9, 2016, 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 Wheeler, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-5 Zoning relating to dam break inundation zones;

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> |
|-------------------------------|--------------|
| Lloyd Banks, Jr., Chairman    | Aye          |
| David Meinhard, Vice-Chairman | Aye          |
| William F. Osl                | Absent       |
| Kevin Ingle                   | Aye          |
| Parker Wheeler                | Aye          |

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**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on February 9, 2016; 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.

- **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 copyies 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) All zoning permit applications shall include a certification from the Zoning Administrator whether the proposed structure is within, or encroaches into, a Dam Break Inundation Zone (DBIZ), as noted on the adopted Zoning Map for Cumberland County. Applicants shall be notified at time of permit issuance if the structure is located, in whole or in part, in a DBIZ; however, no structure shall be prohibited as a result of being located in a DBIZ. Any permit for a structure located in whole or in part within a DBIZ shall be forwarded to Peter Francisco Soil and Water Conservation District for emergency planning purposes.

(de) 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 a transition between the commercial use and any adjacent residential properties. This transition may be achieved through the retention of established vegetation in the setback of at least 20 feet, the planting of a double staggered row of evergreen trees (ten feet on center and a minimum planting height of five feet), or a six foot board privacy fence with one row of evergreens (ten feet on center and a minimum planting height of three feet) on the side of the fence adjacent to the residential use. A property owner may apply for a waiver to this requirement, pursuant to Section 74-14.

*(Ord. No. 11-05, § c, 7-12-2011)*

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

d) Code Amendment 15-12 Non-Conforming Lots (validation plat)

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 15-12 Non-Conforming lots (validation plat):

**BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 15-12:  
“AN ORDINANCE AMENDING CHAPTER 74-786 OF THE  
CUMBERLAND COUNTY CODE TO ALLOW THE USE OF  
CERTAIN NONCONFORMING LOTS FOR A RESIDENCE”**

**February 9, 2016**

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., February 9, 2016, 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 Wheeler, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-786 Zoning relating to allowing the use of certain nonconforming lots for a residence;

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

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Present:

Vote:

|                               |        |
|-------------------------------|--------|
| Lloyd Banks, Jr., Chairman    | Aye    |
| David Meinhard, Vice-Chairman | Aye    |
| William F. Osl                | Absent |
| Kevin Ingle                   | Aye    |
| Parker Wheeler                | Aye    |

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**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on February 9, 2016; 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.

**Sec. 74-786. - Nonconforming lots.**

(a) Any lot of record at the time of the adoption of the ordinance from which this section derives which is less in area or width than the minimum required by this chapter shall be exempt from the minimum area and width requirements granted the lot ~~contains~~ was described in the most recent deed of conveyance to contain at least one acre and was valid at the time of its creation and can meet Health Department requirements for the provision of water and wastewater.

(b) Preexisting nonconforming lots, parcels, uses or structures that fail to meet the width, area, setback or frontage requirements of this chapter may apply for a waiver or conditional use permit to address any such deficiencies, provided the granting of the waiver or conditional use permit promotes good zoning practice and will not adversely affect the public health, safety and welfare. The fee for this conditional use permit shall be waived.

(c) Lot line adjustment involving nonconforming lots. One or more lot lines of a nonconforming lot may be adjusted provided:

- (1) The boundary line adjustment does not cause any adjacent conforming lots to become nonconforming; and
- (2) The boundary line adjustment does not cause any nonconforming lots to become more nonconforming.

*(Code 1990, § 14-65; Ord. No. 11-09, 2-14-12)*

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

- e) Code Amendment 15-11 Animals in the R-2 District

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 15-11 Animals in the R-2 District:

**BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 15-11:  
“AN ORDINANCE AMENDING CHAPTER 74-264 OF THE  
CUMBERLAND COUNTY CODE TO ALLOW CERTAIN FARM  
ANIMALS AS A PERMITTED USE WITH ACREAGE  
REQUIRMENTS”**

**February 9, 2016**

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., February 9, 2016, 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 Wheeler, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-264 Zoning relating to allowing certain farm animals as a permitted use with acreage requirements;

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> |
|-------------------------------|--------------|
| Lloyd Banks, Jr., Chairman    | Aye          |
| David Meinhard, Vice-Chairman | Aye          |
| William F. Osl                | Absent       |
| Kevin Ingle                   | Aye          |
| Parker Wheeler                | Aye          |

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**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on February 9, 2016; 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.

• **Sec. 74-262. - Permitted uses and structures.**

Permitted uses and structures in an R-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, class A;
- (6) Accessory uses and structures.
- (7) Schools, churches, parks and playgrounds.
- (8) Child care centers and kindergartens.
- (9) Boarding, rooming or lodging houses and bed and breakfast inns.
- (10) Home occupations.
- (11) Off-street parking as required.
- (12) Professional offices.
- (13) Gift shops and antique shops.
- (14) Beauty shops and barbershops.
- (15) Preserves and conservation areas.
- (16) Cemeteries.
- (17) Uses relating to agriculture shall be limited to raising of field crops, including hay and grazing pasture land and animals as permitted in Section 74-264.
- (18) Public utilities such as poles, lines, distribution transformers, pipes, meters and/or other related facilities, including water and sewer facilities.
- (19) Foster care and adult family care (home-based).

*(Ord. No. 11-05, § c, 7-12-2011)*

- **Sec. 74-263. - Permitted uses with conditional use permit.**

Permitted uses with a conditional use permit in an R-2 district are as follows:

- (1) General stores.
- (2) Restaurants.
- (3) Garages and service stations.
- (4) Hospitals.
- (5) Business signs.
- (6) Golf clubs.
- (7) Libraries.
- (8) Maintenance of a horse or pony as follows: For any lot or parcel of land less than four acres in size, a conditional use permit may be issued to allow one horse or one pony to be maintained on the property.
- (9) Guest house.
- (10) Group home.
- (11) Nursing home, convalescent home and rest home.
- (12) Transitional home.

*(Ord. No. 11-05, § c, 7-12-2011)*

**DIVISION II. - R-2 CONVENTIONAL DEVELOPMENT STANDARDS**

**Sec. 74-264. - Area and density regulations.**

The residential, general (R-2) district shall be composed of a base density and density bonus over the base density depending upon if connections to public utilities shall be made as prescribed in Table 24.

| TABLE 24        |                       |                       |
|-----------------|-----------------------|-----------------------|
|                 | LOT WITH PUBLIC SEWER | LOT WITH PUBLIC WATER |
| BASE            | YES OR NO             | NO                    |
| BONUS OVER BASE | YES                   | YES                   |

The minimum gross residential density and the minimum lot area shall be as prescribed in Table 25.

| TABLE 25<br>RESIDENTIAL, GENERAL (R-2) DENSITY AND LOT AREA REGULATIONS |   |  |
|---|---|--|
|   | GROSS RESIDENTIAL DENSITY (all)   | MINIMUM LOT AREA (Conventional)  |
| Base  | 1. One dwelling unit  | 2 acres  |
| Base  | 2. One dwelling unit plus up to a collective maximum of 12 of the following: chickens, fowl, rabbits, or other small domesticated animals, but not roosters, all of which must be confined.                                   | 2 acres  |
| Base  | 3. One dwelling unit plus animals not to exceed the following:<br>a. All small animals permitted on 2 acres as set forth in item 2. above; plus<br>b. One equine animal or one bovine animal or one llama; or up to two goats | 4 acres  |
| Base  | 4. Animals as permitted in items 3a and 3b above.   | An additional 2 acres to be combined with the 4 acres required in item 3. above. |
| Bonus over base   | 2 dwelling units per 1 acre   | 21,780 square feet   |

- (Ord. No. 11-05, § c, 7-12-2011)

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

**9. County Attorney/County Administrator Report**

a) Consent Agenda

- 1) Approval of Bills for January 2016 and February 2016. Approved bills for February 9, 2016 total \$130,909.35. Ratified bills for January 13, 2016 to February 8, 2016 of warrants total \$378,269.68 with check numbers ranging from 72050 to 72294. Direct Deposits total \$151,975.74.
- 2) Approval of Minutes (January 12, 2016)

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the consent agenda:

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

b) Approval of Memorandum of Understanding (MOU) with Constitutional Officers

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the Memorandum of Understanding (MOU) with Constitutional Officers:

(A copy of the MOU is in the official Board file)

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

c) Request for support of Senate Bill 85

No action was taken on this item.

d) Emergency Services MOU

On a motion by Supervisor Ingle and carried unanimously, the Board approved an Emergency Services MOU with the Town of Farmville:

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

(A copy of the MOU is in the official Board file)

**10. Finance Director’s Report**

a) Monthly budget Report

There was no discussion regarding the monthly budget report.

**11. Planning Director’s Report**

a) Planning Project update

There was no discussion on the Planning Project updates.

b) Set public hearing for Code Amendment 16-04 Code Enforcement

On a motion by Supervisor Wheeler and carried unanimously, the Board set a public hearing for Code Amendment 16-04 Code Enforcement for March 8, 2016:

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

c) Board update on Duncan violations

Action was tabled until the next regular meeting of the Board to be held on March 8, 2016.

**12. Old Business**

N/A

**13. New Business**

N/A

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

There were no citizens signed up to speak.

**15. Board Member Comments**

Supervisor Ingle mentioned that with staff using the new pump truck, the county is seeing a real cost savings each month. Hopefully this year, we will recoup the cost of the truck itself.

**16. Adjourn into Closed Session-**

On a motion by Supervisor Wheeler 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

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 Wheeler.

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

Mr. Osl - absent  
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.

**18. Cumberland Volunteer Rescue Squad**

On a motion by Supervisor Ingle and carried, the Board approved and appropriated \$20,000 to the Cumberland Volunteer Rescue Squad:

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

**19. Additional Information**

- a) Treasurer's Report
- b) DMV Report
- c) 2015 Annual Business License Report
- d) Monthly Building Inspections Report
- e) Approved Planning Commission meeting minutes-N/A
- f) Approved IDA meeting minutes-N/A
- g) WSAC meeting Roster for September 8, 2015 and February 2, 2016

**20. Adjourn -**

On a motion by Supervisor Wheeler and carried, unanimously, the Board adjourned the meeting until the budget workshop scheduled for February 17, 2016 at 5:00 p.m. in the

Basement Conference Room of the Administration Building in the  
Cumberland Courthouse Complex.

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

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Lloyd Banks, Jr., Chairman

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Vivian Giles, County Administrator/County Attorney