

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13<sup>th</sup> day of February, 2018, at the Cumberland County Circuit Court Room:

Present: Kevin Ingle, District 3, Chairman  
Parker Wheeler, District 5, Vice-Chairman  
William F. Osl, Jr., District 1  
Lloyd Banks, Jr., District 2  
David Meinhard, District 4  
Vivian Giles, County Administrator | Attorney  
Nicci Edmondston, Assistant County Administrator  
JP Duncan, Zoning Administrator

Absent: None

**1. Call to Order**

The Chairman called the meeting to order.

**2. Welcome and Pledge of Allegiance**

The Pledge of Allegiance was led by the Chairman.

**3. Roll Call**

County Administrator, Vivian Giles, called the roll.

**4. Approval of Agenda**

County Administrator, Vivian Giles, requested to additions to the agenda:



- Afterschool Programs have started and include an enrichment classes
- Four Cumberland wrestlers will be going to State
- The Cumberland Clothes Closet have donated monogrammed polo shirts for the Band Program
- Senior Bobbie Umburger is one of two students from Virginia who won the US Presidential Scholarship Winner
- Jack Williams was selected for First Chair in District Honors Band
- The Spelling Bee Division winner is Brady Mitchell

b) VDOT

Ms. Carrie Shephard, Assistant Resident Engineer, informed the Board that workers are brush cutting, and assessing customer concerns. If there was any damage by a plow during the recent snow events, VDOT will make repairs in the spring. Ms. Shephard also reminded the Board that the Secondary Six Year Plan update will be forthcoming.

c) Mr. Lloyd Lenhart, Southside Electric Cooperative

Mr. Lenhart, who is the Community Relations Coordinator for SSEC, introduced himself to the Board and staff, and gave an overview of the community services that SSEC provides. One of which is a college scholarship to graduating seniors.

**6. Public Comments**

Ms. Carol Miller discovered that there are more women than men in the county. Why are there no women on the Board of Supervisors or Planning Commission? Women should be holding down more positions. Mrs. Patty Pedrick stated that she is against the land use program as it causes a loss of \$600,000-\$700,000 in

revenue each year. Mrs. Pedrick asked of the Board members, who voted for the land use program? Who voted against it? The Real Estate Tax could be lowered if the land use program was repealed. Mr. Robert Green stated that he cannot go outside without smelling someone burning garbage, and it is affecting his health. Mr. Dan Pemple informed the Board that State Lottery Funds that should be going to Schools, are being intercepted by 17 different Programs run by the State. Mr. Pemple asked when the radios were to be fixed for Emergency Services. He also requested permission to use the antennae that has been decommissioned at the Randolph Volunteer Fire Department. Ms. Virginia Gills, Principal at Cumberland Elementary School, invited the Board to come to the school to see all the great work that is going on at the school.

## 7. **Public Hearings**

### a. CUP 17-06 The Venue at Orchard View Farm

County Administrator, Vivian Giles, informed the Board that Mr. Kevin Frayser has been developing an orchard on the property over the last few years. He has constructed an outdoor kitchen and pavilion for the orchard. State Code allows him to hold events that are related to the use as an orchard without any further regulation, but he would like to hold other events as well. Mr. Frayser constructed a pavilion using a farm affidavit, but had had the building inspections office confirm that all portions of the construction met or exceeded the building requirements for a venue. The Planning Commission recommended approval.

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing. The Chairman inquired about the noise control. Ms. Giles informed the Board that noise would be restricted after 11 p.m. Supervisor Osl thanked the applicant for all the work he has done, and in working with staff to get this project going.

On a motion by Supervisor Banks and carried  
unanimously, the Board approved CUP 17-06 The Venue at  
Orchard Farm with the following conditions:

1. Septic, well and electrical connections: The applicant shall comply with all federal, state and local regulations pertaining to the use of private water, sewer and electricity. The applicant shall provide a written letter from the Cumberland County Health Department indicating compliance with their codes for the facility.
2. Compliance with plan required: The applicant shall comply with the site plan attached to the application in regard to the areas to be used for events and parking. In no case may drives or parking areas be closer than any setbacks for the underlying zoning district. Such provisions shall at a minimum include gravel at the site entrance and if necessary at vehicle parking locations.
3. Community safety: If county or state law enforcement is required to respond to restore order to those on the property more than two (2) times in a thirty (30) day period the conditional use permit shall be reviewed by the Board of Supervisors and may be revoked at the Board's discretion.
4. Refuse disposal: After each event, all trash will be removed from the site within forty-eight hours.
5. Noise control: Noise shall be restricted between the hours of 11:00 p.m. and 7:00 a.m. daily. The noise and sound level shall be undetectable at all property lines.
6. Lighting: Lighting shall not constitute a nuisance and shall not produce glare or spillover onto adjacent properties.
7. Renewal of conditional use permit: Regular renewal of the conditional use permit shall be required to demonstrate continued compliance. Such renewals shall be subject to providing documentation from each referring state and local agency as to the applicant's performance and compliance with the criteria used to approve the use, as well as a review of any code infractions and/or violations. Renewals shall be based upon the following schedule:
  - a. 1 year after approval;
  - b. 2 years after approval;
  - c. 5 years after approval;
  - d. Every five years thereafter;
  - e. Renewal shall be required upon any change in property ownership, program provider, licensing type and/or management.

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

b. CUP 17-07 ACP Temporary Construction Yard

County Administrator, Vivian Giles informed the Board that Atlantic Coast Pipeline is requesting a CUP for a temporary storage yard on Salem Church Road while the Atlantic Coast Pipeline (ACP) is constructed. A portion of line will be constructed along the southern end of the county. The pipeline will require staging areas along the proposed route to allow for locations for storage and stockpiling of materials and equipment. This proposed construction yard will be used for the duration of the project which could last for several years, and is anticipated to be returned back to timberland after the project's end.

The property entrance location will meet VDOT's site distance requirements, but an improved entrance is needed. VDOT noted 610 employees will be leaving the site during a peak hour. This information was received by County staff after the Planning Commission public hearing. An additional condition is recommended to address the traffic impact (condition #3) The location is appropriate for this use and is reasonably close to the location of the proposed pipeline, with few houses and other commercial traffic. The Planning Commission has recommended approval.

Ms. Giles also provided the Board with a copy of a letter from the County Administrator in Buckingham, on behalf of the Buckingham County Board of Supervisors requesting restricted traffic on Salem Church Road. They are requesting that all traffic coming and going from the construction yard, head east on Salem Church Road and use Route 45, Cumberland Road, rather than using Salem Church Road in Buckingham. Staff reviewed the conditions, and decided not to change condition 6 which allows for materials leaving the property to use the shortest distance.

The Chairman opened the public hearing. Mr. Eddie Slagle, a resident of Buckingham County, voiced his concern with the traffic of Salem Church Road and Ca Ira Roads. He also requested the Board change condition #6 to require all traffic to use Salem Church Road out to Route 45, Cumberland Road to Buckingham. Ms. Kenda Hanuman, also a resident of Buckingham County, voiced her concerns with the proposed traffic that would utilize Salem Church Road if the conditions were approved as is. She is also concerned with the fuels and blasting materials that would be stored on the property. Ms. Hanuman stated she supported both Cumberland and Buckingham counties further study of the impacts that the storage yard would have on their counties.

Ms. Deborah Kushner, a resident of Nelson County, read a printed statement that urged the Board to weigh the issues carefully, get expert opinions, and consider limiting operations as if it were going into your neighborhood. Ms. Marie Flowers, a resident of Dillwyn, stated she has concerns with the traffic, and requested the Board require the ACP to set up a bond to protect the roads. With no further citizens signed up to speak, the Chairman then closed the public hearing. Mr. Greg Supey, ACP Field Engineer with Dominion Energy, stated that the traffic would be heaviest in the mornings, and there is a road bond with VDOT as well as a road use agreement.

Supervisor Wheeler stated that he is concerned with the large truck traffic on Salem Church Road and Ca Ira Road, and Mr. Supee stated that they are not opposed to using Rt. 45, Cumberland Road.

A motion was made by Supervisor Meinhard to approve the CUP as presented. Supervisor Osl requested clarification with Supervisor Wheeler's statement regarding large truck traffic. Supervisor Wheeler stated she is comfortable with requiring large truck traffic to use only Salem Church Road to Route 45, Cumberland Road, not Salem Church Road to Ca Ira Road. Supervisor Meinhard then amended his motion to include Supervisor Wheeler's suggestion. County Administrator, Vivian Giles, suggested that the delineation be set with five (5) axles.



c. Rename Poorhouse Road to Commerce Road

County Administrator, Vivian Giles, informed the Board that this name change was requested by both Supervisor Wheeler, and the Economic Development Authority. A public hearing was not required by law, but wanted to ensure the ability of citizen's participation. Property owner notifications have also been sent.

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 Osl and carried unanimously, the Board approved the renaming of Poorhouse Road to Commerce Road:



County of  
*Cumberland*  
Virginia

**Resolution to Rename Poorhouse Road  
as  
Commerce Road**

**February 13, 2018**

**WHEREAS**, the Economic Development Authority of the County of Cumberland, Virginia has requested that the name of Poorhouse Road be changed to Commerce Road; and

**WHEREAS** owners of property on Poorhouse Road have been notified in writing by certified mail of the proposed renaming of Poorhouse Road; and

**WHEREAS**, notice that this matter would be considered at the meeting of the Board of Supervisors of Cumberland County, Virginia on February 13, 2018 and that public comment would be heard was published; and

**WHEREAS**, the public was given an opportunity to be heard on this matter.

**NOW, THEREFORE, BE IT RESOLVED** by the Cumberland County Board of Supervisors that the name of Poorhouse Road, designated as Virginia State Route 728, shall be changed to Commerce Road effective immediately.

Adopted the 13<sup>th</sup> day of February, 2018.

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

**8.    County Attorney/County Administrator Report**

a)    Consent Agenda

- 1)    Approval of Bills for January 2018 and February 2018.  
      Approved bills for February 13, 2018 are \$72,890.85.  
      Ratified bills for January 10, 2018 to February 12, 2018  
      of warrants total \$454,755.99 with check numbers  
      ranging from 76717-76984. Direct Deposits total  
      \$157,687.62.
- 2)    Approval of Minutes (January 9, 2018)

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

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

b)    Tax Relief for the elderly or permanently disabled

County Administrator, Vivian Giles informed the Board that this came as a recommendation from the Commissioner of the Revenue's Office. This program provides a partial exemption from real property taxes for citizens aged 65 and older who are permanently and totally disabled, who qualify for the exemption. The proposal keeps the asset limit at \$100,000 and increases the income limit to \$22,000. Also, the maximum exemption would increase to \$400.

On a motion by Supervisor Wheeler, the Board set this item for public hearing at the March 13, 2018 Board of Supervisors meeting:

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

c) Support of AFID Grant for Microgreens project

County Administrator, Vivian Giles, informed the Board that this was a project that has been mentioned before by Dr. Amy Griffin, School Superintendent. This program will allow for the School System to grow and sell microgreens, and potentially use the microgreens in the school cafeteria. The original grant request required a financial match, to which Ms. Giles negotiated. Instead of funds, the County will allow access and use of the SVCC areas of the Cumberland Community Center.

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved and supports the AFID Grant for Microgreens Project, and will supply the use of county facilities at the Cumberland Community Center:

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

Mr. Wheeler – aye

- d) Request for support of STEPS for the Virginia Homeless Solutions Program

On a motion by Supervisor Meinhard and carried unanimously, the Board continues to support STEPS and recognize' s them as Cumberland's provider of the Virginia Homeless Solutions Program:

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

- e) Set public hearing for CA 18-01 Building Fee Schedule Amendments

On a motion by Supervisor Wheeler and carried unanimously, the Board set CA 18-01 Building Fee Schedule for public hearing at the March 13, 2018 meeting:

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

- f) Appoint Jerry Seal to the DSS Board

On a motion by Supervisor Osl and carried unanimously, the Board appointed Jerry Seal to the Social Services Board:

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

Mr. Wheeler – aye

- g) Appoint Brian Stanley to the EDA Board

On a motion by Supervisor Osl and carried unanimously, the Board appointed Brian Stanley to the Economic Development Authority:

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

**9. Finance Director’s Report**

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

- b) Request for appropriation of grant funds for CUCPS – Teaching with Primary Resources Grant

On a motion by Supervisor Wheeler and carried unanimously, the Board approved an appropriation of grant funds to the School for the Teaching with Primary Resources grant in the amount of \$20,000:

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

- c) Request for appropriation of CSA funds - \$180.00

On a motion by Supervisor Wheeler and carried unanimously, the Board approved an appropriation of CSA funds in the amount of \$180.00:

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

d) Request for appropriation of CSA funds - \$386.00

On a motion by Supervisor Wheeler and carried unanimously, the Board approved an appropriation of CSA funds in the amount of \$386.00:

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

e) Request for appropriation of Recreation funds - \$592.00

On a motion by Supervisor Wheeler and carried unanimously, the Board approved an appropriation of Recreation funds in the amount of \$592.00:

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

f) Request for appropriation of Surplus funds - \$6,418.35

On a motion by Supervisor Wheeler and carried unanimously, the Board approved an appropriation of surplus funds in the amount of \$6,418.35:

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

g) Request for appropriation of Surplus Funds - \$9,545.85

On a motion by Supervisor Wheeler and carried unanimously, the Board approved an appropriation of surplus funds in the amount of \$9,545.85:

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

**10. Planning Director's Report**

N/A

**11. Old Business**

**12. New Business**

The Chairman recognized new Planning Director, JP Duncan.

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

There were no citizens signed up to speak.

**14. Board Member Comments**

The Chairman thanked those people who are involved in Delma's Pantry.

**15. Adjourn into Closed Meeting-**

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

Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel

Subject: Community Host Agreement

Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel

Pursuant to Virginia Code § 2.2-3711.A.5: Discussion regarding a prospective business

Subject: A prospective business in the county

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

Subject: Assignment of duties amongst various departments

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

**16. Reconvene in Open Meeting-**

The Board returned to regular meeting 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.

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

**17. Additional Information**

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

**18. Adjourn -**

On a motion by Supervisor Wheeler and carried unanimously, the Board adjourned the meeting until the budget workshops scheduled for Wednesday, February 21, 2018 at 5:00 p.m. in the Conference Room in the Administration Building.

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

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Wm. Kevin Ingle, Chairman

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Vivian Giles, County Administrator/County Attorney