

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 11th day of September, 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. Participation of a Board member by electronic communication

Ms. Giles established for the record, and confirmed with the Chairman and the audience present at the meeting, all of the following:

- 1) Pursuant to VA Code § 2.2-3708.1, Supervisor Banks would be participating in the meeting through electronic (telephonic) communication, having notified the Chairman prior to the meeting that he would be unable to attend the meeting at which a quorum was physically assembled, due to a personal matter that prevented his physical attendance;
- 2) That Supervisor Banks was participating in the meeting from 10 Duffy Blvd., Charlottesville, Virginia 22903;
- 3) That a quorum of the Board was physically assembled at the meeting at the Cumberland County Courthouse;
- 4) That the voice of Supervisor Banks could be heard via speaker phone by all persons at the meeting location, the Cumberland County Courthouse; and
- 5) That Supervisor Banks attended the meeting through electronic communication due to a personal matter which was travel.

On a motion by Supervisor Meinhard and carried, the Board approved Supervisor Banks to participate in the meeting via electronic communication:

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

5. **Approval of Agenda**

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the amended Agenda as presented:

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

6. State and Local Department/Agencies

a) Dr. Amy Griffin, Superintendent of Cumberland County Public Schools, Dr. Amy Griffin gave the following report to the Board:

- HKS Architects from Richmond, Virginia completed a new mural at the Cumberland Elementary School
- CHS Art Students painted a snow plow owned by VDOT
- October is bullying prevention month, and Cumberland was one locality selected to participate in the VSBA bullying webinar
- The Virginia Opera performed at the Cumberland Elementary School on Friday, October 5, 2018
- CHS student Tad Bryant will participate in an upcoming Golf Championship
- The Cumberland Bands Program is hosting a Harvest Dinner Theater on October 30, 2018 at the Middle School.
- Jenny Macintosh will provide a workshop for parents called Growing Strong Kids on Monday, October 15, 2108.
- Future Farmers of America is selling mums, and the microgreens are harvesting

b) Chief Walter Bailey, Virginia Fire Services Board

Chief Bailey provided the Board with a presentation of the study conducted by the Virginia Fire Services Board of the emergency services programs in Cumberland County. The study includes what Cumberland is doing well and identifies opportunities for improvement. Copies of the presentation and EMS Study Report are in the Official File for this meeting.

c) VDOT

There were no VDOT representatives present.

d) Meaghan Lewis of Cumberland County Public Library

Ms. Lewis provided the following updates to the Board:

- Library Card Sign-Up Month was a success with 20 new library card accounts.
- The Library received new resources from the Library of Virginia beginning October 1, 2018 to include Rocket Languages and University Class.
- Technology workshops will be held on Tuesdays from 11:00 a.m. to 1:00 a.m. and Thursdays from 3:00 p.m. to 5:00 p.m.
- A course on Black Lives Matter to highlight the impact that society and education has on minorities will be provided.
- Read with a Ranger will occur on Wednesdays from 10:00 a.m. to 11:00 a.m. during which a State Park Ranger will provide story time to those in attendance.
- Park Rangers Adventures is an after-school program being provided for children ages 4-9.
- The annual Holiday Boutique is upcoming, and dates will soon be announced.
- Book Sale November 1-3, 2018

e) Mrs. Doris Seal, Delma's Pantry, Cumberland Community Cares Food Bank

Mrs. Doris Seal provided a one-year update to the Board for the Food Bank and Delma's Pantry:

- 103 families served in the past week.
- Delma's Pantry is open on the first Saturday of each month from 8:30 a.m. until 10:00 a.m. This Program has 150 individuals registered with 3,500 pounds of food distributed.

- Senior Boxes are distributed monthly. Delma’s Pantry receives approximately 175 boxes, and has approximately 145 Seniors signed up for this Program.
- The Mobile Pantry Program is held on the Third Monday of each month. FeedMore provides 9,000 pounds of food for approximately 250 residents.
- The USDA Program is operated on the 4th Saturday of each month at Delma’s Pantry. This program brings 4,200 pounds of food for approximately 135 registered residents.

7. Public Hearing Notices/Set Public Hearings

- a) Ratify the public hearing notice and set a public hearing for REZ 18-04 Dollar General South

On a motion by Supervisor Osl and carried unanimously, the Board ratified and set a public hearing for REZ 18-04 for October 9, 2018:

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

- b) Ratify the public hearing notice and set a public hearing for CUP 18-07 Dollar General South

On a motion by Supervisor Osl and carried unanimously, the Board ratified and set a public hearing for REZ 18-07 for October 9, 2018:

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

8. Public Hearings

a) Request for tax exemption for Mid-Atlantic Broadband

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 an Ordinance approving tax exemption for Mid-Atlantic Broadband:

AN ORDINANCE GRANTING MID-ATLANTIC
BROADBAND COMMUNITIES CORPORATION AN EXEMPTION
FROM REAL AND PERSONAL PROPERTY TAXES IN
THE COUNTY OF CUMBERLAND, VIRGINIA

October 9, 2018

WHEREAS, on the request of the Mid-Atlantic Broadband Communities Corporation, pursuant to Section 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, 1950, as amended, a properly noticed public hearing was held on the matter of granting an exemption from real and personal property taxes in the County of Cumberland, Virginia; and

WHEREAS, pursuant to Section 6(a)(6) of Article X of the Constitution of the Code of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors of Cumberland County may by designation or classification exempt from real or personal property taxes, or both, property owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the following questions were considered:

1. Whether the organization is exempt from taxation pursuant to § 501 (c) of the

Internal Revenue Code of 1954;

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;

3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;

4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;

5. Whether the organization provides services for the common good of the public;

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;

7. The revenue impact to the locality and its taxpayers of exempting the property;
and

8. Any other criteria, facts and circumstances that is pertinent to the adoption of such ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cumberland County, Virginia that the real and personal property of the applicant Mid- Atlantic Broadband Communities Corporation, is hereby classified and designated as being used for a charitable and/or benevolent purpose within the

context of Section 6(a) (6) of Article X of the Constitution of Virginia and herewith is granted an exemption from real estate and personal property taxes for the tax year 2018 and all subsequent years, in accordance with Section 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, 1950, as amended, subject to the following express conditions:

1. The payment by Mid-Atlantic Broadband Communities of costs to cover advertising and administrative costs of its application for tax exemption; and

2. No exemption shall be provided to the Mid-Atlantic Broadband Communities Corporation in the event that the Mid-Atlantic Broadband Communities Corporation has or later imposes any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and

3. The continuance of this exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

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

b) CUP 18-08 Holman Home

Zoning Administrator, JP Duncan, informed the Board that the residents currently live in a singlewide trailer on a 0.34-acre lot, and the mobile home is deteriorating. Cumberland Code requires at least a 1-acre lot to place a home by right. Because the subject lot contains less than one acre and the replacement home is larger than the original, a Conditional Use Permit is needed.

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 CUP 18-08 Holman Home with the following setbacks and conditions:

1. The lot shall not be subdivided, nor shall boundary lines be adjusted to cause the lot to become smaller and more non-conforming in the future.

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

c) REZ 18-04 Dollar General South

The Chairman opened the public hearing. Mr. Joseph Bland with Par5 Development was in attendance to answer questions. With no additional citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl, and carried unanimously, the Board approved REZ 18-04 Dollar General South pending administrative corrections to the application:

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

d) CUP 18-07 Dollar General South

The Chairman opened the public hearing. Mrs. Patty Pedrick stated that she would prefer a monument sign rather than a pylon sign. With no other citizens signed up to speak, the Chairman then closed the public hearing.

Supervisor Banks made a motion to approve CUP 18-07 Dollar General South as presented. The motion carried by the following vote with the proffered conditions below:

Proffered Conditions

Cumberland County Rezoning Application by
Pilvinder Kaur (“Owner”) and Par 5 Development Group,
L.L.C. (“Applicant”)
Tax Map Parcel 73-A-58 (“the Property”)

The Owner and the Applicant in this case, pursuant to Section 15.2-2297 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Cumberland County, for themselves and their respective successors or assigns, hereby proffer that the development of the subject Property of this application shall be used in strict accordance with the following conditions set forth in this submission, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffered conditions shall immediately be null and void and of no further force or effect.

1. General Development Plan. The Property shall be developed in general conformance with the “Rezoning General Development Plan,” made by Summit Design and Engineering Services, dated April 4, 2018, which is incorporated herein and attached hereto as “EXHIBIT A.”

2. Architectural Design Standards. Improvements constructed on the Property shall comply with the following architectural design standards:

A. The building shown on EXHIBIT A as “Proposed Dollar General 70’ X 130” (the “Store”) shall be generally consistent with the elevation entitled “EXHIBIT B,” which is attached hereto and incorporated by this reference.

B. Exterior building materials on the front facade of the Store shall consist of a mixture of cement fiberboard (such as HardiPlank, HardiShingle, or HardiTrim) and painted brick. A band of painted brick extending a minimum of forty-four (44) inches in height above final grade shall be provided on the front facade of the Store.

C. The Store shall feature either Bahama shutters or banks of shutters on the front facade generally conforming to that which is shown in EXHIBIT B.

D. Lighting fixtures installed on the Store shall generally conform to that which is shown in EXHIBIT B.

E. The dumpster enclosure shall consist of white vinyl fencing.

3. Lighting. Lighting on the Property shall be directed and shielded so as not to glare into any adjacent residential or agricultural properties or public rights-of-way by using Night-Sky Friendly lighting.

4. Landscaping. At the completion of construction of the Store, landscaping shall be installed generally as shown on EXHIBIT A. Specifically, the twenty-foot (20’) wide buffer, the location of which is shown on EXHIBIT A, shall be planted with Leyland cypress or other similar species, as approved in writing by the County’s Planning Department.

5. Trash Pick-ups and Maintenance. Employees will be expected to pick up trash outside the store, when needed, during work hours. Maintenance agreement (contract between DG & Facility Source to maintain the property according to the landscape contract dated October 2017)

shall be administered.

Vote: Mr. Osl – nay 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 September and October 2018. Approved bills for October 9, 2018 equal \$184,680.10. Ratified bills for September 12, 2018 to October 8, 2018 of warrants total \$485,407.42 with check numbers ranging from 78216-78434. Direct Deposits total \$173,546.80.
 - 2) Approval of Minutes – September 11, 2018

On a motion by Supervisor Wheeler 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) Appointment to Social Services (DSS) Board of Directors

On a motion by Supervisor Wheeler, the Board appointed Mrs. Susan Oertel to the Social Services Board of Directors for a 4-year term beginning July 1, 2018 until June 30, 2022:

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

10. Finance Director's Report

a) Monthly budget Report

There was no discussion regarding the monthly budget report.

b) Cumberland County Public Schools (CCPS) request for appropriation for grant monies received totaling \$78,493.97:

On a motion by Supervisors Meinhard, and carried unanimously, the Board approved the appropriation for CCPs grant monies in the amount of \$78,493.97:

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

c) Appropriation request for Clerk of Circuit Court from preservation program - \$15,680.00:

On a motion by Supervisors Wheeler, and carried unanimously, the Board approved the appropriation for Clerk of Circuit Court for preservation program funds in the amount of \$15,680.00:

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

11. Planning Director's Report

a) Planning Project Update

There was no discussion regarding this item.

b) Renewal of CUP 17-04 Sportsman Campground

On a motion by Supervisors Meinhard, and carried unanimously, the Board approved the renewal of CUP 17-04 Sportsman Campground for one year expiring October 30, 2019:

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

c) Set public hearing for CUP 18-09 Cobbs Creek Substation

On a motion by Supervisors Meinhard, and carried unanimously, the Board set a public hearing for CUP 18-09 Cobbs Creek Substation for November 13, 2018:

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

12. Old Business

N/A

13. New Business

N/A

14. Public Comments

Mrs. Pat Hilliard stated that traffic on Amptill Road is excessive and that the road is not large enough. She requested that lines be painted on the road, that the road be widened, or that a reduced speed be established for large trucks.

Ms. Rose McClinton and Mr. Ronald Tavernier signed up to speak, but both passed on the opportunity.

15. Supplemental Information

Supervisor Osl advised those in attendance to contact VDOT regarding concerns for Amptill Road.

16. Board Member Comments

Chairman Ingle stated that he has received concerns and requests to address the speed limit on the east side of the County seat on Route 60, Anderson Highway. One suggestion is to extend the 35mp speed past Rt. 13 and Southworth Auto. The Chairman asked that the Board think about this request, and plans to request action at the next Board meeting.

17. Adjourn into Closed Meeting-

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

- Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel
Subject: Host Community Agreement dated May 3, 2006

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

18. 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.

19. 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

20. Adjourn -

On a motion by Chairman Ingle and carried by the following vote, the Board adjourned the meeting until November 1, 2018 for a workshop in the Board Conference Room:

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

Wm. Kevin Ingle, Chairman

Vivian Giles, County Administrator/County Attorney