

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14th day of May 2019, at the Cumberland County Circuit Court Room:

Present: David Meinhard, District 4, Chairman
Parker Wheeler, District 5, Vice-Chairman
William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2
Kevin Ingle, District 3
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

Supervisor Osl suggested moving item 7f, Resolution in recognition of Blanton & Pleasants after item 4, and County Administrator, Vivian Giles, requested a new item, 7h, set public hearing for VDOT Secondary Six Year Plan for public hearing.

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

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

5. **Resolution in Recognition of Blanton & Pleasants**

On a motion by Supervisor Osl, and carried unanimously, the Board approved a Resolution in Recognition of Blanton & Pleasants' 90th anniversary:

**RESOLUTION IN RECOGNITION of
THE NINETIETH ANNIVERSARY
BLANTON & PLEASANTS, INCORPORATED**

May 14, 2019

WHEREAS, Blanton & Pleasants is a fixture in the Cartersville Community of Cumberland County, serving as a retail establishment and a true embassy of good will; and

WHEREAS, since 1929, Blanton & Pleasants has served as a social hub, a community service provider, a site for community fundraising, a home for local hunting and fishing enthusiasts, and a provider of goods and services to community members and visitors alike; and

WHEREAS, in addition to those goods and services, James "Spanky" Pleasants and his wife June serve as a foundation of ministry and goodwill to the community as well; and

WHEREAS, in an age when family-owned businesses all-too-often fall victim to larger

William & Mary. May 23, 2019 is the last day of school. The Cumberland County Public Schools Foundation awarded over \$30,000 in scholarships to seniors.

- Senior Projects were held on Friday, May 10, 2019.
- The Varsity Baseball team is having a winning season with their 10th win May 12, 2019.
- Commonwealth's Attorney, Patricia Scales, with the American Legion Post 269, Sheriff Darrell Hodges and Cumberland Middle School and High School JROTC, celebrated Armed Services Day May 12, 2019 where students wrote letters to service members.
- 22 CHS students graduated from SVCC on Saturday, May 11, 2019 with Associates Degrees.
- The 2019-2020 School Board Student Liaison will be Jasmine Allen, and the two alternates will be Ramir Parker and Dawn Helton.
- Teachers of the Year are Amanda Stoltzfus from CCES, Tiffany Hurt from CCMS, and Amanda Haigh from CCHS.
- The appropriations requested of the Board at this meeting require no additional funds, they are grant and state funds.

b) VDOT

Mr. Scott Frederick, Farmville Residency Engineer, provided the following report to the Board:

- Asphalt resurfacing will begin May 20, 2019 for Rt. 684 from the Powhatan County line to Route 45, Rt. 622 from Bear Creek Market to Rt. 60, and Rt. 60 from the Powhatan County line to Rt. 601.
- Rt.'s 1009-1016 (Kimberly Hills subdivision) will have latex improvements this year.
- A draft agreement with the Sheriff's Office regarding roadside litter removal was provided to the County Administrator for review.

- Mowing on secondary roads has begun, and after completion, mowing will begin on the primary roads.
- The draft Secondary Six Year Plan was provided and a public hearing was requested for June 2019.

The Chairman stated that a constituent in his district is concerned with a dangerous intersection with limited visibility at Route 636, Raines Tavern Road, and Rt. 600, Plank Road. Supervisor Wheeler stated that the ditches need to be cleaned on Rt. 637, Airport Road, from the intersection of Rt. 45S, Cumberland Road, for approximately $\frac{1}{4}$ mile.

c) Mr. James Sanderson, Davenport & Company

Mr. Sanderson provided the Board with a PowerPoint presentation outlining the financial standing of the County. A copy of the presentation is located in the official Board file for this meeting.

7. Public Hearings

a. CA 18-04 Setbacks and road frontage

Planner and Zoning Administrator, JP Duncan, informed the Board that there are three main changes. The first is the reduction of the front setback on primary roads from 130 feet to 100 feet. The second main change is an increase in building height requirement allowing residences up to 60 feet. The third main change is road frontage reduction from 350 feet to 300 feet on secondary roads, and 500 feet to 300 feet on primary roads. The Planning Commission recommended approval to the Board unanimously at their March 25, 2019 meeting.

Supervisor Ingle recommended changing the road frontage requirements from 300 feet to 200 feet on secondary roads, and from 500 feet to 200 feet on primary roads.

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 Ingle, and carried by the following vote, the Board approved CA 18-04 as presented and including the proposed changes to road frontage requirements suggested by Supervisor Ingle:

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

b. CUP 19-02 Rt. 606 Truck & Auto

Planner and Zoning Administrator, JP Duncan, informed the Board that Mr. Willie Bullock proposes to run a commercial garage at his property on Blenheim Road. The Planning Commission unanimously recommended approval of the CUP with conditions at their April 22, 2019 meeting.

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 Banks, and carried unanimously, the Board approved CUP 19-02, Rt. 606 Truck & Auto with the following conditions:

1. The permit holder shall, at all times, comply with all applicable federal, state, and local statutes, codes, regulations, and ordinances. A violation at any time of any federal, state, or local statute, code, regulation, or ordinance shall constitute a violation of this conditional use permit, regardless of whether enforcement action of the violated law, regulation, or ordinance is undertaken or is successful.

the opinion of VDOT regarding the capacity of the road to the event facility.

The Chairman opened the public hearing. Mr. Bill Bruce stated that there are no issues with the roadway leading to the property, and implored the Board not to table action, but to approve the request. Mrs. Carolyn Banton is opposed to the increase in approved number of attendees, and disagrees with the county attorney's interpretation of the easement document. Applicant Robbie Lipscomb stated that no problems with traffic have been encountered and the facility has a Land Use Permit with VDOT existing. Ms. Barbara Speas stated that there are not issues with the roadway, that two cars can pass with no problems. With no other citizens signed up to speak, the Chairman then closed the public hearing.

A substitute motion was made by Supervisor Banks, and carried by the following vote, to approve CUP 19-03 Timber Creek Event Barn with the following conditions:

1. The permit holder shall, at all times, comply with all applicable federal, state, and local statutes, codes, regulations, and ordinances. A violation at any time of any federal, state, or local statute, code, regulation, or ordinance shall constitute a violation of this conditional use permit, regardless of whether enforcement action of the violated law, regulation, or ordinance is undertaken or is successful. This conditional use permit shall terminate immediately upon such violation.
2. Health Department permit: The Health Department has indicated that the proposal requires review by a PE to ensure the proper design of the waste disposal system.

3. Building, septic, well, and electrical: The applicant must comply with all federal, state, and local regulations pertaining to applicable building codes and private water, sewer, and electricity. The applicant must provide a written letter from the Cumberland County Health Department indicating compliance with their codes for the facility.
4. Compliance with plan required: The applicant must 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 driveways or parking areas be closer than any setbacks for the underlying zoning district. Such provisions must, at a minimum, include gravel at the site entrance and, if necessary, at vehicle parking locations.
5. 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 may be reviewed by the Board of Supervisors and may be revoked at the Board's discretion.
6. Refuse disposal: After each event, all trash will be removed from the site within forty-eight (48) hours.
7. Noise control: Noise is restricted between the hours of 11:00 p.m. and 7:00 a.m. daily. At all times, noise and sound levels must not disturb residents of adjacent properties.
8. Lighting: Lighting must not produce glare or spillover onto adjacent properties.

9. Maximum attendance: Each private event is limited to no more than three hundred (300) attendees. Each event, which is open to the public, is limited to no more than five hundred (500) attendees. Not more than four (4) events during a twelve (12) month period will have over three hundred (300) attendees. During each event that is open to the public and alcohol is served, there must be one (1) trained security officer, certified by the local sheriff, per every one hundred (100) attendees.

10. The operator is required to request an annual fire and safety inspection by a Cumberland County Fire Marshall or other employee or volunteer who is authorized to perform such inspections and must implement within thirty (30) days all changes required by such inspector. The operator further must maintain the use of a thirty (30) foot easement by emergency services personnel.

11. Renewal of conditional use permit: Regular renewal of the conditional use permit is required in order to demonstrate continued compliance. For each renewal, the operator must provide all requested documentation from each applicable state and local agency regarding 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 will occur on the following schedule:

- a. 5 years after approval;
- b. Every 5 years thereafter;
- c. Upon any change in operator

Vote:

Mr. Osl – aye

Mr. Banks – aye

Mr. Ingle – aye

Mr. Meinhard – aye

Mr. Wheeler – nay

The approval of the substitute motion nullified the original motion made by Supervisor Wheeler.

d. CUP 19-04 Northfield Plantation

Planner and Zoning Administrator, JP Duncan, informed the Board that CUP 16-03 for the use of this parcel as an event facility was approved in April of 2016 for a previous owner. That owner was unable to follow through with their plans to operate an event facility, and therefore the CUP expired. Under new ownership, there are plans to renovate existing structures and host events on this property to include, but not limited to, weddings, charity events, and general community events. The Planning Commission unanimously recommended approval with eight conditions.

The Chairman opened the public hearing. Ms. Barbara Speas signed up to speak but passed on the opportunity. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl and carried by the following vote, the Board approved CUP 19-04 Northfield Plantation with the following conditions:

1. The permit holder shall, at all times, comply with all applicable federal, state, and local statutes, codes, regulations, and ordinances. A violation at any time of any federal, state, or local statute, code, regulation, or ordinance shall constitute a violation of this conditional use permit, regardless of whether enforcement action of the violated law, regulation, or ordinance is undertaken or is successful. This conditional use permit shall terminate immediately upon such violation.

2. Building, septic, well, and electrical: The applicant must comply with all federal, state, and local regulations pertaining to applicable building codes and private water, sewer, and electricity. The applicant must provide a written letter from the Cumberland County Health Department indicating compliance with their codes for the facility.
3. Compliance with plan required: The applicant must 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 driveways or parking areas be closer than any setbacks for the underlying zoning district. Such provisions must, at a minimum, include gravel at the site entrance and, if necessary, at vehicle parking locations.
4. 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 may be reviewed by the Board of Supervisors, and may be revoked at the Board's discretion.
5. Refuse disposal: After each event, all trash will be removed from the site within forty-eight (48) hours.
6. Noise control: Noise is restricted between the hours of 11:00 p.m. and 7:00 a.m. daily. At all times, noise and sound levels must not disturb residents of adjacent properties
7. Lighting: Lighting must not produce glare or spillover onto adjacent properties.
8. Renewal of conditional use permit: Regular renewal of the conditional use permit is required in order to demonstrate continued compliance. For each renewal, the operator must provide all requested documentation

Planner and Zoning Administrator, JP Duncan, informed the Board that a mini-storage warehouse built on the property many years ago. The applicant proposes to subdivide the property to separate the dwelling from the warehouse. This rezoning from A-2 to B-3 would allow the subdivision as well as bring the property into compliance with County code.

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 REZ 19-02 Price Right Mini-Storage:

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 April 2019 and May 2019.
Approved bills for May 14, 2019 total \$214,136.57.
Ratified bills for April 10, 2019 through May 13, 2019 of warrants total \$422,023.53 with check numbers ranging from 79527-79787.
 - 2) Approval of Minutes – April 2, 2019, April 9, 2019, and April 18, 2019

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

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

On a motion by Supervisor Wheeler and carried unanimously, the Board approved an appropriation in the amount of \$659,009 to CCPS:

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

- c) Supplemental Appropriation of \$250 donation for Cumberland Animal Control

On a motion by Supervisor Wheeler and carried unanimously, the Board approved an appropriation of a \$250 donation for Cumberland Animal Control:

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

- d) RFP – Elementary School Flooring

Assistant County Administrator, Nicci Edmondston, informed the Board that at their direction, staff did issue a Request for Proposals for replacement of the flooring at the Cumberland Elementary School to which staff received one proposal. The bids range from \$500,000 to \$678,000. CCPS School Superintendent, Dr. Amy Griffin suggested that the county issue another RFP for work to begin in the summer of 2020.

10. Planning Director's Report

- a) Planning Project Update

There was no discussion regarding this item.

- b) Set public hearing for CUP 19-05 Dowler, LLA

On a motion by the Chairman and carried unanimously, the Board set a public hearing for CUP 19-05 Dowler, LLA for June 11, 2019:

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

11. Old Business

N/A

12. New Business

Supervisor Ingle stated a need for a 4x4 vehicle to assist the Fire Departments in transporting patients where ambulances cannot go. Randolph Volunteer Fire Department (RVFD) purchased one for \$8,550. Supervisor Ingle requested that the county reimburse RVFD for that purchase as this was filling a Cumberland Fire & EMS identified need.

Supervisor Ingle made a motion to consider the reimbursement the Randolph Volunteer Fire Department \$8,550 for the purchase of a 4x4 vehicle on June 11, 2019:

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

Supervisor Ingle made a motion to approve an estimate from Shores Painting to paint the buildings at the Courthouse Complex for an amount not to exceed \$40,265.00 in the current fiscal year with the work to begin immediately:

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

Supervisor Banks voiced concern with the competitiveness of the bids received due to poor planning.

13. Public Comments

Mr. Bob Pennington voiced concern with the poor visibility at the intersection of Plank and Raines Tavern Roads.

Ms. Betty Myers stated that she agrees with Supervisor Banks on many things, the budget process is not handled properly, and the landfill was not the solution to the Boards prior mistakes.

Mr. Bernard Pond stated that the librarian had a report to present to the Board but left because she was not on the agenda. He also stated that there were five accidents in one week, one included a dump truck. The landfill will create many more accidents than that.

14. Supplemental Information

N/A

15. Board Member Comments

The Chairman thanked those in attendance for coming to the meeting.

16. 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 for the below to discuss the subject identified:

- Virginia Code § 2.2-3711.A.1: Personnel;
Subject: Discussion of County Administrator employment candidates:

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

17. Reconvene in Open Meeting

The Board returned to regular meeting 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, (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, and (iii) no action was taken in closed meeting.

18. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Monthly Building Inspections Report
- d) Approved Planning Commission meeting minutes – March 25, 2019
- e) Approved EDA meeting minutes – N/A

19. Adjourn -

On a motion by Supervisor Wheeler and carried unanimously, the Board adjourned the meeting until the next regular meeting scheduled for June 11, 2019, to be held at 7:00 p.m. in the Court Room A of the Cumberland Courthouse:

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

David Meinhard, Chairman

Vivian Giles, County Administrator/County Attorney