



CUMBERLAND COUNTY BOARD OF SUPERVISORS

**Regular Monthly Meeting
Cumberland County Circuit Courtroom A
Cumberland, VA**

**January 12, 2016
Regular Meeting – 6:00 p.m.**

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda** **Motion**
4. **Election of Chairman**
5. **Election of Vice Chairman**
6. **Joint Meeting with the Industrial Development of Cumberland County, Virginia**
7. **Adjourn into Closed Session with the Cumberland County Industrial Development Authority of Cumberland County, Virginia** **Motion**

Pursuant to Va. Code § 2.2-3711.A.5: Discussion of a perspective business where no previous announcement has been made; and
Pursuant to Va. Code § 2.2-3711.A.6: Investment of public funds
Pursuant to Va. Code § 2.2-3711.A.7: Consultation with Legal Counsel
Subject: Development of the Cumberland Business Park
8. **Reconvene in Open Session** **Motion**

Roll call vote pursuant to Virginia Code § 2.2-3712 certifying “that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”
9. **Welcome and Pledge of Allegiance**
10. **Organizational & Administrative Matters**
 - a. Set date and time of regular meetings (pg. 1) **Motion**
 - b. Review By-laws (pg. 2-20) **Motion**

- c. Review Code of Ethics and Standards of Conduct (pg. 21-24) **Motion**
 - d. Review Committee Appointments (pg. 25) **Motion**
 - e. Review goals and priorities **Motion**
- 11. Public Comments (Part one)**
- 12. State and Local Departments/Agencies/Community Service Providers**
- a. Dr. Amy Griffin, Superintendent of Cumberland County Public Schools **Information**
 - b. VDOT **Information**
 - c. Jennifer Beach, Cumberland Public Library – Resolution of Appreciation (pg. Addendum) **Information**
 - d. Mr. Roger Hatcher, Water and Sewer Advisory Committee **Motion**
 - e. Virginia State Parks – Eric Houglan, District Four Manager, Charlie Whalen, Park Manager, Bear Creek Lake State Park, And Daniel Jordan, Park Manager, High Bridge Trail **Information**
- 13. Public Hearings**
- a. Code Amendment 15-09 – Buffers (pg. 26-29) **Motion**
 - b. Conditional Use Permit 15-13 – Daves (pg. 30-34) **Motion**
- 14. County Attorney/County Administrator Report**
- a. Consent agenda **Motion**
 - i. Approval of bills
 - ii. Approval of Minutes (December 8, 2015 and December 21, 2015)
 - b. Resolution in support of the Cumberland Medical Center (pg. Addendum) **Motion**
- 15. Finance Director’s Report**
- a. Monthly Budget Report (pg. 35-44) **Information**
 - b. Supplemental Appropriation for CCPS in the amount of \$99,053.00 (pg. 45-55) **Motion**
 - c. Appropriation request for the Sheriff’s Department for \$2,300.00 (pg. 56-62) **Motion**
- 16. Planning Director’s Report**
- a. Planning Project updates (pg. 63-64) **Information**
 - b. Cartersville Volunteer Fire Department surety (pg. 65) **Information**
 - c. Board update on Duncan violations (pg. 66-71) **Information**
 - d. Set public hearing for CA 16-01 Dam Break Inundation Zones (pg. 72) **Motion**
 - e. Set public hearing for CA 15-12 Non-Conforming lots (validation plat) (pg. 73) **Motion**
 - f. Set public hearing for CA 15-11 Animals in R-2 district (pg. 75) **Motion**
- 17. Old Business**
- 18. New Business**
- 19. Public Comments (Part two)**
- 20. Board Members Comments**
- 21. Adjourn into Closed Session** **Motion**

Pursuant to VA. Code § 2.2-3711.A.7: Consultation with Legal Counsel;
Subject: Host Community Agreement

17. Reconvene in Open Session

Motion

Roll call vote pursuant to Virginia Code § 2.2-3712 certifying “that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”

22. Additional Information – (pg. 76-121)

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

23. Adjourn – Regular Meeting – February 9, 2016



Cumberland County
Board of Supervisors
Proposed 2016 meeting schedule
Second Tuesday of each month at 7:00 p.m.

January 12, 2016
February 9, 2016
March 8, 2016
*April 5, 2016
April 12, 2016
May 10, 2016
June 14, 2016
July 12, 2016
August 9, 2016
September 13, 2016
October 11, 2016
November 8, 2016
December 13, 2016

* Budget Public Hearing

**CUMBERLAND COUNTY, VIRGINIA
BOARD OF SUPERVISORS
Adopted January 13, 2015**

Statement of Intent and Purpose

The intent of these By-laws of the Cumberland County, Virginia Board of Supervisors is as follows:

- (1). To establish ways and means by which the Board of Supervisors as the governing body of Cumberland County, Virginia shall conduct itself in the performance of its duties and responsibilities;
- (2). To establish certain procedures to be followed by the Board of Supervisors as individual members and as a governing body, and by appointed officials and employees of the Board of Supervisors, to help ensure legality, fairness and consistency in the conduct of governance of Cumberland County; and
- (3). To establish certain rules and guidelines considered vital to the conduct of the Cumberland County government and the proper functioning of its elected and appointed officials, employees, agencies, departments, organizations; and the promotion and protection of the interests of the citizens of the county.

To these ends these By-laws are so adopted.

By-laws Definitions

As used in these By-laws, the following terms are defined:

Action of Record: An action taken or decision made by the Board recorded in the Minutes of the Meetings. Action of Record may take the following forms:

- a. Motions with votes of the members of the Board recorded.
- b. Consensus agreement of the Board without vote by the Board.
- c. Directive of the Chairman in the exercise of that office during the conduct of an official meeting of the Board.

Advisory Board: Pursuant to § 15.2-1411 of the Virginia Code, a designated group of persons other than members of the Board formed by the Board for the purpose of undertaking work on matters germane to the interests of the Board or county.

Board: The Cumberland County Board of Supervisors.

Committee: Pursuant to § 15.2-1411 of the Virginia Code, a designated group of persons that may be formed by the Board for the purpose of undertaking work on matters germane to the interests of the Board or county.

County Code: The *Cumberland County Code*.

Directive: An exercise of discretionary authority granted to the Chairman from the Board empowering the Chairman as follows:

- a. To enforce the protocols of Article 8.5. of these By-laws for the conduct of business and discourse before the Board to ensure proper decorum, civility, fairness and order.
- b. To cause the removal of any person or persons without charge of civil or criminal offense for misconduct, disruption or disturbance of a meeting of the Board of Supervisors consistent with adopted policies and procedures of the Board;
- c. To charge any person or persons with civil or criminal offenses pursuant to federal, state or local laws for the misconduct, disruption or disturbance of a meeting of the Board.

Ex-officio: A form of membership or appointment to a body or group where the individual may participate in proceedings or discussions, but shall not serve in an official leadership capacity nor vote in an official manner.

Item of Business: A matter to be presented before the Board at an official meeting, specified on the Meeting Agenda or modification thereof, and which may be subject to an Action of Record.

Meeting or official meeting: Any Annual, Regular, or Special Meeting of the Board of Supervisors. The following terms may also be used to further define and specify purposes for meetings. Meetings as defined herein are not exclusive of each other and may be concurrently conducted.

a. Annual Meeting: Pursuant to § 15.2-1416 of the Virginia Code, the Board's first meeting in the month of January.

b. Joint Meeting: A Joint Meeting may be conducted simultaneously with one or more corporate and politic bodies for the purpose of review, inquiry and discussion of matters of mutual interest or in the interest of expedient disposition of public business matters. Action of Record may be taken at said meeting, and a quorum of both the Board and other body(ies) is required to Call to Order and conduct a Joint Special Meeting.

c. Public Information Meeting: A Public Information Meeting shall be limited to the dissemination of information to and/or from the public where the Board of Supervisors will take no Action of Record at said meeting. A quorum of the Board of Supervisors is not required to Call to Order and conduct a Public Information Meeting. Public Information Meetings may be called in the name of the Board of Supervisors or administratively by the County Administrator or his designee.

d. Public Hearing: A public hearing shall be conducted at said meeting and the Board of Supervisors may take Action of Record on such matters as may arise from the Public Hearing. A quorum of the Board of Supervisors is required to Call to Order and conduct a Public Hearing.

e. Recessed Meeting: A meeting conducted at a date, place and time set by the Board of Supervisors as a continuation of a previously held meeting. A Recessed Meeting shall be scheduled no later than the date of the next Regular Meeting.

f. Rescheduled Meeting: A Rescheduled Meeting shall be for the purpose of conducting a meeting of the Board of Supervisors where, by virtue of necessity or at the discretion of the Board of Supervisors, the originally scheduled meeting cannot be conducted on its prescribed date or time or at its prescribed location pursuant to these By-laws. Action of Record may be taken on any Item of Business presented at a Rescheduled Meeting, and a quorum of the Board of Supervisors is required to Call to Order and conduct a Rescheduled Meeting.

g. Workshop Meeting: A Workshop Meeting shall be for the purpose of in-depth review, inquiry and discussion of specified Items of Business where Action of Record may be taken by the Board of Supervisors. A quorum of the Board of Supervisors is required to Call to Order and conduct said meeting. Workshop Meetings may also be called and scheduled for the purposes of presentations to the Board of Supervisors for educational and informational purposes.

Primary Motion: The first motion presented following informal discussion of any Item of Business at a Board meeting.

Substitute Motion: A motion presented succeeding and in lieu of a primary motion on any Item of Business at a Board meeting.

Virginia Code: The 1950 Code of Virginia, as amended.

Construction

As used in these By-laws, the masculine shall include the feminine, and the singular the plural unless otherwise specified herein. The word "shall" is mandatory and not discretionary; the word "may" is permissive and discretionary. The word "approve" shall be considered to be followed by the words "or disapprove".

Article 1. General

1.1. The County of Cumberland is a political subdivision of the Commonwealth of Virginia, and is bestowed all powers and authorities granted generally to counties without charters as set forth in the Virginia Code.

Article 2. Board of Supervisors

2.1. The County of Cumberland is governed by a Board consisting of five (5) Supervisors elected from the citizenry of Cumberland County, one (1) Supervisor from each of the county's five (5) Election Districts. Terms of each Supervisor are for four (4) years and may be successive. Qualifications for election to the Board of Supervisors are prescribed in the Virginia Code and Election Districts shall be defined by ordinance and set out in the County Code.

2.2. The Board of Supervisors is the governing body of the County of Cumberland and exercises all powers and authorities granted generally to counties without charters as set forth in the Virginia Code.

2.3. The Board of Supervisors at its discretion may authorize by appropriate action and annually provide for such sums for their salaries and expenses as members of the Board pursuant to the Virginia Code.

Article 3. Officers of the Board of Supervisors

3.1. Pursuant to § 15.2-1422 of the Virginia Code, the Board shall elect annually from its membership a Chairman and Vice-Chairman.

3.2. The term of office of the Chairman and Vice-Chairman shall be one (1) calendar year beginning immediately upon being elected at the Annual Meeting until the election at the Board's next Annual Meeting the following calendar year.

Article 4. Election of Officers

4.1. Election of officers of the Board shall be held at the Annual Meeting. In the absence of a quorum of the Board at the Annual Meeting, the current seated officers shall continue to exercise their offices until such time as a quorum is present at a subsequent Regular Meeting of the Board, at which time election of officers shall be held. The Board may defer election of officers to a Recessed Meeting from the Annual Meeting upon motion and vote of a majority of Board members present.

4.2. Election of officers of the Board shall be the first Item of Business at the Annual Meeting when elections are to be held.

4.3. Nominations for officers shall be conducted in open session upon motion by Board members and acceptance of the nomination. A motion with a majority vote of the Board members present is required to close nominations, at which time election of officers will be conducted in reverse order of the discussion of nominations. A majority vote of a quorum of the Board is needed to elect officers.

4.4. In the event of a tie vote during the election of officers, either by an abstaining vote or an even quorum of the Board present and voting, election of that officer shall be tabled to the next Regular Meeting of the Board and the Board shall proceed with other officer elections. In the event of a subsequent tie vote, a single blind lot drawing from the slate of seconded nominations shall select the officer. Officers selected in this manner shall be fully vested with all duties and powers accorded the office pursuant to the Virginia Code and these By-laws. The current seated officers shall continue to exercise their offices until new officers are elected or selected in this event.

4.5. Upon election of new officers, the new Chairman and Vice-Chairman shall preside at that meeting and all other meetings during the term for so which elected.

Article 5. Duties and Powers of Officers of the Board of Supervisors

5.1. In accordance with accepted rules of order and parliamentary practice, the Chairman is to preside at all meetings of the Board. The Vice-Chairman shall act with the full power and authority of the Chairman in the absence of the Chairman at any meeting of the Board. In the absence of the Chairman and Vice-Chairman, the remaining Board members shall choose an Acting Chairman for the meeting. Where an Acting Chairman is needed for a meeting, the Board need not designate an Acting Vice-Chairman. Where used in these Bylaws, Chairman shall also be construed to mean Acting Chairman.

5.2. When the Board is engaged in official meetings, whether held in the Board of Supervisors Meeting Room or at some other location, the building and associated grounds constituting the meeting place are under the control of the Chairman for the orderly conduct of the meeting. In addition to the exercise of parliamentary powers, the Chairman or Acting Chairman is empowered to issue Directives that shall be recorded as an Action of Record in order to facilitate orderly conduct of meetings.

5.3. The Chairman of the Board is empowered to administer oaths pursuant to § 15.2-1410 of the Virginia Code and shall be the head of the county government pursuant to § 15.2-1423 of the Virginia Code.

5.4. The Chairman shall adhere to and is empowered to enforce the protocols of Article 8.5 during official meetings of the Board. The Chairman shall act as parliamentarian of the Board, and shall seek the advice of the County Attorney or, in his absence, the County Administrator in the interpretation of the provisions of these By-laws and other established procedures for the conduct of meetings.

5.5. In the event of a vacancy in the office of Chairman due to death, resignation or removal from office as a member of the Board, the Vice-Chairman shall assume the

position of Acting Chairman until a chairman is appointed . In the event of a similar vacancy in the office of Vice-Chairman, the most recent past Vice-Chairman of the Board shall assume the position of Acting Vice-Chairman. In the event of concurrent vacancies in both the office of Chairman and Vice-Chairman, the most recent past Chairman and Vice-Chairman shall respectively assume these offices. Election of new officers shall occur pursuant to Article 4 of these By-Laws at the first Regular Meeting after the vacancy on the Board has been filled pursuant to § 15.2-1424 of the Virginia Code. In this event, such newly elected officers shall serve until the next Annual Meeting of the Board. Officers selected in this manner shall be fully vested with all duties and powers accorded their office pursuant to the Virginia Code and these By-laws.

5.6. The Chairman shall be an ex-officio member of all Committees and Advisory Boards of the Board, privileged to attend and participate in all meetings of such Committees and Advisory Boards, including closed meetings, but shall not vote on Committee matters unless appointed as a Committee member.

Article 6. Meetings of the Board of Supervisors

6.1. The Annual Meeting of the Board shall be held on the second Tuesday of January. The Regular Meetings of the Cumberland County Board of Supervisors for shall be on the second Tuesday of each month. These Annual and Regular Meetings shall be Called to Order at 6:00 p.m. and shall be held at Cumberland County Circuit Court Room in the County Courthouse Building on Rt. 60, Cumberland C.H., Virginia.

The Annual and Regular Meeting date, place and time shall continue indefinitely unless changed by appropriate action of the Board.

6.2. The Board will attempt to complete all Items of Business at the Annual and Regular Meetings by 11:00 p.m. The Board may recess such meetings from day to day, or from time to time or from place to place not beyond the time fixed for the next Regular Meeting, until the business before the Board is complete.

6.3. If the Annual or any Regular Meeting day falls on a legal holiday, the meeting may be held on the holiday or rescheduled as determined by the Board by Action of Record taken at the Annual Meeting or any Regular or Special Meeting prior to the holiday. If rescheduled other than at the Annual Meeting, public notice shall be served pursuant to § 15.2-1416 of the Virginia Code.

6.4. Special Meetings of the Board may be approved and scheduled, or a Called Special Meeting conducted by the Board pursuant to § 15.2-1417 and § 15.2-1418 of the Virginia Code. A special meeting of the governing body shall be held when called by the chairman or requested by two or more of the members of the board of supervisors. The call or request shall be made to the clerk, and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the clerk of the governing body, after consultation with the chairman, shall immediately notify each member of the Board and the county attorney, as appropriate in writing delivered in person or to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not

specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the Board of Supervisors attend the special meeting or sign a waiver.

A Special Meeting may also be scheduled or called for specific purposes, as follows:

- a. Joint Special Meeting;
- b. Public Information Meeting;
- c. Public Hearing;
- d. Rescheduled Meeting;
- e. Workshop Meeting.

Special Meetings of the Board may be scheduled at the Annual Meeting for the calendar year and set out in the Operational Procedures of the Board.

6.5. The Annual, Regular and Special Meetings of the Board shall be open to the public. The Board reserves the right to enter into Closed Meeting pursuant to the Virginia Code at any official meeting.

6.6. Closed meetings will be restricted for those proper purposes enumerated in the Virginia Code and all Closed Meetings will be held in strict accordance with Virginia law.

6.7. No gathering of members of the Board of Supervisors, whether there be a number equal to or exceeding a quorum of the Board or a lesser number, shall be considered an official meeting of the Board unless such gathering takes place at a bona fide Annual, Regular or Special Meeting as set forth in these By-laws. No Action of Record may be taken on any matter outside of the time, place and location of an official meeting of the Board. Similarly when a quorum, (3) three or more members is gathered in one place outside an official meeting, those Board Members present may not discuss any past, current or future county business.

6.8. The Sheriff of Cumberland County shall, upon request, provide at least one (1) deputy to attend the Annual and Regular Meetings of the Board and, upon request of the Board or County Administrator, at any other official meeting. When in attendance of any official meeting, deputies shall be under the direction of the Chairman of the Board during the period of the official meeting (including any brief recess thereof), and under the direction of the County Administrator, Acting County Administrator, or his designee during the period prior to the meeting's Call to Order and immediately upon final Recess or Adjournment of the meeting.

Article 7. Agendas for Board of Supervisors Meetings

7.1. The Annual and Regular Meetings of the Board shall have a formal Meeting Agenda prepared by the County Administrator or his designee. The County Administrator at his (her) discretion, and the County Attorney and Board members individually may by request to the County Administrator place matters of business on the Agenda for discussion, information and /or action by the Board as are germane to the affairs and

interests of the Board and county. Agendas for Special Meetings are optional at the discretion of the Board of Supervisors or County Administrator.

7.2. The Order of Business of the Meeting Agenda for the Annual and Regular Meetings of the Board shall be generally as follows:

1. Call to Order and Determination of Quorum
2. Roll Call of Members
3. Closed Meeting
4. Welcome, Invocation and Pledge of Allegiance
5. Approval of the Agenda
6. Public Comments(optional)
7. Public Hearing (if any)
8. VDOT Matters
9. Presentations from Department/Agencies/Organizations
10. Assistant County Administrators Report
11. Planning Director's Report
12. County Administrator's Report
13. Community Development Director's Report
14. County Attorney's Report
15. Board Member Reports
16. Adjournment

Deviations from the Order of Business may be made at the discretion of the County Administrator during the preparation of the Meeting Agenda, and by the Board as a modification of the Meeting Agenda at the time of Approval of the Agenda. The Board by motion and majority vote of those present may eliminate any of the above items in the Order of Business for a specific meeting or meetings, or through the time of the next Annual Meeting in its entirety, and may also restore any item so eliminated or add other items by like Action of Record at any meeting.

7.3. A request for modification of the Meeting Agenda shall be made from the Board Table and only by members of the Board, County Administrator, or County Attorney. Approval of modification requires majority vote of Board members present. A modification made at the time of Approval of the Agenda shall be reflected in the Minutes of the Meeting at which the modification was made. Items scheduled for action on the Meeting Agenda may be deferred to a later time in the meeting by consensus agreement of a majority of Board members present. Items previously acted upon during the course of the meeting may be revisited at a later time in the meeting by a motion to reconsider and a majority vote of Board members present. An item may not be reconsidered more than twice.

7.4. The Board shall take no Action of Record on any matter that is not on the Meeting Agenda unless a modification to the Meeting Agenda is requested at the time of Approval of the Agenda. Modification of the Meeting Agenda requires a majority vote of Board members present.

7.5. Closed Meetings and business matters brought before the Board under Board Member Reports exempt from the provisions of this article.

7.6. The Meeting Agenda and supporting documents comprising the Meeting Agenda Book should be delivered to members of the Board a minimum of five (5) calendar days in advance of the meeting date. The supporting documentation should include recommendations on actions prepared by county administrative personnel and other county officials if a recommendation is available and appropriate. The Meeting Agenda Book may be rendered in electronic format for use by the Board at its discretion.

Article 8. Conduct of Meetings of the Board of Supervisors

8.1. The Board shall generally follow Roberts' Rules of Order Newly Revised, Procedure in Small Boards but failure to follow Robert's Rules of Order shall not invalidate any Board action, the provisions of Article 8.4 notwithstanding. In following these rules of parliamentary procedure, the Board intends that special attention will be given to the following:

- a. Protecting the rights of each individual member of the Board, county administrative employees and the public.
- b. Preserving and ensuring a spirit of harmony and cooperation within the Board, and between individual Board members.
- c. Allowing full and free discussion among the members of the Board in order to ensure that all viewpoints are considered prior to taking action on behalf of the county.

8.2. Where provisions of these By-laws differ from similar procedures established by Robert's Rules of Order, provisions of these By-laws shall prevail.

8.3. Repealed. (This section referenced seating at meetings for Board Members)

8.4. The following rules and procedures shall prevail at meetings of the Board:

- a. A quorum of the Board is a majority of the membership comprising at least three (3) of the five (5) members of the Board. A quorum must be present to Call to Order and continue an official meeting and to take Action of Record.
- b. The Chairman shall Call to Order an official meeting at the designated time and determine a quorum. If a quorum is not present at the designated time, the Chairman may direct a delay of up to fifteen (15) minutes in the start of the meeting at his discretion. Any further delay in the start of the meeting may be made only with the consensus agreement of the majority of those Board members present.

- c. Should for any reason a quorum not be maintained continuously during any official meeting, the meeting shall adjourn at that time. A Board member's physical presence on the grounds of the location of the meeting shall be considered as being present at the meeting and satisfactory for the maintenance of a quorum. Board members shall notify the Chairman if required to leave the grounds of the location of the meeting, either temporarily or for the remainder of the meeting.
- d. All informal and formal discussions of Items of Business and Actions of Record must be made from the Board Table. Any Board member away from the Board Table but maintaining physical presence at the meeting location at the time of an Action of Record will be counted as having cast an abstaining vote.
- e. Informal discussion of an Item of Business by Board members is permitted while no primary or substitute motion is pending.
- f. A second to a primary and substitute motion is not required in order to formally discuss and/or vote upon the motion. Voting shall be by show of hands. The Chairman shall verbally summarize the vote upon conclusion of an Action of Record, noting by individual name those Board members abstaining or voting in the minority on the Item of Business.
- g. Any member of the Board may terminate debate or discussion of an Item of Business and call for a vote on a pending motion by "calling for the question" after being recognized by the Chairman.
- h. An abstaining vote is neither an affirmative nor a negative vote and has no effect on the vote, or the status of the quorum.
- i. A tie vote fails. The Board does not designate a tiebreaker pursuant to § 15.2-1421 of the Virginia Code.
- j. A substitute motion will be voted on prior to the primary motion, in reverse order (i.e. the substitute motion will be voted on first). Only one (1) substitute motion will be considered prior to a vote on the primary motion.
- k. The Chairman is authorized to speak in discussions, and can vote on all motions and/or all questions but may not call for the question. The Chairman may temporarily relinquish the position. The Chairman may do so by passing the gavel to the Vice-Chairman or Acting Vice-Chairman prior to the start of discussion of an Item of Business. Upon completion of the Item of Business, the gavel shall be returned to the Chairman.
- l. A primary motion may be amended prior to vote with the concurrence of the originating Supervisor of the primary motion. The amended primary motion is then treated as the primary motion, and not a substitute motion. A primary motion

may not be amended if a substitute motion is pending until conclusion of vote on the substitute motion. An amendment to a primary motion opposed by the originating Supervisor shall not be voted on until action is taken on the original primary motion.

- m. If a primary or substitute motion is made at a Board meeting where at least four (4) members are present and the motion is voted on and fails, the same or a substantively similar motion cannot be reconsidered by the Board during that fiscal year except by a primary or substitute motion made by a member of the Board who voted on the prevailing side where there are no less than four (4) Board members present, and only if two-thirds (2/3) of the Board members present vote to reconsider the motion again.
- n. A primary or substitute motion may be made to tentatively act upon an Item of Business where a final Action of Record is anticipated at a later date. All Items of Business tentatively acted upon by the Board shall be considered bound by the tentative action if not otherwise reconsidered by the Board within three (3) calendar months of the date of the tentative action.
- o. A motion to Table an Item of Business for consideration at a future meeting, or to remain Tabled indefinitely may be made either as a primary or substitute motion but not by consensus agreement. An action to Table an Item of Business to a later time within the same meeting may be passed by consensus agreement of a majority of Board members present.

8.5. The following protocols will be followed at meetings of the Board:

- a. Official meetings of the Board are open to public observation and, as set out herein, public participation. When not addressing the Board and/or attending public as herein described, those present at an official meeting shall be respectful of the rights of others.
- b. Board members are to be polite and courteous in addressing other members of the Board and all those present at Board meetings, and all Board members are to maintain proper decorum in their conduct at meetings of the Board (i.e., refrain from "name calling", derogatory remarks and other forms of personal affronts).
- c. Those persons and organizations with Items of Business before the Board should be represented at an official meeting if so requested by the Board of Supervisors, individual members of the Board, the County Administrator, County Attorney, or any person acting on behalf of these.
- d. Those persons and organizations with Items of Business before the Board may address the Board upon recognition and invitation of the Chairman to approach the Podium, where upon they shall identify themselves, any title and organization they represent, and provide a mailing address to facilitate any correspondence

needed subsequent to the Item of Business. As a guideline, presentations to the Board pursuant to an Item of Business should be limited to ten (10) minutes. The Chairman at his discretion may end a presentation after such time has elapsed or may permit continuation of it. The Board by Action of Record may overrule the Chairman's decision in this regard.

- e. The discourse of those presenting at the Podium shall be made part of the Minutes of the Meeting subject to Article 9 of these By-laws.
- f. Those individuals of the public attending any official meeting of the Board of Supervisors without an approved Item of Business on the Meeting Agenda or modification thereof shall not be permitted at the Podium at any time other than during the Open portion of a public hearing. No person shall address the Board during an official meeting from the audience unless recognized by the Chairman.
- g. At any official meeting of the Board where a public hearing is set on the Meeting Agenda, or a Public Hearing of the Board pursuant to Article 6.4, the Chairman shall first permit general presentation and discussion of the matter of the public hearing from the Podium and/or from the Board Table. At the conclusion of such presentation/ discussion, the Chairman shall Open the public hearing and invite those of the public attending the meeting to the Podium to comment.
- h. At the discretion of the Chairman, or with the consensus agreement of the majority of the Board, those speaking during the open portion of a public hearing may be limited to a specified length of time for comments at the Podium. The Chairman at his discretion may provide a verbal advisory to a speaker at the Podium when thirty (30) seconds remain of the specified time to conclude comments. During public hearings, speakers may address the Board only on matters pertaining or germane to the issue for which the public hearing is being held. No speaker is to engage in political statements, personal attacks upon members of the Board of Supervisors, county employees or officials, or any other person, nor are speakers entitled to use abusive language or discuss matters outside the issue for which the public hearing is being held. Violation of this rule shall enable the Chairman by directive to take appropriate measures to rule the speaker out of order and to have the speaker removed from the meeting, if necessary and take such other steps the Chairman deems appropriate, including bringing appropriate charges against the person and bringing the charges in the name of the Board of Supervisors.
- i. No discourse at a public hearing, whether during general presentation and discussion or during the Open portion of the hearing is required to be entered into the Minutes unless conducted at the Podium.
- j. Upon conclusion of speakers at the Podium, the Chairman shall close the public hearing. A motion and majority vote of a quorum of Board members present at a public hearing shall overrule the Chairman's decision to close the public hearing

or to limit speakers, in which event speakers may continue until the Board by majority vote ends the public hearing. A motion and majority vote of a quorum of Board members present shall also close the public hearing in this event. An Action of Record may be taken at the close of a public hearing at the discretion of the Board. Board Member Reports shall facilitate the presentation of comments, reports and proposed Items of Business not otherwise part of the Meeting Agenda by individual Board members in round table fashion. Matters may be presented for information, discussion and action and/or scheduled for further consideration as an Item of Business at a future meeting of the Board. When speaking during Board Member Reports, Board members shall be limited to ten (10) minutes, at which time the Chairman may at his discretion suspend further presentation from the Board member and request action by consensus agreement of Board members present at the Board Table to permit additional time to conclude the presentation. No Board member shall yield time or place under Board Member Reports to any other Board member or other person. No member of the Board shall have any other position reserved for them on the Meeting Agenda other than under Board Member Reports.

8.6. The Board may at its discretion adopt specific rules and procedures relative to the conduct of certain types of public hearings other than those set forth in this Article. Such specific rules and procedures shall be adopted in the manner prescribed for amendment of these By-Laws set forth in Article 13 and shall become part of these By-Laws upon adoption. Where a public hearing is conducted by another party on behalf of or before the Board, the rules and procedures governing that public hearing shall be as prescribed by the party conducting it.

Article 9. Minutes of the Meetings of the Board of Supervisors

9.1. At all official meetings of the Board at which a quorum is present Minutes of the meeting shall be taken and shall be approved by the Board and recorded in the office of the Cumberland County Administrators Office.

9.2. Public Information Meetings and Workshop Meetings as defined in these By-laws may be recorded as Minutes at the direction of the Board. At any such meeting where an Action of Record is taken, Minutes shall be taken and approved by the Board and recorded.

9.3. Pursuant to § 15.2-1536 and § 15.2-1538 of the Virginia Code, the County Administrator shall serve as Clerk of the Board and shall carry out the duties specified in § 15.2-1539 of the Virginia Code. The County Administrator may designate a Recording Clerk to take and prepare the Minutes of the Board and to assist in the exercise of the office of Clerk of the Board. Minutes shall be prepared on the basis of both written notes and audio recordings. Where technically possible, audio recordings shall be made of all official meetings of the Board, subject to the provisions of Paragraph 9.2 of this Article. The specific language of the Minutes of any given meeting shall be at the discretion of the County Administrator, who shall endeavor to render the Minutes in the most accurate and neutral way possible. The County Administrator shall review and correct all Minutes

prior to dissemination to the Board for adoption.

9.4. The Board may at its discretion generally prescribe the form and content of the Minutes of its meetings in keeping with professionally accepted standards for it. At minimum, the Minutes shall contain the styling of the Item of Business stated on the Meeting Agenda or modification thereof, the Action of Record, the vote by individual member or consensus expression of the Board, or directive of the Chairman. Where practical, a brief synopsis of any discussion of the Item of Business shall also be included.

9.5. Minutes of any meeting shall generally be presented at the next or following Regular Meeting of the Board where at least five (5) working days exist between the successive meetings.

9.6. Minutes shall not be considered official until approved by the Board and recorded. After approval of the Board but prior to recordation, the County Administrator may make additions or corrections to the Minutes that do not materially affect the substance or content of the Minutes. These include, but are not limited to: correction of mis-spellings, typographical errors and incorrect grammar; page renumbering; clarification of content and errors of omission. Should evidence of an error in a recorded vote be discovered after approval but prior to recordation, the County Administrator shall attempt to verify it and correct by the best available means, including corroboration by individual Board members and other reliable witnesses to the meeting.

9.7. Should an error or evidence of an error in the Minutes of any Meeting of the Board be discovered after recordation, the County Administrator shall bring the error before the Board at the next official meeting as is practical. The Board by vote of a majority of those members present at the meeting at which the error was made shall correct the Minutes by amendment. Members of the Board not present at said meeting shall abstain from voting on the correction. Should no majority of Board members present at the meeting in which an error was made in the Minutes be or remain seated as members of the Board, a majority vote of the presently seated Board members shall then correct the Minutes by amendment.

9.8. Amendment to the recorded Minutes of any Meeting shall be entered as an Action of Record in the Minutes of the Meeting at which the amendment was made. In addition and where practical as determined by the County Administrator or Recording Clerk, the recorded Minutes shall be altered to include the amendment, either by insertion of a new, corrected page in sequence or by separate Amendment Addendum at the beginning or first page of the recorded Minutes of the Meeting to be corrected. Whether by insertion of a new corrected page or by Amendment Addendum, the correction shall be clearly documented as a correction of previously recorded Minutes, indicating the first date of recordation, the date of Board action to amend the Minutes, and the date of recordation of the amended Minutes.

9.9. When audio recordings of Board meetings are made, the County Administrator shall cause their preservation for a period of time not to exceed two (2) calendar years from the date of the meeting, at which time they may be discarded. Where preserved, audio recordings shall be considered publicly accessible without charge upon prior appointment for review through the office of County Administrator.

9.10. When video recordings of Board meetings or portions thereof are made, the preservation of said recordings shall be at the discretion of the County Administrator. The Board may at its discretion direct the preservation of specific recordings, and the County Attorney may request preservation of specific recordings only if such recordings are needed to support legal proceedings, pending or anticipated.

9.11. Verbatim transcription of the proceedings of any meeting in its entirety shall not be undertaken except by majority vote of the Board and only in instances where excerpted verbatim transcriptions of a portion or portions of the proceedings are insufficient to address the need. Any verbatim transcription generated, whether of an entire meeting or portion(s) thereof, shall not be adopted or made part of the official Minutes of any meeting.

9.12. Individual members of the Board and the County Attorney may request excerpted verbatim transcription of a portion or portions of any meeting through the County Administrator. If requested by a member of the Board, the County Administrator and/or the Recording Clerk will make a reasonable effort to generate a requested transcription prior to any subsequent meeting of the Board; the generation of such transcription is subordinate to the preparation and review of the Minutes and other duties and responsibilities of the involved personnel. A request by the County Attorney shall be made only if such transcription is needed to support legal proceedings, pending or anticipated. The County Administrator at his discretion may make any verbatim transcription requested generally available to all members of the Board.

9.13. Unapproved Minutes shall be released publicly upon incorporation into and completion of the Meeting Agenda Book. At the discretion of the County Administrator, unapproved Minutes may be released publicly at an earlier time; availability of completed unapproved Minutes shall not compel release at such earlier time.

9.14. No recording device shall be used during any Closed Meeting of the Board unless the majority of the members of the Board present at the meeting vote to allow recording of the Closed Meeting. Any such recording shall remain in the sole custody of the County Administrator, County Attorney, Chairman or other member of the Board designated by the Board.

Article 10. Appointments of the Board of Supervisors

10.1. The Board at its discretion may, and where required and in accordance with the Virginia Code or other law, shall from time to time establish and make appointments of its members and other persons to various positions, groups, organizations, committees,

advisory boards and other bodies, both formal and informal, for such purposes as are in the interest of the Board and county.

10.2. Except as otherwise provided in these By-laws or other law, appointments of the Board may be made at any official meeting upon motion and majority vote of a quorum of the Board and recorded as an Action of Record.

10.3. Except as otherwise provided by Action of Record or by law, all appointees of the Board shall be authorized and expected to represent the interests of the Board and county in all matters to which their appointment is charged.

10.4. Except as otherwise provided by law, all appointments of the Board shall discharge their duties with diligence, and may be removed prior to the end of the term of said appointment by motion and majority vote of a quorum of the Board and recorded as an Action of Record. Any vacancy in an appointment shall be filled in the manner as the original and for the remainder of the original term of the appointment.

10.5. Pursuant to § 44-146.19 B. 2. of the Virginia Code, the Board at the Annual Meeting shall appoint one of its members or the County Administrator to be Director of Emergency Services of the county. The Director shall serve in that capacity until the next Annual Meeting, at which time he may be reappointed or a successor appointed at the pleasure of the Board. A vacancy in the Director's position may be filled by a majority vote of the Board at any Regular or Special Meeting. The Director may be removed from that position and a successor appointed to fill the remainder of the original term by majority vote of the Board at any official meeting. During an impending or declared state or local emergency, in the absence of the Director of Emergency Services, the Chairman or Vice-Chairman of the Board shall assume the duties and responsibilities of that position pursuant to the Virginia Code. In the event either the Chairman or Vice-Chairman is the Director, the County Administrator shall serve as the third designee to assume responsibility in the absence of the Chairman or Vice-Chairman. In the absence of the Chairman, Vice-Chairman and County Administrator, any member of the Board may act in the capacity of Director of Emergency Services until such time as one of these three officials is able to assume the position. The Director of Emergency Services or any member of the Board acting in such capacity shall exercise only those powers granted in § 44-146.21 of the Virginia Code. The Emergency Services Coordinator of the county shall be an administrative employee of the office of County Administrator, subject to the personnel policies of the Board.

10.6. The Board shall officially recognize no prerogative of any of its members to make or nominate appointments to any group, organization, committee, advisory board or other body except in accordance with the provisions of these By-laws or other law.

Article 11. Committees and Advisory Boards of the Board of Supervisors

11.1. Pursuant to § 15.2-1411 of the Virginia Code, the Board may at its discretion establish Committees of the Board and Advisory Boards by Resolution and vote of a

majority of the Board members at any official meeting. Committees may be solely composed of members of the Board or may be jointly composed of Board members and other individuals appointed or otherwise authorized to participate in Committee activities. Board approval of such other individuals is not required unless specified by Resolution. Advisory Boards shall be composed persons other than members of the Board and may include other individuals appointed by Advisory Board members to participate in Advisory Board activities. Board approval of such other individuals is not required unless specified by Resolution. Board members may be appointed as ex-officio members of Advisory Boards.

11.2. A Resolution establishing any Committee shall state the purpose and scope of activities of the Committee, including any specific responsibilities for and grant of authority to pursue the matter for which it has been established. The Resolution shall state the composition of the members of the Committee, either by name or title, and may designate who shall chair the Committee, by name or title. No member of the Board shall be appointed to a Committee if not present at the meeting at which appointments are made. A majority vote of a quorum of the Board is needed to appoint Committee members.

11.3. Unless otherwise specified within the establishing Resolution, Committees shall be reestablished and Committee appointments made at each Annual Meeting of the Board. Failure to reestablish dissolves the Committee as of adjournment of the Annual Meeting. Appointments to Committees may be for successive terms.

11.4. Unless otherwise specified within the establishing Resolution, Committees shall organize and direct their own affairs in the manner that their members deem appropriate to the matters that they are charged. These include, but are not limited to, adoption of Committee by-laws or procedures, designation of Committee officers, the taking of Minutes of Committee meetings, the appointment of sub-committees or working groups, solicitation of assistance in pursuit of Committee matters, and such other things as deemed appropriate by Committee members.

11.5. Meetings and activities of Committees shall be open to the public. Any Committee, when conducting business matters which are exempt from public disclosure pursuant to the Virginia Code may sequester itself for all or a portion of the Committee meeting at which such matters are being discussed.

11.6. Advisory Boards shall be subject to the provisions governing Committees of the Board as set forth in this Article.

11.7. The Board at its discretion may establish compensation for all Committee and Advisory Board members not to exceed fifty (\$50.00) dollars per meeting pursuant to § 15.2-1411 of the Virginia Code. Such compensation shall be specified in the Resolution establishing the Committee or Advisory Board, subject to Board appropriation of funds. Unless specified, no Committee or Advisory Board member shall receive compensation.

11.8. Committees of the Board and Advisory Boards shall only be established pursuant to this Article. Nothing herein shall be construed so as to prevent meetings or consultations by and between members of the Board, county administrative officials and employees and other parties for the purpose of pursuing matters of interest to the Board and county which are otherwise consistent with Virginia law.

Article 12. Offices of County Administrator and County Attorney

12.1. Pursuant to § 15.2-1536 of the Virginia Code, the Board shall appoint a County Administrator and a County Attorney. The County Administrator and County Attorney shall be employees of the Board, serving at the pleasure of the Board, and shall have their compensation established by the Board.

12.2. The County Administrator shall be the chief administrative officer for the county pursuant to § 15.2-1540 of the Virginia Code. The County Administrator shall exercise all powers, duties and responsibilities pursuant to § 15.2-407 and § 15.2-1541 of the Virginia Code and in accordance with the County Code and Board policies.

12.3. The County Attorney shall exercise all powers, duties and responsibilities pursuant to § 15.2-1542 of the Virginia Code and in accordance with the County Code and Board policies.

12.4. In the event of vacancy in the office of County Administrator due to death, resignation or removal from office, the Assistant County Administrator shall assume responsibility as Acting County Administrator until such time as the Board shall again fill that office. At the Board's discretion upon motion and vote of a majority of Board members at any Regular or Special Meeting, a county administrative employee other than the Assistant County Administrator may be designated as Acting County Administrator. The Assistant County Administrator is designated Deputy Clerk of the Board pursuant to § 15.2-1502 of the Virginia Code for the limited purpose of serving as Clerk to the Board in the temporary absence or unavailability of the County Administrator.

12.5. In the event of vacancy in the office of County Attorney due to death, resignation or removal from office, the Board may engage the services of private legal counsel to serve in the capacity of Acting County Attorney until such time as the Board shall again fill that office. In the event of the temporary absence or unavailability of the County Attorney, the Board authorizes the County Administrator at his discretion to engage the services of private legal counsel as necessary to represent the Board and county.

Article 13. Adoption and Amendment of By-laws of the Board of Supervisors

13.1. Upon adoption, the provisions of these By-laws shall take effect immediately and shall continue until amended or re-adopted. The full text of these By-laws shall be made part of the Minutes of the Meeting at which they were adopted.

13.2. Amendment to these By-laws may be made as an Item of Business on the Meeting Agenda or modification thereof at any Regular Meeting, Adjourned Meeting, Special

Meeting, Called Special Meeting, and/or Rescheduled Meeting of the Board. Amendment to these By-laws shall be by vote of a majority of Board members and recorded as an Action of Record. Unless otherwise specified, any amendment is effective upon adoption; no amendment shall be made retroactively effective. The full text of an amendment to these By-laws shall be made part of the Minutes of the Meeting at which they were adopted.

Article 14. Limitations of By-laws of the Board of Supervisors

14.1. If any provision or requirement of these By-laws be found inconsistent with the provisions of the Virginia Code, the County Code, or any other law or statute, it shall be deemed void. In this event, all remaining provisions of these By-laws shall remain in full force and effect.

Article 15. Adoption and Amendment of General Policies and Operational Procedures of the Board of Supervisors

15.1 The Board may from time to time adopt such other General Policies and Operational Procedures as it deems necessary and appropriate to its conduct and to matters under its charge, such policies and procedures being consistent with these By-laws and other law.

15.2. Matters that the Board may address by General Policies and Operational Procedures generally shall be those not otherwise addressed by law but which are material to the conduct, operation and interests of the Board or county.

15.3. Adoption and amendment of General Policies and Operational Procedures shall be made in a manner similar to that prescribed for the By-laws of the Board as set out in Article 13 and subject to the limitations set out in Article 14 herein.

--- NOTHING FOLLOWS ---

**CODE OF ETHICS AND STANDARDS OF CONDUCT
FOR MEMBERS OF
THE CUMBERLAND COUNTY BOARD OF SUPERVISORS**

Adopted January 13, 2015

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Cumberland County Board of Supervisors will adhere to the following Code of Ethics.

- 1.) Uphold the Constitution, laws and regulations of the United States and all governments therein and never knowingly be a part of their evasion.
- 2.) Put loyalty to the highest moral principles and to the county as a whole above loyalty to individuals, district, or particular groups.
- 3.) Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
- 4.) Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
- 5.) Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, Country of origin or disability.
- 6.) Avoid adopting policies, supporting programs, or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, Country of origin, or disability
- 7.) Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges, to any one whether for remuneration or not. A member should never accept for himself or family members, favors or benefits under circumstances which might be construed by

reasonable persons as influencing the performance of governmental duties.

- 8.) Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on a public duty.
- 9.) Engage in no business with the County Government, or the school system either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
- 10.) Never use any information gained in confidentiality in the performance of governmental duties as a means of making private profit.
- 11.) Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
- 12.) Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with the sensitive personnel, legal matters, contractual matters by the Code of Virginia.
- 13.) Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues, citizens or personnel, impugning their integrity, or vilifying their personal beliefs.
- 14.) Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
- 15.) Review these principles orally and in public session at the annual organizational meeting each year.
- 16.) Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every current and future member of the Board of Supervisors will adhere to the following Standards of Conduct:

- 1.) Avoid during public meetings and during the performance of public duties the use of abusive, threatening, or intimidating language or gestures directed at colleagues, citizens, or personnel.
- 2.) Pay all taxes due to the County, State, or National Government.
- 3.) Avoid a private lifestyle that causes public doubt upon the integrity and competence of the County Government.
- 4.) Make a conscientious effort to be well prepared for each meeting.
- 5.) Recognizing the dignity of each individual, the Board shall attempt to avoid offering public criticism of colleagues or County employees.
- 6.) Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
- 7.) Maintain an attitude of courtesy and consideration toward all colleagues and staff during all discussions and deliberations.
- 8.) Be tolerant. Allow citizens, employees or colleague's sufficient opportunity to present their views.
- 9.) Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel, or colleagues.
- 10.) Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

- 11.) Provide appropriate mechanisms for disciplining members who violate the code of ethics and standards of conduct by using, as a final measure of discipline, censure or removal from the position.
- 12.) Board members will follow the procedure of communicating directly with the County Administrator and/or the Chairman of the Board on all County matters.

CITIZENS AND MEDIA CONTACTS

- 1.) In responding to questions, from the media or citizens, Board members should:
 - a.) Remind the listener that they are not speaking for the entire Board;
 - b.) Clarify their position on a particular item;
 - c.) Make “no public comment” on closed session matters in reference to individuals, real estate, and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.
- 2.) Each Board member must remember that personnel matters are to remain confidential and that it is the obligation of the Board and its membership to protect the privacy of the individual.
- 3.) The Board will focus on issues and avoid making public comments about individuals, staff members, fellow Board members, community residents or media representatives. The Board Chairman should be the main contact for County matters. When requested to do any interview, the Board member asked, should contact the Chairman and the County Administrator to tell them of the nature of the interview. In turn, they will tell the other Board members of the circumstances of the interview. This procedure does not preclude any member from responding to individual questions from the media.

**Cumberland County Board of Supervisors
Calendar year 2016 Board and Commission Assignments**

Board/Commission	Board Rep.	Staff Rep.
Events Committee	Mr. Osl	
Citizens Landfill Advisory Committee	Mr. Banks	
Civil Rights Committee		
C.L.E.O.	Mr. Meinhard	Ms. Giles
Cobbs Creek Reservoir	Mr. Osl	Mrs. Carter
CPMT	Mr. Osl	Ms. Giles
Crossroads Community Services	Mr. Banks	
Planning Commission	Mr. Meinhard	Mrs. Carter
Library Board of Trustees	Mr. Osl	
Emergency Services Committee	Mr. Ingle	Ms. Roberts
Farmville Area Chamber of Commerce		Ms. Roberts
Heartland Authority	Mr. Banks	Ms. Giles
IDA	Mr. Meinhard	Ms. Roberts
Leadership Class Steering Committee	Mr. Meinhard	
Local Emergency Planning Committee	BOS Chairman	
Museum Advisory Board	Mr. Meinhard	
Piedmont Court Services	Mr. Wheeler	
Piedmont Regional Jail Board	Mr. Wheeler	Ms. Giles
Piedmont Juvenile Detention Center Board		Ms. Giles
Recycling Taskforce	Mr. Ingle	
Resource Conservation & Development	Mr. Osl	Ms. Giles
Sesquicentennial Committee	Mr. Meinhard	
Social Services Board	Mr. Ingle	
Water & Sewer Advisory Board	Mr. Ingle	Mr. Saxtan
Wireless Authority	Mr. Ingle	Mr. Howard



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: January 4, 2016

Re: **Public Hearing for CA 15-09: Code Amendment to require buffers for commercial development adjacent to residential uses**

Per the Board of Supervisors request, the Planning Commission has reviewed the proposed language regarding buffers, and has revised the proposed language to make it more specific. The Commission has retained the ability for citizens to seek a waiver in the language, if there are concerns with meeting the requirements. The Commission held a public hearing on this language on November 16, 2015, and forwards this to the Board with a unanimous recommendation.

A public hearing has been set and advertised for the January 12, 2016 meeting.

Proposed Language (changes from previous proposal shown in red):

- **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 copies 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) 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.

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION RECOMMENDING
PROPOSED AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY
CODE AMENDMENT 15-09:

“AN ORDINANCE AMENDING CHAPTER 74-05 OF THE
CUMBERLAND COUNTY CODE TO PROVIDE FOR BUFFERS ON
COMMERCIAL USES ADJACENT TO RESIDENTIAL USES”

January 12, 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., January 12, 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 _____, and seconded by _____, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-05 Zoning relating to requiring the provision of buffers where commercial uses are expanding or rebuilding adjacent to residential uses;

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

Present:

Vote:

Lloyd Banks, Jr., Chairman

Kevin Ingle, Vice-Chairman

William F. Osl

David Meinhard

Parker Wheeler

Absent:

Dated: _____

Attested: _____

Vivian Giles, Clerk to the Board of
Supervisors of Cumberland County

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on January 12, 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.



STAFF REPORT
CUP 15-13
Randall Daves
Conditional Use Permit
Cumberland County, Virginia
Board of Supervisors Public Hearing
January 12, 2016

General Information:

Processing schedule: The Planning Commission held a public hearing on January 5, 2016, on this proposal and recommends approval to the Board of Supervisors. The Board has a scheduled public hearing on January 12, 2016.

Application Information:

Applicant: Randall Daves
Requested action: Conditional Use Permit to address lot deficiencies and reduce setbacks on a lot on Anderson Highway, to allow for expansion of a commercial structure. He owns two adjacent parcels, and seeks to move the boundary lines between the two of them to allow for the expansion of the former Dixie Dream building.

Location: Tax map parcels 57A1A-15 and 57A1A-16
Voting District: 3
Zoning: B-1
Comprehensive Planning Area: High Intensity Growth area
Size: 57A1A-15: 0.31 acres
57A1A-16: 1.44 acres
Existing uses on the site: 57A1A-15: Vacant restaurant (old fire station)
57A1A-16: ABC store

Surrounding Area Information:

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Comprehensive Plan Planning Area</u>
North	Vacant	A-2	High Intensity Growth Area
South	Commercial	B-1	High Intensity Growth Area
East	Residential	R-2	High Intensity Growth Area
West	Residential	R-2	High Intensity Growth Area

Summary of Request and Background Information:

These two contiguous parcels are both owned by Randall Daves. The former Dixie Dream building was originally a fire station and is non-conforming for setbacks. The ABC store meets all required setbacks for the district. While there are no area requirements in the B-1 district when water and sewer is used, the Dixie Dream building cannot be expanded and meet setback requirements for the front or the east side of the parcel. The expansion, as proposed (an additional ten feet to the west side yard, 60 feet to the rear of the property, and a ten foot porch on the front of the building) will require both a boundary line adjustment between the two parcels and a Conditional Use Permit for lot deficiencies and setback changes on the front and east side yards.

There are no issues regarding well and septic, as both buildings are hooked to county water and sewer.

VDOT has comments regarding the expansion and current uses.

- 1) Owner will need to submit traffic calculations for the proposed development to ensure that the existing entrances will be in compliance with our requirements for tapers and/or turn lanes on a commercial entrance.
- 2) The existing permit for the site required that an entrance throat be established for the easternmost entrance. This is not currently the case on site as the plastic bumper blocks allowed in lieu of concrete bumper blocks are not being maintained and have been removed. To ensure a permanent throat is maintained, the owner will need to install either concrete curbing or concrete bumper blocks anchored with 2 pieces of #6 (3/4”) rebar per block and driven a minimum of 18” into the ground along the length shown on the plan “Site Plan – Proposed Cumberland ABC Store” by Woodrow K. Cofer, Inc. and dated 11/16/2012 (seal).
- 3) The proposed 12’ gravel access drive shown of the previously mentioned plan will also need to be installed per the plan mentioned in the above comment. We will also require proof of an easement dedicated across both lots to allow joint access. The purpose of the drive is to allow larger vehicles to complete turning and exiting movements without create a queuing effect in the roadway due to said vehicles blocking entrances/parking areas.

Due to the impacts on the adjacent neighbor and the need to address VDOT concerns, a public hearing was held for the Planning Commission meeting. There were no citizen comments or concerns presented.

Consistency with the Comprehensive Plan:

Under the land use goals for the Comprehensive Plan, Objective 1 reads, “Through effective zoning, regulate future development to protect existing land use patterns within Cumberland County.” This proposal will allow the development of this property and create opportunities for business development along Anderson Highway.

Consistency with the Zoning Ordinance:

Section 74-786 of the Zoning Ordinance states the grounds for granting a CUP for lot issues. It states, “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 conditional use permit to address any such deficiencies, provided the granting of the 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.”

Planning Commission Recommendation:

The Planning Commission recommends approval of this request to the Board of Supervisors with the following conditions on a 7-0 vote.

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.
2. A boundary line adjustment between tax map parcels 57A1A-15 and 57A1A-16 shall be completed to provide adequate setbacks for tax map number 57A1A-15 to the rear and on the west side yard with the proposed building expansion.
3. The new development shall comply with the sketch submitted by the applicant with his application.
4. All VDOT conditions shall be met, as outlined in the staff report to the Board of Supervisors for their public hearing.
5. On the east side of parcel 57A1A-15, the applicant shall provide a six foot vinyl privacy fence with one row of evergreens (ten feet on center and a minimum planting height of three feet) on the adjacent residence side, starting at the large oak tree on the property line, and moving north to the boundary line.
6. All additional parking to be constructed for the expanded building shall be provided to the rear of the building.
7. Setbacks for this parcel are:
 - Front: 25 feet from the property line
 - Rear: No change from the Ordinance

Side yards: No change from the Ordinance on the west side yard, the east side yard shall be consistent with the existing encroachment into the setback.

Accessory: Standard setbacks apply

This CUP is granted indefinitely. However, if the underlying zoning is changed in the future that would allow the same, similar, or greater development on the parcel than granted by this CUP, it shall be rescinded at the initiation of the Zoning Administrator, with no further action required by the Planning Commission or Board of Supervisors.

Suggested Motion:

Mr. Chairman, because this request meets the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors approve CUP 15-13, a conditional use permit request in accordance with Sec. 74-786 of the Cumberland County Zoning Ordinance to allow for the correction of lot deficiencies.

Or,

Mr. Chairman, because this request does not meet the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that CUP 15-13 be denied.

Submitted by:

Sara Carter
Planning Director

** GENERAL FUND REVENUES**

Monthly Financial Report To Council For January 2015

	Estimated 2015/2016 Budget to Date -----	Actual 2015/2016 Budget to Date -----	(Over) or Under Budget to Date -----
Revenue			
Balance Forward		5,300,476.12	
Fund Revenue	38,308,393.75		38,308,393.75
Total Revenue	38,308,393.75	5,300,476.12	33,007,917.63
Expenditures			
* Board of Supervisors *	41,638.00		41,638.00
* County Administrator *	285,404.00		285,404.00
* Legal Services *			
* Independent Auditor *	34,500.00		34,500.00
* Commissioner of Revenue *	232,850.00		232,850.00
* Treasurer *	271,986.00		271,986.00
* Accounting *	130,418.00		130,418.00
* Data Processing *	173,196.00		173,196.00
* Electoral Board *	25,141.00		25,141.00
* Registrar *	84,412.00		84,412.00
* Circuit Court *	25,810.00		25,810.00
* General District Court *	14,210.00		14,210.00
* Magistrate *	2,125.00		2,125.00
* Clerk of Circuit Court *	213,029.00		213,029.00
* Law Library *	1,000.00		1,000.00
* Commonwealth's Attorney *	204,060.00		204,060.00
* Sheriff *	1,465,012.00		1,465,012.00
* School Resource Officer *	62,028.00		62,028.00
* E911 *	23,100.00		23,100.00
Cumberland Vol.FIRE DEPT	39,500.00		39,500.00
Cartersville Volun.	26,075.00		26,075.00
Cumberland Vol. Rescue Squad	20,000.00		20,000.00
Prince Edward Vol. Rescue Squad	8,000.00		8,000.00
Randolph Fire Dept.	41,000.00		41,000.00
Cartersville Vol. Rescue Squad	37,970.00		37,970.00
* Forestry Service *	8,705.00		8,705.00
* Emergency Services *	3,000.00		3,000.00
* Probation Office *	1,644.00		1,644.00
* Correction & Detention *	235,000.00		235,000.00
* Building Inspections *	110,823.00		110,823.00
* Animal Control *	100,253.00		100,253.00
* Medical Examiner *	200.00		200.00
* Refuse Disposal *	619,131.00		619,131.00
* General Properties *	729,489.00		729,489.00
* Supplement of Local Health Dept *	94,543.00		94,543.00
* Chapter 10 Board - Crossroads *	34,000.00		34,000.00
* CSA Management *	32,377.00		32,377.00
* Community Colleges *	5,181.00		5,181.00
* Recreation *	88,793.00		88,793.00
* Local Library *	115,450.00		115,450.00
* Planning Commission *	7,650.00		7,650.00
* Planning/Zoning Dept. *	86,926.00		86,926.00

** GENERAL FUND REVENUES**

Monthly Financial Report To Council For January 2015

	Estimated 2015/2016 Budget to Date	Actual 2015/2016 Budget to Date	(Over) or Under Budget to Date
	-----	-----	-----
Expenditures			
* Community & Economic Developmnt *	12,052.00		12,052.00
* Board of Zoning Appeals *	550.00		550.00
Clothes Closet	610.00		610.00
* Buckingham Cattlemans Assoc *	1,500.00		1,500.00
* Farmville Area Chamber of Commerc	1,500.00		1,500.00
* Longwood Small Bus. Dev. Ctr. *	3,000.00		3,000.00
* Southside Violence Prevention *	5,000.00		5,000.00
Peter Francisco SWD	7,100.00		7,100.00
* Extension Agents *	49,871.00		49,871.00
* NONDEPARTMENTAL *	12,600.00		12,600.00
TRANSFERS	8,213,522.19		8,213,522.19
COMMONWEALTH'S ATTORNEY			
SHERIFF	25,000.00		25,000.00
HEALTH INSURANCE	1,807,700.00		1,807,700.00
DENTAL INSURANCE	259,700.00		259,700.00
PATIENT CENTERED OUTCOME FEE(PCOR)			
* Administration *	1,251,786.00		1,251,786.00
	14,903,258.00		14,903,258.00
TRANSFERS			
	1,045,913.37		1,045,913.37
Randolph Community Center	11,820.00		11,820.00
** COURTHOUSE **			
ELEMENTARY SCHOOL			
* Elementary School - Lit Loan *	226,667.00		226,667.00
* COPS97 Loan *	369,666.00		369,666.00
* High/Middle School - VPSA Loan *	938,201.00		938,201.00
PUBLIC FACILITY NOTE 2009	389,184.00		389,184.00
* AMERESCO *			
* SunTrust Loan-HS/MS *	1,485,632.00		1,485,632.00
* Suntrust Loan - Courthouse *	248,582.00		248,582.00
	450,000.00		450,000.00
* SEWER FUND - Enterprise Fund *	577,976.19		577,976.19
* WATER FUND - ENTERPRISE FUND *	129,060.00		129,060.00
COMMUNITY CENTER PURCHASE	125,314.00		125,314.00
MADISON INDUSTRIAL PARK			
	20,000.00		20,000.00
Total Expenditure	38,308,393.75		38,308,393.75
Total Revenues			
Less Total Expenditures		5,300,476.12	(5,300,476.12)

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
1101	** Real Estate Taxes **	5,530,000.00	5,530,000.00	.00	2,568,729.96	2,961,270.04
1102	* Real/Personal Public Service *	710,000.00	710,000.00	.00	395,310.82	314,689.18
1103	* Personal Property Taxes *	1,794,500.00	1,794,500.00	.00	1,356,947.09	437,552.91
1104	* Machinery & Tools *	85,000.00	85,000.00	.00	115,502.12	30,502.12
1106	* Penalties & Interest *	264,000.00	264,000.00	.00	75,961.87	188,038.13
1201	* Local Sales & Use Taxes *	375,000.00	375,000.00	.00	349,522.08	25,477.92
1202	* Consumer Utility Taxes *	172,000.00	172,000.00	.00	76,647.50	95,352.50
1203	* Business License Taxes *	107,000.00	107,000.00	.00	18,553.90	88,446.10
1204	* Franchise License Taxes *	16,000.00	16,000.00	.00	.00	16,000.00
1205	* Motor Vehicle License Tax *	233,000.00	233,000.00	.00	159,656.92	73,343.08
1207	* Taxes On Recordation & Wills *	45,000.00	45,000.00	.00	20,845.08	24,154.92
1301	* Animal Licenses *	8,328.00	8,328.00	.00	450.00	7,878.00
1303	* Permits & Other Licenses *	51,000.00	51,000.00	.00	22,696.87	28,303.13
1401	* Court Fines & Forfeitures *	145,000.00	145,000.00	.00	28,781.62	116,218.38
1501	* Revenue From Use Of Money *	31,000.00	31,000.00	.00	7,040.31	23,959.69
1502	* Revenue From Use Of Property *	17,000.00	17,000.00	.00	5,617.40	11,382.60
1601	* Court Costs *	47,360.00	47,360.00	.00	19,713.56	27,646.44
1602	* Commonwealth's Attorney Fees *	800.00	800.00	.00	314.09	485.91
1603	* Charges For Law Enforcement *	40,000.00	40,000.00	.00	19,269.36	20,730.64
1606	* Charges For Other Protection *	100.00	100.00	.00	.00	100.00
1608	* Charges Sanitation & Removal *	370,166.00	370,166.00	.00	291.00	369,875.00
1612	* REC DEPT - ADULT LEAGUE FEES *	3,500.00	3,500.00	.00	.00	3,500.00
1613	* Charges For Parks & Recreation *	11,600.00	11,600.00	.00	9,960.61	1,639.39
1616	* Charges For Planning / Com Dev *	1,300.00	1,300.00	.00	1,480.00	180.00
1899	* Miscellaneous *	1,146,400.00	1,477,414.19	.00	1,162,749.79	314,664.40
2101	* Service Charges *	40,000.00	40,000.00	.00	60,798.09	20,798.09
2201	**NON-CATEGORICAL AID**	1,311,135.00	1,311,135.00	.00	717,017.50	594,117.50
2301	* Commonwealth Attorney *	156,000.00	156,000.00	.00	70,865.50	85,134.50
2302	* Sheriff *	561,533.00	561,533.00	.00	231,900.85	329,632.15
2303	* Commissioner Of Revenue *	76,000.00	76,000.00	.00	31,565.79	44,434.21
2304	* Treasurer *	93,000.00	93,000.00	.00	39,275.06	53,724.94
2306	* Registrar/Electoral Boards *	38,199.00	38,199.00	.00	.00	38,199.00
2307	* Clerk Of The Circuit Court *	144,000.00	144,000.00	.00	60,967.05	83,032.95
2308	* DMV License Agent *	18,000.00	18,000.00	.00	8,146.49	9,853.51
2404	**GRANT FUNDS**	40,000.00	40,000.00	.00	34,156.45	5,843.55
3301	**GRANT FUNDS**	29,000.00	29,000.00	.00	.00	29,000.00
--FUND TOTAL--		13,711,921.00	14,042,935.19	.00	7,670,734.73	6,372,200.46

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
FUND #-170						
1902	HEALTH INSURANCE CONTRIBUTIONS	1,957,000.00	1,957,000.00	.00	740,882.60	1,216,117.40
2000	DENTAL INSURANCE CONTRIBUTIONS	110,400.00	110,400.00	.00	41,168.68	69,231.32
	--FUND TOTAL--	2,067,400.00	2,067,400.00	.00	782,051.28	1,285,348.72
FUND #-201						
1899	* Miscellaneous Revenue *	.00	.00	.00	5,233.59	5,233.59- 100.00-
2401	* Welfare *	153,318.00	153,318.00	.00	158,493.77	5,175.77- 3.37-
3305	* Social Services *	785,624.00	785,624.00	.00	278,973.28	506,650.72 64.49
4105	* Fund Transfers *	312,844.00	312,844.00	.00	51,676.89	261,167.11 83.48
	--FUND TOTAL--	1,251,786.00	1,251,786.00	.00	494,377.53	757,408.47 60.50
FUND #-203						
4105	**TRANSFERS**	.00	.00	.00	67,443.89	67,443.89- 100.00-
	--FUND TOTAL--	.00	.00	.00	67,443.89	67,443.89- 100.00-
FUND #-205						
1803	* Expenditure Refunds *	.00	.00	.00	83,935.96	83,935.96- 100.00-
1899	* Miscellaneous Revenue *	290,743.00	341,943.00	.00	278.98	341,664.02 99.91
2402	* State Education *	8,793,858.00	8,828,858.00	.00	3,242,884.93	5,585,973.07 63.26
2403	ACADEMIC REVIEWS (I-READY)	.00	67,897.00	.00	.00	67,897.00 100.00
2404	ALTERNATIVE ASSESSMENT ASSIST	.00	13,000.00	.00	.00	13,000.00 100.00
3302	* Education *	1,727,141.00	1,877,141.00	.00	584,915.71	1,292,225.29 68.84
4105	* Fund Transfers *	3,774,419.00	3,774,419.00	.00	1,227,029.27	2,547,389.73 67.49
	--FUND TOTAL--	14,586,161.00	14,903,258.00	.00	5,139,044.85	9,764,213.15 65.51
FUND #-207						
1501	* INTEREST ON BANK DEPOSITS *	.00	.00	.00	271.29	271.29- 100.00-
1899	** MISC REVENUE **	.00	.00	.00	268.04	268.04- 100.00-
1901	** LOCAL CONTRIBUTIONS **	.00	464,560.37	.00	260,969.04	203,591.33 43.82
2404	** STATE FUNDS **	.00	581,353.00	.00	.00	581,353.00 100.00
	--FUND TOTAL--	.00	1,045,913.37	.00	261,508.37	784,405.00 74.99
FUND #-302						
1501	* Interest On Bank Deposits *	.00	.00	.00	350.95	350.95- 100.00-
4105	* Fund Transfers *	.00	11,820.00	.00	.00	11,820.00 100.00
	--FUND TOTAL--	.00	11,820.00	.00	350.95	11,469.05 97.03

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
FUND # -401						
1501	**INTEREST**	24,000.00	24,000.00	.00	12,173.38	11,826.62 49.27
4105	** Transfers **	3,633,931.00	3,633,931.00	.00	2,964,425.58	669,505.42 18.42
	--FUND TOTAL--	3,657,931.00	3,657,931.00	.00	2,976,598.96	681,332.04 18.62
FUND # -500						
1899	*MISCELLANEOUS REVENUE*	.00	.00	.00	990.00	990.00- 100.00-
2404	*REVENUE FROM STATE*	350,000.00	350,000.00	.00	163,764.05	186,235.95 53.21
4105	*TRANSFERS*	100,000.00	100,000.00	.00	100,000.00	.00 .00
	--FUND TOTAL--	450,000.00	450,000.00	.00	264,754.05	185,245.95 41.16
FUND # -501						
1501	**INTEREST REVENUE**	.00	.00	.00	67.15	67.15- 100.00-
1619	**CHARGES & FEES**	384,642.00	384,642.00	.00	138,396.89	246,245.11 64.01
1620	SEWER LATE PAYMENT PENALTY	8,000.00	8,000.00	.00	2,687.29	5,312.71 66.40
1630	**ADMIN FEES/CHARGES**	15,200.00	15,200.00	.00	6,517.37	8,682.63 57.12
1803	MISCELLANEOUS	.00	.00	.00	1,107.80	1,107.80- 100.00-
4105	**TRANSFERS**	.00	299,194.19	.00	299,194.19	.00 .00
	--FUND TOTAL--	407,842.00	707,036.19	.00	447,970.69	259,065.50 36.64
FUND # -515						
1501	INTEREST SEWER RESERVE	.00	.00	.00	112.56	112.56- 100.00-
	--FUND TOTAL--	.00	.00	.00	112.56	112.56- 100.00-
FUND # -540						
1501	INTEREST WATER RESERVE	.00	.00	.00	16.42	16.42- 100.00-
	--FUND TOTAL--	.00	.00	.00	16.42	16.42- 100.00-
FUND # -545						
1200	DSR PAYMENTS (FR UTILITY FUND)	.00	.00	.00	3,540.00	3,540.00- 100.00-
1501	INTEREST	.00	.00	.00	.71	.71- 100.00-
	--FUND TOTAL--	.00	.00	.00	3,540.71	3,540.71- 100.00-
FUND # -550						
1200	DSR PAYMENTS	.00	.00	.00	10,224.00	10,224.00- 100.00-
1501	**INTEREST REVENUE**	.00	.00	.00	10.44	10.44- 100.00-

REVENUE SUMMARY
7/01/2014 - 1/04/2015

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
	--FUND TOTAL--	.00	.00	.00	10,234.44	10,234.44 - 100.00-
FUND # -580						
1501	INTEREST REVENUE	.00	.00	.00	1.42	1.42- 100.00-
	--FUND TOTAL--	.00	.00	.00	1.42	1.42- 100.00-
FUND # -715						
1899	Rent of General Property	44,000.00	44,000.00	.00	16,483.05	27,516.95 62.53
2404	**GRANT FUNDS**	.00	.00	.00	100,000.00	100,000.00- 100.00-
4105	Transfer from General Fund	81,314.00	81,314.00	.00	81,314.00	.00
	--FUND TOTAL--	125,314.00	125,314.00	.00	197,797.05	72,483.05- 57.84-
FUND # -733						
1899	* Miscellaneous Revenue *	20,000.00	20,000.00	.00	4,460.58	15,539.42 77.69
3305	*FEDERAL FUNDS*	.00	.00	.00	3,500.00	3,500.00- 100.00-
	--FUND TOTAL--	20,000.00	20,000.00	.00	7,960.58	12,039.42 60.19
	--FINAL TOTAL--	36,303,355.00	38,308,393.75	.00	18,327,383.23	19,981,010.52 52.15

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING \$
11010	* Board of Supervisors *	41,638.00	41,638.00	.00	20,000.75	.00	21,637.25	51.96
12100	* County Administrator *	285,404.00	285,404.00	.00	107,088.92	.00	178,315.08	62.47
12210	* Legal Services *	.00	.00	.00	59,990.60	.00	59,990.60	100.00
12240	* Independent Auditor *	34,500.00	34,500.00	.00	13,290.80	.00	21,209.20	61.47
12310	* Commissioner of Revenue *	232,850.00	232,850.00	.00	93,181.36	.00	139,668.64	59.98
12410	* Treasurer *	271,986.00	271,986.00	.00	116,585.83	.00	155,400.17	57.13
12430	* Accounting *	130,418.00	130,418.00	.00	57,455.42	.00	72,962.58	55.94
12510	* Data Processing *	173,196.00	173,196.00	.00	83,687.96	.00	89,508.04	51.68
13100	* Electoral Board *	25,141.00	25,141.00	.00	13,804.00	.00	11,337.00	45.09
13200	* Registrar *	84,412.00	84,412.00	.00	36,973.17	.00	47,438.83	56.19
21100	* Circuit Court *	25,810.00	25,810.00	.00	602.77	.00	25,207.23	97.66
21200	* General District Court *	14,210.00	14,210.00	.00	1,061.41	.00	13,148.59	92.53
21300	* Magistrate *	2,125.00	2,125.00	.00	450.08	.00	1,674.92	78.81
21600	* Clerk of Circuit Court *	213,029.00	213,029.00	.00	82,739.95	.00	130,289.05	61.16
21800	* Law Library *	1,000.00	1,000.00	.00	287.31	.00	712.69	71.26
22100	* Commonwealth's Attorney *	204,060.00	204,060.00	.00	86,369.96	.00	117,690.04	57.67
31200	* Sheriff *	1,465,012.00	1,465,012.00	.00	620,690.56	.00	844,321.44	57.63
31250	* School Resource Officer *	62,028.00	62,028.00	.00	25,882.46	.00	36,145.54	58.27
31400	* E911 *	23,100.00	23,100.00	.00	17,153.12	.00	5,946.88	25.74
32221	*Cumberland Vol. FIRE DEPT*	39,500.00	39,500.00	.00	19,750.00	.00	19,750.00	50.00
32222	*Cartersville Volun.*	26,075.00	26,075.00	.00	13,037.50	.00	13,037.50	50.00
32301	*Cumberland Vol. Rescue Squad*	20,000.00	20,000.00	.00	20,000.00	.00	.00	.00
32302	*Prince Edward Vol. Rescue Squad*	8,000.00	8,000.00	.00	4,000.00	.00	4,000.00	50.00
32303	*Randolph Fire Dept.*	41,000.00	41,000.00	.00	20,500.00	.00	20,500.00	50.00
32304	*Cartersville Vol. Rescue Squad*	37,970.00	37,970.00	.00	18,985.00	.00	18,985.00	50.00
32400	* Forestry Service *	8,705.00	8,705.00	.00	8,705.34	.00	.34	.00
32500	* Emergency Services *	3,000.00	3,000.00	.00	1,500.00	.00	1,500.00	50.00
33300	* Probation Office *	1,644.00	1,644.00	.00	321.43	.00	1,322.57	80.44
33400	* Correction & Detention *	235,000.00	235,000.00	.00	114,625.16	.00	120,374.84	51.22
34100	* Building Inspections *	110,823.00	110,823.00	.00	52,277.67	.00	58,545.33	52.82
35100	* Animal Control *	100,253.00	100,253.00	.00	45,364.05	.00	54,888.95	54.75
35300	* Medical Examiner *	200.00	200.00	.00	60.00	.00	140.00	70.00
42400	* Refuse Disposal *	619,131.00	619,131.00	.00	274,721.54	.00	344,409.46	55.62
43200	* General Properties *	729,489.00	729,489.00	.00	253,604.73	.00	475,884.27	65.23
51200	* Supplement of Local Health Dept *	94,543.00	94,543.00	.00	47,271.50	.00	47,271.50	50.00
52500	* Chapter 10 Board - Crossroads *	34,000.00	34,000.00	.00	17,000.00	.00	17,000.00	50.00
61230	* CSA Management *	32,377.00	32,377.00	.00	13,381.59	.00	18,995.41	58.66
68000	* Community Colleges *	5,181.00	5,181.00	.00	3,081.00	.00	2,100.00	40.53
71500	* Recreation *	88,793.00	88,793.00	.00	22,527.31	.00	66,265.69	74.62
73100	* Local Library *	115,450.00	115,450.00	.00	57,725.00	.00	57,725.00	50.00
81100	* Planning Commission *	7,650.00	7,650.00	.00	3,370.75	.00	4,279.25	55.93
81110	* Planning/Zoning Dept. *	86,926.00	86,926.00	.00	52,186.81	.00	34,739.19	39.96
81200	* Community & Economic Developmnt *	12,052.00	12,052.00	.00	10,052.00	.00	2,000.00	16.59
81400	* Board of Zoning Appeals *	550.00	550.00	.00	254.50	.00	295.50	53.72
81513	*Clothes Closet*	610.00	610.00	.00	200.05	.00	409.95	67.20
81523	* Buckingham Cattlemans Assoc *	1,500.00	1,500.00	.00	.00	.00	1,500.00	100.00
81535	* Farmville Area Chamber of Commerc	1,500.00	1,500.00	.00	750.00	.00	750.00	50.00

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING \$
81541	* Longwood Small Bus. Dev. Ctr. *	3,000.00	3,000.00	.00	1,500.00	.00	1,500.00	50.00
81542	* Southside Violence Prevention *	5,000.00	5,000.00	.00	2,500.00	.00	2,500.00	50.00
82401	*Peter Francisco SWD*	7,100.00	7,100.00	.00	3,550.00	.00	3,550.00	50.00
83500	* Extension Agents *	49,871.00	49,871.00	.00	12,393.65	.00	37,477.35	75.14
90000	* NONDEPARTMENTAL *	12,600.00	12,600.00	.00	2,946.16	.00	9,653.84	76.61
93100	**TRANSFERS**	7,902,508.00	8,213,522.19	.00	4,723,639.93	.00	3,489,882.26	42.48
	--FUND TOTAL--	13,711,920.00	14,042,934.19	.00	7,259,079.10	.00	6,783,855.09	48.30
FUND # -150								
22100	COMMONWEALTH'S ATTORNEY	.00	.00	.00	1,086.24	.00	1,086.24	100.00-
31200	SHERIFF	25,000.00	25,000.00	.00	1,944.95	.00	23,055.05	92.22
	--FUND TOTAL--	25,000.00	25,000.00	.00	3,031.19	.00	21,968.81	87.87
FUND # -170								
62100	HEALTH INSURANCE	1,807,700.00	1,807,700.00	.00	1,034,697.68	.00	773,002.32	42.76
63100	DENTAL INSURANCE	259,700.00	259,700.00	.00	51,217.58	.00	208,482.42	80.27
64100	PATIENT CENTERED OUTCOME FEE (PCOR)	.00	.00	.00	802.66	.00	802.66	100.00-
	--FUND TOTAL--	2,067,400.00	2,067,400.00	.00	1,086,717.92	.00	980,682.08	47.43
FUND # -201								
53100	* Administration *	1,251,786.00	1,251,786.00	.00	494,377.53	.00	757,408.47	60.50
	--FUND TOTAL--	1,251,786.00	1,251,786.00	.00	494,377.53	.00	757,408.47	60.50
FUND # -205								
61100	**TRANSFERS**	14,586,161.00	14,903,258.00	.00	5,071,600.96	.00	9,831,657.04	65.96
93100	**TRANSFERS**	.00	.00	.00	67,443.89	.00	67,443.89	100.00-
	--FUND TOTAL--	14,586,161.00	14,903,258.00	.00	5,139,044.85	.00	9,764,213.15	65.51
FUND # -207								
61100	GOVERNOR'S SCHOOL EXPENDITURES	.00	1,045,913.37	.00	383,447.30	.00	662,466.07	63.33
	--FUND TOTAL--	.00	1,045,913.37	.00	383,447.30	.00	662,466.07	63.33
FUND # -302								
94380	*Randolph Community Center*	.00	11,820.00	.00	.00	.00	11,820.00	100.00
95101	**ELEMENTARY SCHOOL**	.00	.00	.00	281,291.20	.00	281,291.20	100.00-
	--FUND TOTAL--	.00	11,820.00	.00	281,291.20	.00	269,471.20	279.79-

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING
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FUND #401

67200	* Elementary School - Lit Loan *	226,667.00	226,667.00	.00	.00	.00	226,667.00	100.00
67400	* COPS97 Loan *	369,666.00	369,666.00	.00	347,353.12	.00	22,312.88	6.03
67500	* High/Middle School - VPSA Loan *	938,201.00	938,201.00	.00	744,873.35	.00	193,327.65	20.60
67700	PUBLIC FACILITY NOTE 2009	389,184.00	389,184.00	.00	277,404.96	.00	111,779.04	28.72
67800	* AMERESCO *	.00	.00	.00	141,908.00	.00	141,908.00	100.00
95600	* Suntrust Loan-HS/MS *	1,485,632.00	1,485,632.00	.00	1,234,994.00	.00	250,638.00	16.87
95700	* Suntrust Loan - Courthouse *	248,582.00	248,582.00	.00	229,997.90	.00	18,584.10	7.47
	--FUND TOTAL--	3,657,932.00	3,657,932.00	.00	2,976,531.33	.00	681,400.67	18.62

FUND #500

53900		450,000.00	450,000.00	.00	308,200.03	.00	141,799.97	31.51
	--FUND TOTAL--	450,000.00	450,000.00	.00	308,200.03	.00	141,799.97	31.51

FUND #501

94900	* SEWER FUND - Enterprise Fund *	278,782.00	577,976.19	.00	206,993.63	.00	370,982.56	64.18
95900	* WATER FUND - ENTERPRISE FUND *	129,060.00	129,060.00	.00	60,770.30	.00	68,289.70	52.91
	--FUND TOTAL--	407,842.00	707,036.19	.00	267,763.93	.00	439,272.26	62.12

FUND #715

81610	COMMUNITY CENTER PURCHASE	125,314.00	125,314.00	.00	60,036.65	.00	65,277.35	52.09
	--FUND TOTAL--	125,314.00	125,314.00	.00	60,036.65	.00	65,277.35	52.09

FUND #733

53010		20,000.00	20,000.00	.00	9,185.98	.00	10,814.02	54.07
	--FUND TOTAL--	20,000.00	20,000.00	.00	9,185.98	.00	10,814.02	54.07

	--FINAL TOTAL--	36,303,355.00	38,308,393.75	.00	18,268,707.01	.00	20,039,686.74	52.31
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CUMBERLAND CO
EXPENDITURE SUMMARY
7/01/2014 - 1/04/2015

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING
		.00	.00	.00	.00	.00	.00	.00
	--FINAL TOTAL--	.00	.00	.00	.00	.00	.00	.00

1/04/2016 *GL060AA* 1/04/2016 PAGE 9 TIME 10:14



MEMO

To: Cumberland County Board of Supervisors
Vivian Seay Giles, County Administrator/Attorney

From: Tracie Wright, Finance Manager

Date: January 4, 2016

RE: FY16 School Appropriation Requests

Cumberland County Schools have been awarded two additional grants, as well as an Incentive Award from the Department of Education. All awards total \$99,053. At this time they are requesting appropriation of those funds. I have attached the information provided by Dr. Griffin. If approved the following appropriations will be needed.

3-205-002403-0099 (Natl Bd. Certification Bonus)	\$ 2,500.00-
3-205-002402-0096 (Security Equipment Grant)	\$ 18,976.00-
3-205-002402-0020 (Projection Graduation Grant)	\$ 77,577.00-
4-205-061100-9301 (School Instruction)	\$ 99,053.00+

Thank you.



AMY GRIFFIN, Ed.D.
Division Superintendent

CUMBERLAND COUNTY PUBLIC SCHOOLS

P. O. BOX 170
CUMBERLAND, VIRGINIA 23040
(804) 492-4212
FAX (804)492-9869

GINGER SANDERSON
School Board Chairman

GEORGE REID JR.
School Board Vice-Chairman

GEORGE LEE DOWDY III
School Board Member

CHRISTINE ROSS, PH.D.
School Board Member

EURIKA TYREE
School Board Member

December 14, 2015

TO: Board of Supervisors of Cumberland County

FROM: Amy W. Griffin, Ed.D.

SUBJECT: Appropriation for Additional Funding for the 2015-2016 School Year

On behalf of the Cumberland County School Board, we are requesting an appropriation in the amount of \$96,553 for additional grants listed below:

- | | |
|--|----------|
| • Project Graduation 2015-2016 Academic Year Grant | \$77,577 |
| • School Security Equipment Grant | \$18,976 |

Copies of the grant awards are attached.

If you have any questions or concerns, please feel free to give me a call.

SCHOOL BOARD
CUMBERLAND COUNTY PUBLIC SCHOOLS

SUBJECT:

Supplemental Appropriations

DATE:

December 14, 2015

Background:

The administration is requesting that the School Board petition the Cumberland County Board of Supervisors for the following supplemental appropriation:

- Project Graduation 2015-2016 Academic Year Grant \$77,577
- School Security Equipment Grant \$18,976

Recommendation:

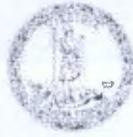
It is recommended that the Superintendent petition the Cumberland County Board of Supervisors for the following appropriation:

- Project Graduation 2015-2016 Academic Year Grant \$77,577
- School Security Equipment Grant \$18,976

Action:

Approval

Bd12-14-15SA



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120

RICHMOND 23218-2120

November 4, 2015

Dear Mrs. Nemeth:

Cumberland County (Region VIII) Public Schools Project Graduation Academic Year Academy 2015-2016 will be funded in the amount of **\$77,577**. The official grant notification will be mailed to the superintendent.

The total amount of requested funding for the Project Graduation Academic Year Academy 2015-2016 from school divisions exceeded available funding by over \$1,000,000. In order to ensure an equitable and effective distribution of funds, a formula was applied that incorporated each division's previous spending and current request. Additionally, the following categories of expenditures were prioritized when making budget request reductions:

- teacher salaries/stipends;
- student incentives to encourage participation (limited to a maximum of \$25 per student);
- instruction and assessment resources for tutorials and administration of approved substitute tests;
- student transportation; and
- administrative costs associated with implementation of the grant and administration of special education requirements.

A revised budget for the approved funding total will need to be submitted by **January 15, 2016** to Kim Powell, grants and reports manager, Office of Science and Health Education, by e-mail at Kim.Powell@doe.virginia.gov. The electronic document must be saved with the extension containing the Name of the School Division followed by PGAY2015REVbudget. Example: WYZCountyPGAY2015REVbudget.pdf. The budget must be submitted via OMEGA (Online Management of Education Grant Awards) for the approved funding amount by **February 19, 2016**.

The award period is October 1, 2015 – June 30, 2016. The final reimbursement request is due by **May 25, 2016** via OMEGA. The due date for the final reimbursement request precedes the end of the grant period. Therefore, the school division will need to obligate the project expenses through the end of the academy. The final due date to submit reimbursement requests should not impact the remediation. If the school division determines that the actual costs for the academy are less than the total of the reimbursement requests, the difference must be returned to the Department of Education. The refund check should be made payable to The Treasurer of Virginia and the memo section of the check should state ‘Refund of FY 2016 Project Graduation Academic Year Academy overpayment.’

Assessment records for participating students must be properly identified as Project Graduation participants. All Standards of Learning (SOL) tests administered to Project Graduation students must have the “Project Graduation” field populated within PearsonAccess for tests associated with the remediation.

If you have any questions, please contact Kim Powell, grants and reports manager, Office of Science and Health Education, by e-mail at Kim.Powell@doe.virginia.gov or by telephone at (804) 225-3609. Thank you for your work to help all students in Virginia achieve a high school diploma.



Commonwealth of Virginia
Office of Governor Terry McAuliffe

FOR IMMEDIATE RELEASE

Date: September 16, 2015

Office of the Governor

Contact: Brian Coy

Email: brian.coy@governor.virginia.gov

Virginia Department of Education

Contact: Charles Pyle

Email: Charles.Pyle@doe.virginia.gov

Governor McAuliffe Announces \$6 Million in School Security Equipment Grants

~ Funds will help provide much-needed security upgrades to 519 schools and other educational facilities ~

RICHMOND - Governor Terry McAuliffe announced today that the Commonwealth has awarded \$6 million in School Security Equipment Grants to help ensure the safety of Virginia's schools.

The grants will apply to 519 schools and other educational facilities in 100 school divisions. The \$6 million will go toward paying for video monitoring systems, metal detectors, classroom locks, electronic-access controls, visitor-identification systems and other security upgrades.

"These grants represent a crucial investment in safeguarding Virginia's young people and the educators, administrators and support staff dedicated to preparing them for the future," Governor McAuliffe said. "A new Virginia economy requires new and innovative solutions, and these school security equipment grants fit the bill."

The School Security Equipment Grant program was established by the 2013 General Assembly in the aftermath of the December 14, 2012, mass shooting at Sandy Hook Elementary in Newtown, Connecticut.

“Schools should be bastions of academic excellence where students feel secure and protected,” Secretary of Education Anne Holton said. “As we work together to prepare all of our children to succeed, we must also work together to make sure that all of our students are safe.”

The awards — developed by the Virginia Department of Education and the Department of Criminal Justice Services — give priority to schools that are most in need of modern security equipment but are least able to afford these much-needed upgrades.

“Virginia students, teachers, administrators, support staff — and the parents and others who visit our schools throughout the school year — are safer today because of this program,” Superintendent of Public Instruction Steven R. Staples said. “This program enhances school safety and gives our schools and first responders the tools they need to keep out intruders and respond quickly and effectively if a security threat does arise.”

This third round of awards brings the total number of schools and other educational facilities receiving state funding through the program to 1,348.

The divisions — and one regional program — awarded the 2015 School Security Equipment Grants include:

- Accomack County — \$100,000 for security improvements at Arcadia High
- Albemarle County — \$48,025 for Benjamin F. Yancey Elementary, Jack Jouett Middle, Joseph T. Henley Middle and Murray High
- Alleghany County — \$13,084 for Alleghany High, Mountain View Elementary and Sharon Elementary
- Amelia County — \$100,000 for Amelia County Elementary, Amelia County Middle and Amelia County High
- Amherst County — \$74,412 for Amherst County High, Amherst Elementary, Amherst Middle, Central Elementary, Elon Elementary, Madison Heights Elementary and Monelison Middle
- Appomattox County — \$59,118 for Appomattox County High, Appomattox Elementary, Appomattox Middle and Appomattox Primary
- Arlington County — \$38,992 for Swanson Middle and Williamsburg Middle
- Augusta County — \$60,116 for Craigsville Elementary, Fort Defiance High, North River Elementary and S. Gordon Stewart Middle
- Bath County — \$11,318 for Bath County High and Valley Elementary
- Bedford County — \$56,000 for Staunton River Middle
- Botetourt County — \$59,745 for Botetourt Technical Center, Breckinridge Elementary, Buchanan Elementary, Cloverdale Elementary, Colonial Elementary, Eagle Rock Elementary, Lord Botetourt High, Read Mountain Middle and Troutville Elementary
- Brunswick County — \$70,960 for Brunswick High, James S. Russell Middle, Meherrin Powellton Elementary, Red Oak-Sturgeon Elementary and Totaro Elementary
- Buchanan County — \$33,370 for Council High, Grundy High and Hurley High
- Buckingham County — \$82,092 for Buckingham County Middle
- Buena Vista — \$4,500 for Parry McCluer High
- Caroline County — \$100,000 for Bowling Green Elementary, Caroline High and Caroline Middle

- Carroll County — \$91,697 for Carroll County Education Center, Carroll County High, Carroll County Middle, Gladesboro Elementary, Gladeville Elementary, Hillsville Elementary, Laurel Elementary, Oakland Elementary and St. Paul School
- Charlottesville — \$25,496 for Greenbrier Elementary and Walker Upper Elementary
- Chesapeake — \$39,598 for Crestwood Middle, Deep Creek Middle, Great Bridge High, Great Bridge Middle, Greenbrier Intermediate, Greenbrier Middle, Hickory Middle, Hugo A. Owens Middle, Indian River Middle, Jolliff Middle, Norfolk Highlands Primary, Rena B. Wright Primary, Sparrow Road Intermediate, Thurgood Marshall Elementary, Truitt Intermediate, Western Branch Intermediate, Western Branch Middle and Western Branch Primary
- Colonial Heights — \$25,377 for Colonial Heights Middle, Colonial Heights Technical Center and Lakeview Elementary
- Covington — \$38,516 for Covington High
- Craig County — \$47,200 for Craig County High and McCleary Elementary
- Culpeper County — \$98,720 for Culpeper County High and Emerald Hill Elementary
- Cumberland County — \$18,976 for Cumberland Middle
- Danville — \$95,082 for Adult and Career Education Center, Edwin A. Gibson Elementary, Forest Hills Elementary, G.L.H. Johnson Elementary, Galileo Magnet High, Grove Park Preschool, JM Langston Focus, O. Trent Bonner Middle, Park Avenue Elementary, Schoolfield Elementary and Woodberry Hills Elementary
- Dickenson County — \$79,482 for Clintwood Elementary, Ervinton Elementary and Sandlick Elementary
- Dinwiddie County — \$100,000 for Dinwiddie County High, Dinwiddie County Middle, Dinwiddie Elementary, Midway Elementary, Southside Elementary, Sunnyside Elementary and Sutherland Elementary
- Essex County — \$57,403 for Essex Intermediate and Tappahannock Elementary
- Fluvanna County — \$28,072 for Carysbrook Elementary
- Franklin — \$73,415 for Franklin High, Joseph P. King Jr. Middle and S.P. Morton Elementary
- Frederick County — \$6,520 for Apple Pie Ridge Elementary, James Wood High, Sherando High and Stonewall Elementary
- Giles County — \$80,360 for Eastern Elementary/Middle, Giles County Technical Center, Giles High, Macy McClagherty Elementary/Middle, Narrows Elementary/Middle and Narrows High
- Gloucester County — \$82,922 for Achilles Elementary, Botetourt Elementary and Gloucester High
- Goochland County — \$24,000 for Byrd Elementary, Early Childhood Development Center Feeding Site, Goochland Elementary and Randolph Elementary
- Grayson County — \$47,376 for Fries School, Grayson County High Career and Technical Center, Grayson County High, Independence Elementary and Independence Middle
- Greene County — \$44,917 for Greene County Technical Education Center, Nathanael Greene Elementary and William Monroe High
- Greenville County — \$68,544 for Belfield Elementary, Edward W. Wyatt Middle, Greenville County High and Greenville Elementary
- Halifax County — \$28,745 for Clays Mill Elementary, Meadville Elementary, Scottsburg Elementary and Sinai Elementary
- Hampton — \$100,000 for A.W.E. Bassette Elementary, Aberdeen Elementary, Alfred S. Forrest Elementary, Benjamin Syms Middle, Booker Elementary, C. Alton Lindsay Middle, Captain John Smith Elementary, Hampton High, Jane H. Bryan Elementary, Jefferson Davis Middle, John B.



AMY GRIFFIN, Ed.D.
Division Superintendent

CUMBERLAND COUNTY PUBLIC SCHOOLS

P. O. BOX 170
CUMBERLAND, VIRGINIA 23040
(804) 492-4212
FAX (804)492-9869

GINGER SANDERSON
School Board Chairman

GEORGE REID JR.
School Board Vice-Chairman

GEORGE LEE DOWDY III
School Board Member

CHRISTINE ROSS, PH.D.
School Board Member

EURIKA TYREE
School Board Member

January 11, 2016

TO: Board of Supervisors of Cumberland County
FROM: Amy W. Griffin, Ed.D.
SUBJECT: Appropriation for Additional Funding for the 2015-2016 School Year

On behalf of the Cumberland County School Board, we are requesting an appropriation in the amount of \$2,500.00 for an additional grant listed below:

- National Board Certification Incentive Award \$2,500.00

A copy of the grant award is attached.

If you have any questions or concerns, please feel free to give me a call.

SCHOOL BOARD
CUMBERLAND COUNTY PUBLIC SCHOOLS

SUBJECT:

Supplemental Appropriations

DATE:

January 11, 2016

Background:

The administration is requesting that the School Board petition the Cumberland County Board of Supervisors for the following supplemental appropriations:

- National Board Certification Incentive Award \$2,500.00

Recommendation:

It is recommended that the Superintendent petition the Cumberland County Board of Supervisors for the following appropriations:

- National Board Certification Incentive Award \$2,500.00

Action:

Approval

Bd01-11-16SA



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120

RICHMOND, VA 23218-2120

December 3, 2015

Dr. Amy Griffin
Superintendent
Cumberland County Public Schools
P.O. Box 170
Cumberland, Virginia 23040

Dear Dr. Griffin:

Enclosed is the Grant Award Notification for the 2015-2016 National Board Certification Incentive Award for Cumberland County Public Schools. The grant award is for \$2,500 and the funding period is July 1, 2015 to June 30, 2016. Also, enclosed is the list of teachers from your school division who are to be awarded the incentive, as verified by your school division. Cumberland County Public Schools is responsible for disbursing the incentive award payments to eligible teachers. The incentive payment is taxable to the recipient, and the school division assumes responsibility for ensuring all taxes are remitted.

Thank you for your continued support of the National Board for Professional Teaching Standards. If you have questions, please do not hesitate to contact Ms. Eleanor Joyce, Coordinator for National Board Certification, at (804) 692-0172 or Eleanor.Joyce@doe.virginia.gov.

Sincerely,

A handwritten signature in cursive script that reads "Patty Pitts".

Patty S. Pitts
Assistant Superintendent
Division of Teacher Education and Licensure

PSP/ej

Enclosures



MEMO

To: Cumberland County Board of Supervisors
Vivian Seay Giles, County Administrator/Attorney

From: Tracie Wright, Finance Manager

Date: January 4, 2016

RE: FY 16 Revenue Appropriations

As of January 1, 2016 the Cumberland County Sheriff's Office has received, and deposited with the Treasurer, reimbursements for several expenses. Attached you will find documentation for those reimbursements. At this time we are requesting that the funds be appropriated back to the expense line in which they were paid from. If approved the following appropriation entries will be made.

Thank you.

3-100-001899-0018 (Refunds and Reimbursement)	\$ 2,300.00-
4-100-031200-5810 (Dues & Assoc. Memberships)	\$ 750.00+
4-100-031200-6014 (Other Operating Supplies)	\$ 750.00+
4-100-031200-6010 (Police Supplies)	\$ 800.00+



DARRELL L. HODGES, SHERIFF

CUMBERLAND COUNTY
P. O. Box 71
CUMBERLAND, VIRGINIA 23040

(804) 492-4120

DENNIS L. OWNBY
CAPTAIN

To: Finance

Re: Reimbursement for Central Va. Criminal Justice Academy Dues

I am remitting check # 1036 payable to the Cumberland County Sheriff's Office from Nancy D. LeSueur also known as Becky D. LeSueur for repayment to our office for her 2015 Membership Dues at the Central Virginia Criminal Justice Academy which were submitted for payment from our budget (31200-5810). See invoice # 2940 from the Central Virginia Criminal Justice Academy dated 10/6/2015.

The Sheriff has spoken with Vivian and she has agreed that this would be returned to our budget in item 31200-5810.

Should you have any questions, please contact our office.

Sincerely,

Marion W. Black, Adm. Asst. to Sheriff D. L. Hodges

CENTRAL VIRGINIA CRIMINAL JUSTICE ACADEMY

P.O. Box 287

LYNCHBURG, VA 24505

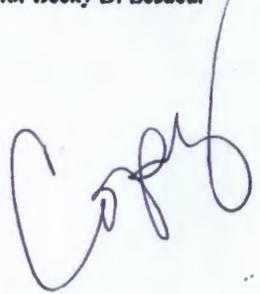
Phone # 434-455-6190

Invoice

Date	Invoice #
10/6/2015	2940

Bill To
Cumberland Co. Sheriff's Office P O Box 71 Cumberland, VA 23040

P.O. No.	Terms	Project
	Net 30	

Item	Description	Amount
Membership Fee	2015-2016 Annual Academy Membership Dues for Becky D. Lesueur  DATE REC'D _____ DEPT APPROVAL <u>Danell L. Hodges</u> CO ADMIN APPROVAL _____ CHECK # _____ DATE PAID _____ BUDGET CODE <u>31200-5810</u>	375.00

Please make check payable Central Virginia Criminal Justice Academy

Total

\$375.00

November 17, 2015

TO: DIRECTOR OF FINANCE

REF: REIMBURSEMENT

ATTACHED IS A CHECK FROM CHARLES F MYERS IN THE AMOUNT OF \$375.00 FOR REIMBURSEMENT OF THE CENTRAL VIRGINIA CRIMINAL JUSTICE TRAINING ACADEMY MEMBERSHIP DUES WHICH WAS PAID FROM THE BUDGET. PLEASE CREDIT THIS AMOUNT BACK IN BUDGET CODE 31200-5810.

Marion W. Black, Adm. Asst.

For Darrell L. Hodges, Sheriff

Request For Appropriation

Department: SHERIFF'S OFFICE

Code: 31200-

Appropriate from:

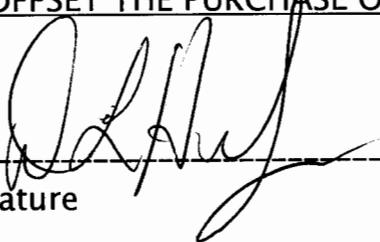
Code	Item	Amount
REIMBURSEMENTS	GENERAL FUND	800.00

Appropriate to:

Code	Item	Amount
31200-6010	POLICE SUPPLIES	800.00

Reason for Request:

TO OFFSET THE PURCHASE OF 2 SIG 40 CAL FIREARMS (USED)

Signature  Date 12-14-15

Approved:

Board of Supervisors Date

Southern Police Equipment
7609 Midlothian Turnpike
Richmond, VA 23235

PAY BY THIS INVOICE

INVOICE
Invoice Number: 182966
Invoice Date : 12/04/15
Page : 1

Voice : (800) 542-5243
Fax : (804) 323-5067

Sold To:
Cumberland County Sheriff

P.O. Box 71

Cumberland, VA 23040
Phone # (804)492-4120
CUSTOMER ID
CUMBLDCS

Ship To:
Cumberland County Sheriff
Attn: HODGES
1492 Anderson Hwy

Cumberland, VA 23040

Fax # () -

CUSTOMER PO
PICK UP

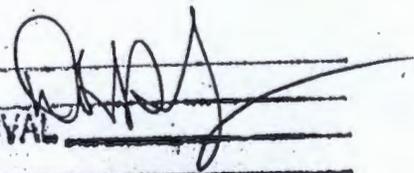
PAYMENT TERMS
Net 30

SALES REP	SHIPPING METHOD	SHIP DATE	DUE DATE	EXTEND
AT	UPS	12/04/15	01/03/16	
QTY			UNIT	
ORDERED	SHIPPED	B/O	PRICE	
15.0	15.0		50.00	750.00
GIFTCERT Gift Certificate				
GIFT CARDS PICKED UP ON 12/03/15 STORE SLIP#34622				

This will be reimbursed to us from Piedmont ASAP. The sheriff purchased these as a courtesy to them.

B

Sub Total:	750.00
Sales Tax:	0.00
Shipping :	
Addl. Shpg:	
C.O.D. :	
Total Invoice Amount:	750.00

APPROVAL 
 DATE PAID _____
 BUDGET CODE 31200-6014

Please place the reimbursement in the reimbursement/ gen. fund for a budget request in the future

4 * Added after 30 days. We appreciate your business !

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

PIEDMONT ALCOHOL SAFETY ACTION PROGRAM
PRINCE EDWARD COUNTY
P.O. BOX 522
FARMVILLE, VIRGINIA 23901

BENCHMARK COMMUNITY BANK
FARMVILLE, VA 23901
68-248/514

15221

12/15/2015

PAY TO THE ORDER OF Cumberland Sheriff's Department

\$ **750.00

Seven Hundred Fifty and 00/100*****

DOLLARS

Cumberland Sheriff's Department

DIRECTOR or BOARD CHAIRMAN

TREASURER or DEPUTY TREASURER

Debra B. Murray ^{MP}

MEMO

[Handwritten scribble]

PIEDMONT ALCOHOL SAFETY ACTION PROGRAM

15221

Cumberland Sheriff's Department

12/15/2015

Code 1710
Gift Certificates

750.00

*100-001899-0018
Refunds & Reimbursements*

Benchmark Checking

750.00

**Planning Projects:
December 2015**

Zoning:		
<i>Pending Zoning Questions and Requests</i>		
<i>CUP's and Rezoning Requests</i>		
Mitchell's Market	2487 Cumberland Road	Jason Sanchez is requesting a CUP for a restaurant/brewpub/brewery. The Planning Commission is exploring a code amendment to address these uses in the A-2 district. The Planning Commission public hearing was held on September 21, 2015. The Planning Commission has deferred action on this request, awaiting additional information from the applicant.
Howard Bales	Address TBD Stoney Point Road	Approved.
Robert Wise/ Planning Commission	Intersection of Routes 13 and 60	Approved.
Cartersville Volunteer Fire Department	Intersection of Cartersville and Jennings Roads	Site is currently being graded. The Board of Supervisors approved a resolution for VDOT surety for work in the R-O-W at their November 17 meeting, and will need to consider covering the work of the CVVFD prior to their work in the R-O-W.
Randall Daves	1588 and 1592 Anderson Highway	Randall Daves is requesting a Conditional Use Permit to address lot deficiencies on the former Dixie Dream property. He seeks to expand the building and will require setback exceptions to the parcel and a boundary line adjustment between the two parcels (Dixie Dream and ABC store). The Planning Commission is holding a public hearing on January 5, and a Board of Supervisors public hearing is scheduled for January 12, pending Planning Commission recommendation.
<i>Other Zoning Issues-</i> Three cases under legal review.		
Subdivisions:		
<i>Approved Subdivisions</i>		
Clarence Ferguson	Guinea Road	Subdivision of one lot.
<i>Pending Subdivisions</i>		
Pearl Mayers	Morningside Drive	Subdivision of one lot.
James Grissom	Waterfront Lane	Subdivision of three lots.
Doc Carter	Something Lane, off of Stoney Point Road	Family division of three parcels.
<i>Subdivision Plat Vacation</i>		
Chris Bishop	Address TBD Tarwallet Road	Applicant requests a vacation of plat to eliminate a 0.24 acre dedication for a road on an existing subdivision plat.
<i>Other Subdivision Requests</i>		
Milan and William Hochstetler	156 and 174 Vogel Road	Lot line adjustment between two lots.
Other Regulatory Functions:		

Erosion and Sediment Control Applications

Henrico County	Utility Corridor Clearing Project	Utility corridor being cleared.
Timothy Cochran	Address TBD Amphill Road	Agreement in Lieu of a Plan for a single family home.
Adam Young	235 Old Buckingham Road	Agreement in Lieu of a Plan for a single family home.

Code Amendment Questions

Wineries and Breweries	Countywide	As part of the request for Mitchell’s Market, the Planning Commission is considering an amendment to the Zoning Ordinance to allow wineries and breweries as a conditional use in the A-2 district. A public hearing with the Commission was held on September 21, 2015. The Planning Commission has deferred this request.
Buffers	Countywide	The Board has a public hearing set to review the revised language at the January meeting.
Animals in the R-2 district	Countywide	The Planning Commission is considering amendments to the permitted uses in the R-2 district that would allow a greater number and variety of animals to be kept in this district, if a lot meets acreage standards. The Commission held a public hearing on the proposed amendment on November 16, 2015, and have requested changes that will be considered at their January meeting.
Watershed Protection Ordinance	Cobbs Creek Reservoir Watershed	The Planning Commission will begin work on the Watershed Protection Ordinance this fall, as required by the County’s MOU with Henrico County. The Commission held a workshop meeting on September 14, 2015 with Henrico to gain a better understanding of the overall project, recreational opportunities, and requirements for the Ordinance.
Dam Break Inundation Zones	Countywide	Peter Francisco Soil and Water Conservation District has requested consideration of a Zoning Ordinance amendment to require notification to property owners prior to construction in a DBIZ.
Validation Plat	Countywide	The Planning Commission is considering a change to the Zoning Ordinance to allow greater flexibility in developing residential lots that are under an acre.
Definitions	Countywide	An update should happen as part of mixed use district. Rachel completed first draft during her initial review of the Ordinance for the mixed use district. Deferred until completion of CCR Plan Amendment.
Business uses	Countywide	All business uses should be inclusive as the Ordinance moves from a less intensive to a more intensive business zone. In other words, all uses in the B-3 should be included in B-2, and so on. Deferred until completion of CCR Plan Amendment.
Overlay district standards	Anderson Highway between 45 and 45	Standards to require improved appearance in mixed use district around the Courthouse. Deferred until completion of CCR Plan Amendment.
Mixed Use Zoning District	Cumberland Road and Anderson Highway	Combine uses in B-3 and R-2 for a mixed use district. Deferred until completion of CCR Plan Amendment.



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: January 7, 2016

Re: **Cartersville Volunteer Fire Department Use of County Surety for work in the VDOT R-O-W**

At the November Board of Supervisors meeting, the Board adopted a resolution that provides surety for work in the Virginia Department of Transportation (VDOT) R-O-W. In order for the Cartersville Volunteer Fire Department to be able to use this surety, and avoid the expense of insurance or bonding, the County will need to be the applicant or agent on the Fire Department's VDOT permit.

Staff requests that the Board authorize the Zoning Administrator to act as the agent or applicant for the Cartersville Volunteer Fire Department, so that the CVVFD will be covered by Cumberland County's surety resolution for their work in the R-O-W.



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: January 7, 2016

Re: **Conditional Use Permit 03-01 Mo-John's Portable Toilets**

Mo Duncan has operated a portable toilet business in Cartersville, at the intersection of Route 45 and Cedar Springs Road for many years. Zoning for the business is governed under local codes and a Conditional Use Permit granted in 2003. The existing Conditional Use Permit has conditions related to the location of work vehicles, port-a-johns and adherence to local codes, all of which are not currently in compliance.

Staff mailed a certified Notice of Violation to Mr. Duncan on December 3, 2015, informing him of the violations to his approved CUP and the local codes that could impact his CUP. The CUP may be revoked by the Board of Supervisors if Mr. Duncan does not comply with the adopted conditions.

On December 6, staff visited Mr. Duncan, at his request, on the site of his business. Staff reviewed the conditions with him, and discussed how he could be in compliance. Staff and Mr. Duncan further discussed the on-going nature of the violations (staff had previously sent a Notice of Violation to Mr. Duncan in 2014), and the need to come into compliance with the conditions of the CUP and County Code.

On December 7, staff took pictures of his site (this was the date given in the Notice of Violation for a deadline). The pictures follow.

Staff requests that the Board of Supervisors consider a revocation of the Conditional Use Permit for CUP 2003-01, Mo-John's Portable Toilets, due to extended non-compliance with the existing CUP.

Attachments: Photos
Adopted CUP

Pictures from December 7, 2015

From Cedar Plains Road:



From Route 45:



course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;

- e. That adequate utilities, access roads, drainage or necessary facilities have been or are being provided;
- f. That ingress and egress to property structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access of fire or catastrophe are adequately provided for;
- g. That offstreet parking and loading areas are adequate and the noise, glare or odor effects of the permit on adjoining properties and properties generally in the district are adequately provided for;
- h. That appropriate screening and buffering with reference to type, dimensions, and character of the use are adequately provided for;
- i. That any signs and exterior lighting are compatible and in harmony with properties in the district with reference to aesthetics, glare, traffic safety and economic effect;
- j. That the proposed use is compatible with adjacent properties and other property in the district;
- k. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Supervisors.

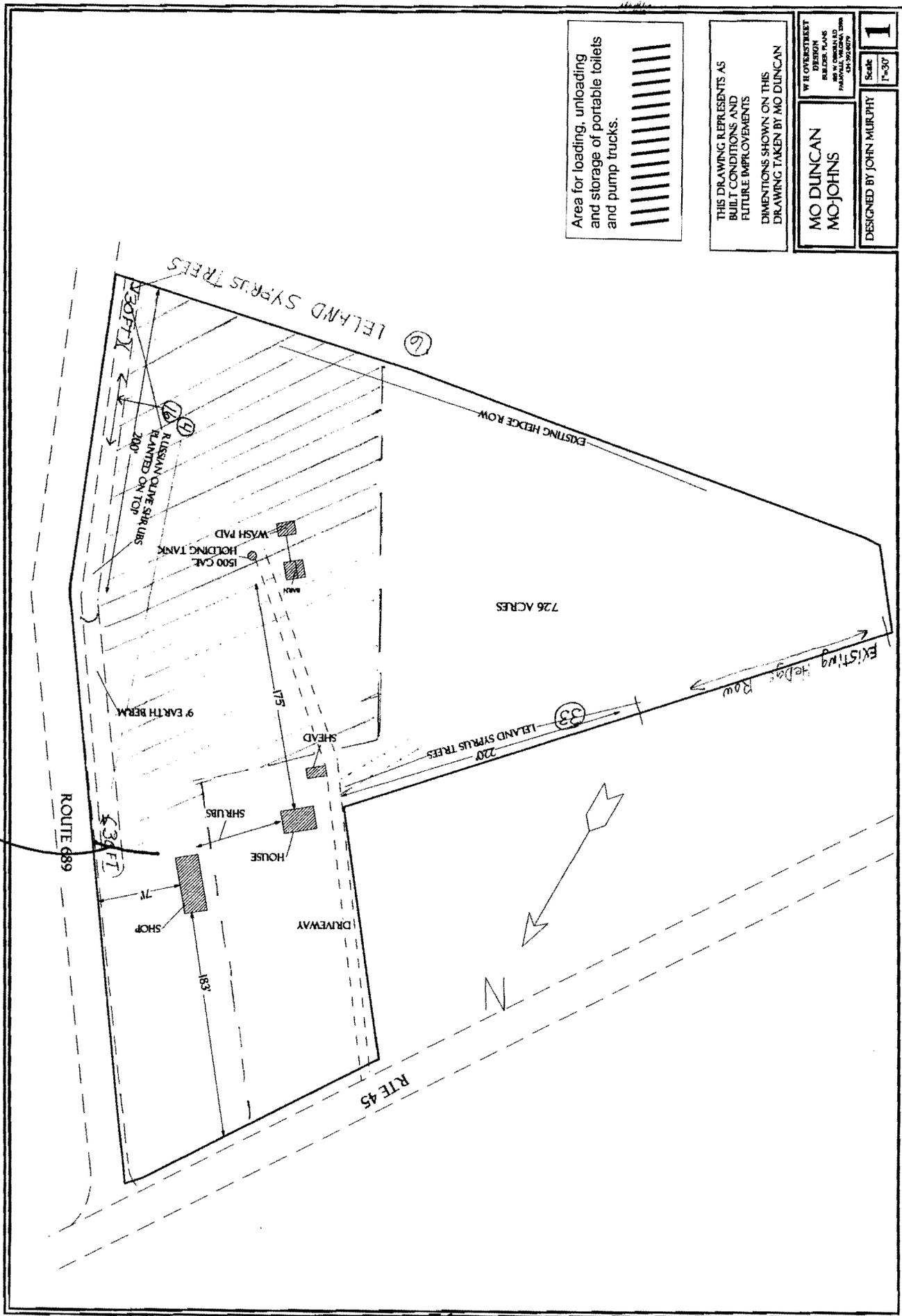
NOW THEREFORE, BE IT ORDAINED, that the Board of Supervisors hereby grants a conditional use permit for the property affected by the application referenced as CUP #5-1-03 for the operation of a port-a-john business on the property designated as Tax Map Parcel _____ containing _____ acres on Route 45 and Route 689, in Cumberland County, Virginia, subject to the following conditions that shall run with the land:

- 1. This permit is granted to the solely to the applicant for the specific use of a porta-john business and is not assignable.
- 2. Within thirty (30) day of the granting of this permit, the applicant shall provide to the County Zoning Administrator for his review and approval site drawing showing the wash down area, parking area, areas for the loading and unloading of the trucks, storage area for the units, the type of screening and

buffering to be utilized. The Zoning Administrator shall take action on the site drawing within a reasonable time.

3. A wash down area shall be created with an impervious area and a facility capable of containing the runoff. The wash down area shall be located to the rear of the existing garage building and the final location hereof shall be subject to the County Zoning Administrator's approval.
4. All porta-john units shall be located so as not to be visible from the public road or adjoining properties. Continuous screening shall be provided and permanently maintained by a combination of earth berms (same as existing adjacent to Rt. 689), board or opaque fencing and trees which shall be white pine, Leland Cyprus or other non-deciduous trees) to create a natural screening in order that all porta-johns and any inoperable vehicles can not be seen from Route 45. Fencing shall be a minimum of eight (8) feet in height. Screening shall afford the properties with higher elevations screening from the storage area.
5. A maximum of two (2) trucks associated with the business shall be allowed to park out in front of the business. All other vehicles associated with the business shall be screened from Route 45 and Route 689. Loading and unloading of the units shall be done in a specific place shown on the site plan and approved by the County Zoning Administrator. Loading and unloading of the units shall not occur prior to 5:30 AM nor after 10 PM.
6. The applicant shall have a ninety (90) day time period from the date of the granting of this conditional use permit to install the wash down area, remove all of the inoperable vehicles and establish a ground area for placement of the porta-john units and comply with all other conditions stated herein.
7. Noncompliance with any of the conditions stated in this conditional use permit shall be cause for revocation of this permit.
8. All existing exterior and/or newly installed lighting shall be directed away from adjoining properties and the public roadways.
9. The applicant shall be allowed to display no more than six (6) models of porta-johns, to be located adjacent to the front corner (right) viewing the site from Route 45. The units shall be located not to exceed the front wall of the building.
10. The applicant shall comply with all Federal State and local laws, rules and regulations applicable to the operation of his business on the property.

Adopted and granted on this 13th day of August, 2003.



Gate screen to be added (30 dots)

Area for loading, unloading and storage of portable toilets and pump trucks.

THIS DRAWING REPRESENTS AS BUILT CONDITIONS AND FUTURE IMPROVEMENTS DIMENSIONS SHOWN ON THIS DRAWING TAKEN BY MO DUNCAN

MO DUNCAN
MOJOHNS

DESIGNED BY JOHN MURPHY
Scale 1"=30'



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: January 6, 2016

Re: **Dam Break Inundation Zones**

At the November Board of Supervisors meeting, Peter Francisco Soil and Water Conservation District came to request that the Board consider amendments to the Zoning Ordinance that would address Dam Break Inundation Zones in the County. Staff worked with the SWCD and recommended a draft Ordinance amendment to the Planning Commission. The Planning Commission held a public hearing on the language and recommends amendment to the Board of Supervisors unanimously.

Staff recommends that the Board set a public hearing for February 9, 2016, to consider amending the Zoning Ordinance to address Dam Break Inundation Zones.



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: January 6, 2016

Re: **Validation Plat/CUP's for parcels under one acre**

The Planning Commission has had some concerns regarding the need for property owners to obtain a Conditional Use Permit in order to build a house on a non-conforming parcel. In order to address this concern, the Commission and staff has been reviewing options for Ordinance amendments.

The Planning Commission has held a public hearing on language that would allow the Zoning Administrator to approve zoning permits for construction of homes on lots of less than one acre that were conveyed to be an acre, so long as provision for water and wastewater can be met. In the last two years, there have been two cases where a Conditional Use Permit was required for similar cases.

The Commission unanimously recommends approval.

Staff recommends that the Board set a public hearing for February 9, 2016, to consider amending the Nonconforming lots section of the Cumberland County Zoning Ordinance to allow construction on certain lots of less than one acre.



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: November 3, 2015

Re: **Code Amendment to allow additional animals in the R-2 district**

This code amendment would allow property owners who meet acreage requirements to keep additional animals on their property. Currently, farm uses in the R-2 district are restricted to pasture land, without a conditional use permit. The Planning Commission held a public hearing on this change at their November 16, 2015 meeting, and recommends the amendment to the Board of Supervisors unanimously.

Staff recommends that the Board set a public hearing for February 9, 2016, to consider amending the Cumberland County Code in Chapter 74-262 and 263.

Treasurer's Office

Outstanding Collections Report

December 2015

Real Estate

	<u>As of 11/30/2015</u>	<u>As of 12/31/15</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2000-2005	\$ 7,313.49	\$ 7,075.88	\$ 237.61	3.25%	
2006	5,081.11	5,081.11			
2007	8,295.10	8,295.10			
2008	11,439.35	11,439.35			
2009	14,468.57	14,427.24	41.33	0.28%	
2010	29,824.47	29,118.88	705.59	2.36%	
2011	57,513.79	55,513.46	2,000.33	3.48%	
2012	95,603.48	93,785.78	1,817.70	1.90%	
2013	152,339.02	148,698.72	3,640.30	2.39%	
2014	225,316.01	219,770.54	5,545.47	2.46%	
2015	468,930.63	401,091.44	67,839.19	14.47%	\$ 4.44
Total	\$ 1,076,125.02	\$ 994,297.50	\$ 81,827.52		

Personal Property

	<u>As of 11/30/2015</u>	<u>As of 12/31/15</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2010	\$ 35,267.15	\$ 34,953.94	\$ 313.21	0.89%	
2011	36,372.65	35,903.80	406.49	1.12%	
2012	35,721.55	34,937.72	783.83	2.19%	\$ 188.15
2013	42,457.43	40,732.22	1,725.21	4.06%	160.31
2014	79,144.79	73,443.28	5,701.51	7.20%	157.07
2015	556,743.14	482,153.31	74,589.83	13.40%	680.99
Total	\$ 785,706.71	\$ 702,124.27	\$ 83,520.08		

Collection Rates - As of December 31, 2015

Real Estate:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	96.04%	96.06%	- 0.02%
Tax Year - 2015	92.77%	92.31%	+ 0.46%

Personal Property:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	97.37%	97.28%	+ 0.09%
Tax Year - 2015	82.97%	84.07%	- 1.10%

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
* TREASURER'S ACCOUNTABILITY *					
ASSETS					
100-0000	CASH IN OFFICE	1,000.00			1,000.00
100-0105	C&F BANK - CHECKING	650,000.00	4,048,369.20		650,000.00
100-0115	C&F BANK - INVESTMENT ACCT	1,650,608.26	351,550.89		2,002,159.15
100-0120	C&F BANK - SAVINGS ACCT	23,559.10	20,208.40		43,767.50
100-0121	C&F BANK-IPR ACCOUNT	14,053.65	.35		14,054.00
100-0122	ESSEX BANK - CD	2,212,083.39			2,212,083.39
100-0124	C&F BANK-FAF (JUSTICE)	20,192.38			20,192.38
100-0125	C&F BANK-FAF (TREASURY)	2,708.82			2,708.82
100-0126	NEW HORIZON BANK-MONEY MKT	682,530.80	196.34		682,727.14
100-0128	C&F BANK-MONEY MARKET ACCT	142,208.68			142,208.68
100-0129	FIRST BANK	104,181.36	20.24		104,201.60
100-0131	LOCAL GOV INVESTMENT POOL	5,273.37			5,273.37
100-0137	RIVER COMM BANK - CERT. OF DEPOSIT	364,191.10			364,191.10
100-0140	FIRST BANK/SEWER RESERVE	123,479.19	23.99		123,503.18
100-0141	FIRST BANK/WATER RESERVE	18,015.70	3.50		18,019.20
100-0142	C&F BANK/ASSET FORFEITURE (SAF)	56,542.18	1,586.53		58,128.71
100-0143	C&F BANK-IDA RD OES DSR	53,127.03	10,224.00		63,351.03
100-0144	C&F BANK-GOVERNOR'S SCHOOL FUND	396,497.14	88.97	78,741.87	317,844.24
100-0145	C&F BANK-WATERLINE EXT DSR ACCT	3,542.66	3,540.00		7,082.66
100-0146	RETURNED CHECKS	575.87			575.87
100-0155	E & S CONTROL BOND ESCROW	3,502.27			3,502.27
100-0160	**ASSETS**	6,527,872.95	4,435,812.41	4,127,111.07	6,836,574.29
TOTAL ASSETS					
REVENUE FUND BALANCES					
300-0000	GENERAL FUND BALANCE	4,749,940.62	2,154,690.14	3,010,783.68	5,606,034.16
300-0100	ECONOMIC DEVELOPMENT FUND	38,871.00			38,871.00
300-0120	ASSET FORFEITURE FUND BALANCE	76,837.19		1,586.53	78,423.72
300-0150	HEALTH INSURANCE FUND	534,009.45	186,758.07	62,157.08	409,408.46
300-0170	SOCIAL SERVICES FUND BALANCE		95,103.50		
300-0201	NCLB FUND				
300-0203	SCHOOL CONTINGENCY FUND				
300-0204	SCHOOL FUND BALANCE	396,497.14	1,287,686.12	1,287,686.12	317,844.24
300-0205	GOVERNOR'S SCHOOL FUND (GSSV)	55,279.27	78,741.87	88.97	85,366.33
300-0207	CAPITAL PROJECTS FUND BALANCE		140,645.60		
300-0302	DEBT SERVICE FUND		1,250,851.08	1,250,851.08	
300-0401	COMPREHENSIVE SERVICES ACT	146,236.91			710.59
300-0500	UTILITY FUND (WATER/SEWER)	179,698.18	146,971.34	23.84	125,757.61
300-0501	SEWER RESERVE FUND (DSR)	123,479.19	124,567.32	70,626.75	123,503.18
300-0515	WATER RESERVE FUND	18,015.70	3.50	23.99	18,019.20
300-0540	WATERLINE EXT DSR FUND	3,542.66		3,540.00	7,082.66
300-0545	IDA OES RD DSR FUND	53,127.03		10,224.00	63,351.03
300-0550	IPR FUND BALANCE	14,053.65		.35	14,054.00
300-0580	IDA FUND BALANCE	103,058.39	18,932.69	2,000.00	86,125.70
300-0715	SPECIAL WELFARE FUND BALANCE	15,336.59	4,038.12	3,315.61	14,614.08
300-0733	**REVENUE FUND BALANCES**	6,507,982.97	5,488,985.85	5,798,015.00	6,817,012.12
TOTAL PRIOR YR FUND BALANCE					
5,798,015.00					
TOTAL REVENUE					
5,488,985.85					

TOTAL EXPENDITURE
TOTAL CURRENT FUND BALANCE

12/16/15
FUND # -999

6,507,982.97-
5,488,985.85
CUMBERLAND CO
BALANCE SHEET
11/30/2015

5,798,015.00-

6,817,012.12-

PAGE 2
TIME 14:36

TOTAL LIABILITIES AND FUND BALANCE

GL070

* TREASURER'S ACCOUNTABILITY *

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
400-0000	**OTHER FUND BALANCES**				
400-0105	OVERPAYMENTS	444.45-			135.15-
400-0110	PREPAID TAXES	9,967.76-	5,725.78	5,416.48-	13,980.25-
400-0140	COMMONWEALTH DEBIT ACCOUNT	4,031.00-	1,598.33	5,610.82-	
400-0150	COMMONWEALTH CREDIT ACCOUNT	90.00-	4,031.00		90.00-
400-0160	EROSION & SED CONTROL BOND ESCROW	3,502.27-	1,416.37	1,416.37-	3,502.27-
400-0216	ATTORNEY FEES	1,854.50-			1,854.50-
	OTHER FUND BALANCES	19,889.98-	12,771.48	12,443.67-	19,562.17-
		19,889.98-	12,771.48	12,443.67-	19,562.17-
	UNCOLLECTED TAXES				
500-0000	PUBLIC SERVICE CORP. TAXES PP/RE	107,080.17			36.52-
500-0078	UNCOLLECTED 2015 REAL ESTATE TAX	1,571,771.78			468,930.63
500-0079	UNCOLLECTED 2014 REAL ESTATE TAX	232,359.19			225,316.01
500-0080	UNCOLLECTED 2013 REAL ESTATE TAXES	157,081.44	965.56	8,008.74-	152,339.02
500-0081	UNCOLLECTED 2012 REAL ESTATE TAXES	99,636.48	1,706.67	6,449.09-	95,603.48
500-0082	UNCOLLECTED 2011 REAL ESTATE TAXES	60,017.28	1,034.90	5,067.90-	57,513.79
500-0083	UNCOLLECTED 2010 REAL ESTATE TAXES	30,526.94		702.47-	29,824.47
500-0084	UNCOLLECTED 2009 REAL ESTATE TAXES	14,596.71		128.14-	14,468.57
500-0085	UNCOLLECTED 2008 REAL ESTATE TAXES	11,439.35			11,439.35
500-0086	UNCOLLECTED 2007 REAL ESTATE TAXES	8,447.88		152.78-	8,295.10
500-0087	UNCOLLECTED 2006 REAL ESTATE TAXES	5,081.11			5,081.11
500-0150	UNCOLLECTED 2005/2000 REAL ESTATE	7,552.00		238.51-	7,313.49
500-0154	2010 VEHICLE LICENSE TAX	6,344.76			6,252.76
500-0155	2011 VEHICLE LICENSE TAX	7,434.32	23.00	115.00-	7,365.32
500-0156	2012 VEHICLE LICENSE TAX	6,865.59	23.00	200.00-	6,688.59
500-0157	2013 VEHICLE LICENSE TAX	9,178.24	23.00	239.00-	8,962.24
500-0158	2014 VEHICLE LICENSE TAX	16,295.21	43.95	1,034.29-	15,304.87
500-0159	2015 VEHICLE LICENSE TAX	173,316.36	115.00	82,718.16-	90,713.20
500-0173	UNCOLL. 2010 PERSONAL PROPERTY TAX	35,641.81	9.59	384.25-	35,267.15
500-0174	UNCOLL. 2011 PERSONAL PROPERTY TAX	36,444.10	9.71	143.52-	36,310.29
500-0175	UNCOLL. 2012 PERSONAL PROPERTY TAX	36,468.23	9.87	756.55-	35,721.55
500-0176	UNCOLL. 2013 PERSONAL PROPERTY TAX	44,586.52	9.86	2,138.95-	42,457.43
500-0177	UNCOLL. 2014 PERSONAL PROPERTY TAX	84,988.20		5,843.41-	79,144.79
500-0178	UNCOLL. 2015 PERSONAL PROPERTY TAX	1,348,807.13	4,735.59	796,799.58-	556,743.14
500-0200	RESERVE UNCOLLECTED COUNTY TAXES	4,111,960.80-	2,120,576.96	5,635.99-	1,997,019.83-
500-0400	UNCOLL MISC FEES	3,637.57		33.00-	3,604.57
500-0401	RESERVE-MISC FEES	3,637.57-	33.00		3,604.57-
500-0800	UNCOLLECTED WATER CHARGES	12,439.60	6,846.58	5,344.31-	13,941.87
500-0810	RESERVE UNCOLLECTED WATER CHARGES	12,439.60-	5,344.31	6,846.58-	13,941.87-
500-0900	UNCOLLECTED SEWER CHARGES	24,575.98	20,160.19	19,426.34-	25,309.83
500-0910	RESERVE UNCOLLECTED SEWER CHARGES	24,575.98-	19,426.34	20,160.19-	25,309.83-
500-1009	UNCOLLECTED 2009 ROLLBACK TAX				
500-1010	UNCOLLECTED 2010 ROLLBACK TAX	2.02		2.02-	
500-1011	UNCOLLECTED 2011 ROLLBACK TAX	1.83		1.83-	
500-1012	UNCOLLECTED 2012 ROLLBACK TAX	1.70		1.70-	
500-1013	UNCOLLECTED 2013 ROLLBACK TAX	1.56		1.56-	

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
500-1014	UNCOLLECTED 2014 ROLLBACK TAX	1.56		1.56	
500-1015	UNCOLLECTED 2015 ROLLBACK TAX	1.46		1.46	
500-1099	RESERVE-UNCOLLECTED ROLLBACK TAXES	10.13	10.13		
	UNCOLLECTED TAXES		2,181,130.21	2,181,130.21	
510-2010	COMMONWEALTH REIMB-PPTRA	871,537.31		8.41	871,528.90
510-2011	COMMONWEALTH REIMB-2010	864,055.36		8.29	864,047.07
510-2012	COMMONWEALTH REIMB-2011	873,234.34		8.13	873,226.21
510-2013	COMMONWEALTH REIMB-2012	865,053.78		52.41	865,001.37
510-2014	COMMONWEALTH REIMB-2013	873,398.33		63.28	873,335.05
510-2015	COMMONWEALTH REIMB-2014	882,813.89	1,281.52	755.40	883,340.01
510-9999	ESTIMATED COMMONWEALTH RESERVE	5,230,093.01	895.92	1,281.52	5,230,478.61
	COMMONWEALTH REIMB-PPTRA		2,177.44	2,177.44	
			2,183,307.65	2,183,307.65	
600-0000	**STATE ACCOUNTS**				
600-0173	UNCOLL. STATE INCOME TAX-2014				
600-0174	UNCOLL. STATE INCOME TAX-2013				
600-0185	ESTIMATED STATE INCOME TAX-2015	18,351.00		1,083.00	19,434.00
600-0186	ESTIMATED STATE INCOME TAX-2014				
600-0190	RESERVE UNCOLLECTED STATE TAXES	18,351.00	1,083.00	1,083.00	19,434.00
	STATE ACCOUNTS				
700-0000	**DEBT FUNDS**				
700-0151	CERT OF PARTICIPATION -ELEM 97	700,000.00			700,000.00
700-0221	LITERARY LOAN - ELEMENTARY SCHOOL	1,999,999.94			1,999,999.94
700-0222	HIGH SCH/MIDDLE SCH-SUNTRUST LOAN	17,905,000.00			16,935,000.00
700-0226	SEWER LOAN - FARMERS HOME ADM	1,367,189.24		970,000.00	1,367,189.24
700-0227	WATERLINE EXT LOAN-USDA	921,396.56			921,396.56
700-0231	COURTHOUSE LOAN-SUNTRUST	1,609,000.00			1,609,000.00
700-0236	PUBLIC FACILITIES NOTE-2009	3,940,000.00			3,940,000.00
700-0237	VPSA	7,648,264.00			7,648,264.00
700-0239	IDA RD LOAN-OES PROPERTY	1,886,606.90			1,886,606.90
700-0240	AMERESCO LOAN	965,460.00			965,460.00
700-0250	RESERVE DEBT FUND	38,942,916.64	970,000.00	970,000.00	37,972,916.64
	DEBT FUNDS				
			970,000.00	970,000.00	

Transactions for DMV Select

December 2015

	# Transactions	Total \$	# Helped	# Transactions	Total \$	# Helped
1	32	\$2,680.41	8	17	\$823.91	12
2	20	\$726.91	13	18	\$890.41	5
3	36	\$1,212.79	3	19		
4	25	\$1,156.50	9	20		
5				21	\$1,005.87	6
6				22	\$839.70	9
7	41	\$1,678.99	4	23	\$369.16	2
8	20	\$734.10	3	24		
9	18	\$751.34	7	25		
10	14	\$256.25	10	26		
11	18	\$1,726.18	6	27		
12				28	\$1,737.29	13
13				29	\$1,846.30	13
14	29	\$1,218.03	6	30	\$1,409.10	10
15	17	\$738.00	7	31	\$1,609.78	11
16	26	\$855.63	2	551	\$24,266.65	160

CUMBERLAND COUNTY

**BUILDING INSPECTIONS
DEPARTMENT**



DECEMBER 2015

**MONTHLY
REPORT**

COUNTY of CUMBERLAND VIRGINIA

FOUNDED • 1749

Building Official's Office

Leland Leeds
Building Official

lleeds@cumberlandcounty.virginia.gov

Mackenzie Tate
Building Coordinator /
Assistant Planning & Zoning
Administrator

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December	Current Month 2014	YTD 2014	Current Month 2015	YTD 2015
Singlewides	3	8	0	10
Doublewides	0	5	1	8
Modular	0	4	0	3
New Homes	1	15	1	13
Ag & Exempt	0	2	0	3
Garages & Carports	3	24	0	15
Additions & Remodels	1	26	2	27
Misc	12	165	10	150
Commercial	1	22	0	34
Totals	21	268	14	260
Total Fees Collected	\$2,620.56	\$34,745.30	1297.41	\$37,752.99
E-911 Fees Collected	\$0.00	\$166.00	12	\$264.00
Zoning Fees Collected	\$20.00	\$302.00	20	\$290.00
S & E Fees Collected	\$50.00	\$451.00	0	\$750.00
Total Estimated Value	\$33,158.00	\$5,611,814.00	83150	\$6,274,032.00
Admin. Fees	\$25.00	\$85.00	0	\$30.00
CO's Issued	4	33	1	33

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Workshop Meeting
Cumberland County Community Center Rm. C-8
Monday, October 26, 2015
6:30 p.m.**

PRESENT: Bill Burger, District 3, Chairman
Randy Bryant, District 1, Vice-Chairman
Hubert Allen, District 4
Roland Gilliam, District 5
Irene Wyatt, At-Large
Larry Atkins At-Large
David Meinhard, Board of Supervisors member

ALSO PRESENT: Sara Carter, Planning Director

ABSENT: Stephen Donahue, District 2
Vivian Giles, County Attorney/Administrator

CALL TO ORDER AND ROLL CALL

Chairman Burger called the Planning Commission’s workshop meeting of Monday, October 26, 2015 to order at 6:30 p.m. and a quorum was established.

APPROVAL OF AGENDA

MOTION:

Commissioner Gilliam made a motion to approve the agenda. Commissioner Allen seconded. The motion carried unanimously with a vote of 6-0.

DISCUSSION: CA 15-09 BUFFERS

Staff reviewed the Board of Supervisors action regarding CA 15-09, Buffers. The Board of Supervisors has referred the language back to the Planning Commission and requests that the Commission modify the language to delete the word “reasonable,” and make the buffer requirements specific, as opposed to discretionary. Staff presented language that had three buffer options.

There were questions from the Commission relating to the situations that may make an owner unable to provide a buffer. With the new standards, the Commission was inclined to change the language to state that a “property owner may apply for a waiver...”

The Commission had a discussion regarding the board privacy fence option. The Commission recommended changing the language to require that if a fence is used, the required trees would be on the residence side of the fence, rather than the business side of the fence.

MOTION:

Commissioner Allen made a motion to advertise CA 15-09 Buffers for public hearing at the November 16, 2015 meeting. Vice-Chairman Bryant seconded the motion. The motion passed unanimously 6-0.

DISCUSSION: CA 16-02 VALIDATION PLAT

Staff reviewed the language for Validation Plats from Chesterfield County. Staff expressed that the concern in Cumberland is not property that was created illegally, but lots that do not meet current Ordinance requirements, even though they were created legally. The purpose in bringing this forward is to allow these situations to be addressed in the office, rather than through a public process.

Commissioner Donahue emailed comments to staff, and expressed his hope that the eligibility would be more open for Cumberland County and that there would be no fee. Additionally, he requested that staff work to make the requirements as easy on property owners as possible. Commissioner Allen agreed that it should be as open ended as possible. Commissioner Wyatt stated that it would be helpful to get a plat recorded for these situations.

The Commission agreed generally that no fee was appropriate, as the County does not currently charge for Conditional Use Permits for lot deficiencies. The Commission also felt that not charging a fee prevented citizens from feeling like the county was regulating them for the purpose of charging a fee.

The Commission agreed that they would take this up for a public hearing in January, 2016.

DISCUSSION: COBBS CREEK PLAN AMENDMENT

Staff reviewed a proposed Scope of Work for a plan amendment for the Cobbs Creek Reservoir area.

Vice-Chairman Bryant commented that the timeframe looked appropriate. Commissioner Allen commented that he would like to see the Existing Conditions report given to the Commission at the March workshop meeting. Upon further discussion on this topic, the Commission agreed that the four reports back to the Commission should be done at the Commission's quarterly workshop meetings. Staff would give an executive summary at the regular Commission meetings. Once the schedule is set, Henrico County would be invited to the workshop meetings.

Chairman Burger stated that most meetings should be in the reservoir area, but there should be at least one meeting in the Courthouse area, in case there are citizens who would like to participate that live further away from Cartersville. He also requested that the Commission have a tour of the area, so they can be more knowledgeable about the area.

Ms. Carter asked the Commission to review the maps and discuss what area to include in the study area. The Commission decided to include Cartersville and come on both sides of Cartersville Road and both sides of Columbia until you get to Morningside and then follow Columbia and Duncan Store Road. The Commission wanted to be sure that the people that would be impacted by traffic would be included.

Commissioner Wyatt stated that the county should be looking long term for water and sewer development in the area. She stated that she was impressed that Henrico was able to pay for the development of the reservoir with water and sewer fees.

OLD BUSINESS

None.

NEW BUSINESS

Staff updated the Commission regarding upcoming cases.

GENERAL COMMISSIONER COMMENTS

Commissioner Allen thanked staff for their work.

Chairman Burger updated the Commission regarding REZ 15-05 Bales, and communication that he had with the applicant, as well as research on the parcel history.

ADJOURNMENT

MOTION:

At 7:24 p.m., Commissioner Allen moved to adjourn to the next Planning Commission regular meeting of Monday, November 16, 2015, at 6:30 p.m. or as soon after as may be heard. Vice-Chairman Bryant seconded. The motion carried unanimously with a vote of 6-0.

Attested:

Bill Burger, Planning Commission Chairman Date

Sara Carter, Planning Director Date

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Regular Meeting
Cumberland County Community Center Rm. C-8
Monday, November 16, 2015
6:30 p.m.**

PRESENT: Randy Bryant, District 1, Vice-Chairman
Stephen Donahue, District 2 (arrived late)
Bill Burger, District 3, Chairman
Hubert Allen, District 4
Roland Gilliam, District 5
Larry Atkins, At-Large
David Meinhard, Board of Supervisors member

ALSO PRESENT: Sara Carter, Planning Director
Vivian Giles, County Administrator/Attorney

ABSENT: Irene Wyatt, At-Large

CALL TO ORDER AND ROLL CALL

Chairman Burger called the Planning Commission's regular meeting of Monday, November 16, 2015 to order at 6:30 p.m. and a quorum was established.

APPROVAL OF AGENDA

MOTION:

Commissioner Allen made a motion to approve the agenda. Commissioner Gilliam seconded. The motion carried unanimously 5-0.

APPROVAL OF MINUTES

MOTION:

Commissioner Gilliam made a motion to approve the minutes from October 19, 2015. Vice-Chairman Bryant seconded. The motion carried unanimously 5-0.

PUBLIC HEARING: REZ 15-06 WISE

Staff reviewed the proposal for 1293, 1307, 1309 and 1311 Anderson Highway and 4 Old Buckingham road. The Planning Commission initiated this rezoning to address non-conforming uses at the shops. The existing zoning is B-3, with a CUP on one lot for a used car lot. The rezoning would be for B-1, Business. There have been no comments received on this proposal.

Chairman Burger opened the public hearing.

Hearing no comments, Chairman Burger closed the public hearing.

The Commission was generally in favor of the request. Chairman Burger asked if it would be possible to reduce the number of business zones from three zones to two.

MOTION:

Commissioner Allen made a motion to recommend approval of the request to the Board of Supervisors. Vice-Chairman Bryant seconded. The motion passed unanimously 5-0.

PUBLIC HEARING: CUP 15-11 CARTERSVILLE VOLUNTEER FIRE DEPARTMENT AND WAIVER 15-01 CARTERSVILLE VOLUNTEER FIRE DEPARTMENT

Staff reviewed the Conditional Use Permit request for Cartersville Volunteer Fire Department, to be located at the intersection of Cartersville and Jennings Roads. Fire/rescue facilities are a conditional use in the A-2 district. They are additionally requesting a waiver to the front setback requirement on Cartersville Road. This is required due to the placement of the entrances that are approvable by VDOT, and the location of the permitted septic field. The waiver request is for an 85 foot setback, rather than a 130 foot setback, as required on primary highways.

Chairman Burger opened the public hearing.

Hearing no one to speak, Chairman Burger closed the public hearing.

There were no questions or concerns from the Commission.

MOTION:

Commissioner Allen made a motion to recommend approval of the Conditional Use Permit for the Cartersville Volunteer Fire Department and also to approve a waiver for a 65 foot setback from the edge of pavement along Cartersville Road. Vice-Chairman Bryant seconded the motion. The motion passed unanimously 5-0.

PUBLIC HEARING: CA 15-09 BUFFERS

The Planning Commission had previously recommended buffer language to the Board of Supervisors. The Board requested that the Commission provide more specifics in the proposed language. Staff provided an overview of the buffer language that had been developed in response to their concerns. There were no questions from the Commission.

Chairman Burger opened the public hearing.

Hearing no one to speak on the issue, Chairman Burger closed the public hearing.

Vice-Chairman Bryant commented that the revised Ordinance met the requirements of the Board.

Commissioner Donahue arrived at the meeting.

MOTION:

Commissioner Allen made a motion to recommend approval of CA 15-09 to the Board of Supervisors. Commissioner Gilliam seconded the motion. The motion passed unanimously 6-0.

PUBLIC HEARING: CA 15-11 KEEPING OF ANIMALS IN AN R-2 DISTRICT

Staff provided an overview of the proposed ordinance. The Commission discussed the acreage requirements for animals.

Chairman Burger opened the public hearing.

Carol Miller of Cumberland Road asked whether a mini horse would be counted the same as a horse or pony.

Staff responded that in its current writing, a mini horse would be considered the same as any other horse.

Barbara Hinton asked why roosters were prohibited.

Staff responded that most complaints about chickens in residential areas were based on noise complaints from roosters.

Chairman Burger closed the public hearing.

The Commission had a discussion regarding the acreage requirements for chickens, and whether it should be less, whether chickens should be confined, and if the number should be greater with more acreage. The Commission requested that staff look at expanding the number of chickens, with an escalation provision, potentially with different numbers allowed, depending on confinement. Additionally, the Commission directed staff to provide three classes of animals: large, medium and small. All groups should have a sliding scale. Commissioner Donahue also suggested replacing the word "horse" with "equine" so that all classes of equine animals are included. Address sheep and goats under "medium," and cows and equine under "large."

Commissioner Allen made a motion to table the Ordinance until the January meeting for staff to clarify and update the language based upon the Commission's comments. Commissioner Donahue seconded the motion. The motion passed unanimously 6-0.

DISCUSSION: CUP 15-12 SUTTON

Staff provided an overview of the request. Kellee Sutton is requesting a Conditional Use Permit to address lot deficiencies on a 0.86 acre lot in Cartersville. A reduction of setbacks is also requested with the CUP.

Commissioner Atkins asked whether the lot could have an approvable septic site. The applicant responded that they had already obtained an AOSE plan for the septic system. Chairman Burger asked staff if a Conditional Use Permit for all of Cartersville should be considered to address the continuing issues in the area. Staff replied that the Validation Plat process would probably work better to address the issues in that geography, since the lot size and development pattern is more varied there than in Trice's Lake.

MOTION:

Comissioner Allen made a motion to recommend approval of CUP 15-12 to the Board of Supervisors. Vice-Chairman Bryant seconded the motion. The motion passed unanimously 6-0.

OLD BUSINESS

DISCUSSION: REZ 15-05 BALES

Mr. Bales, the applicant, expressed his desire to move forward with his original application for rezoning to A-2, rather than pursuing R-2 with a Conditional Use Permit for animals. The Commission discussed the surrounding zoning in the subdivision, and when the zoning was originally changed from A-2 to R-2.

MOTION:

Commissioner Donahue made a motion to recommend approval of REZ 15-05 to the Board of Supervisors. Commissioner Allen seconded the motion. The motion passed on a 5-1 vote, with Chairman Burger voting against the motion.

DISCUSSION: CUP 15-08 MITCHELL AND CA 15-10 WINERIES AND BREWERIES

Staff updated the Commission that no further information has come in regarding this request.

NEW BUSINESS

Staff updated the Commission regarding a request from Peter Francisco Soil and Water Conservation District to address inundation zones from dam breaks in the Zoning Ordinance.

Staff updated the Commission that the Building Official has requested that the Commission consider setbacks for pipelines and transmission lines. Very few localities in Virginia have setbacks from pipelines. Model Ordinances from other states and guidelines at the federal level recommend modest setbacks of 25-30 feet from the easement to prevent accidental encroachment, with control of land uses (to prevent uses with large congregations of people) adjacent to pipelines. The Commission directed staff to bring this forward with the Cobbs Creek Plan Amendment.

The Commission discussed the 2016 meeting calendar. The Commission discussed whether meeting on a different day of the month would allow applications to move through the process more quickly. After discussion, the Commission decided to move the meeting to the fourth Monday of the month. The first meeting of the year will be on the first Tuesday, with a workshop scheduled for the end of January.

GENERAL CITIZEN COMMENTS

Carol Miller stated that she is concerned about making sure that the recommended acreage for horses is adequate to prevent overgrazing. The recommended amount would be three acres per horse.

Barbara Hinton expressed concern about unconfined chickens.

GENERAL COMMISSIONER COMMENTS

There were no Commissioner comments.

ADJOURNMENT

MOTION:

At 7:32 p.m., Commissioner Allen moved to adjourn to the next Planning Commission regular meeting of Tuesday, January 5, 2016 at 6:30 p.m. or as soon after as may be heard. Vice-Chairman Bryant seconded. The motion carried unanimously with a vote of 6-0.

Attested:

Bill Burger, Planning Commission Chairman

Date

Sara Carter, Planning Director

Date

**MINUTES OF THE INDUSTRIAL DEVELOPMENT AUTHORITY
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING DOWNSTAIRS CONFERENCE ROOM
CUMBERLAND COUNTY COURTHOUSE COMPLEX
TUESDAY, SEPTEMBER 29, 2015
9:00 A.M.**

PRESENT:

Fred Shumaker, Chairman
Joe Hazlegrove, Director
Lou Seigel, Director
Leroy Pfeiffer, Sr., Vice Chair
John Godsey, Director
Lester Nyce, Director
James Henshaw, Director

ALSO PRESENT:

Vivian Seay Giles, County Administrator/County Attorney
Jennifer Roberts, Grants Administrator
Julie Pfeiffer, Senior Executive Assistant

ABSENT:

Lester Nyce
James Henshaw

CALL TO ORDER AND ROLL CALL

Fred Shumaker called to order the meeting of the Industrial Development Authority of Cumberland County, Virginia on Tuesday, September 29, 2015 at 9:00 a.m. and a quorum was established.

APPROVAL OF AGENDA

On a motion by Mr. Leroy Pfeiffer and carried, the agenda was approved as presented. The motion carried unanimously 5-0.

ADJOURN INTO CLOSED SESSION

On a motion by Mr. Leroy Pfeiffer and carried, the Board entered into closed meeting pursuant to the Virginia Code 2.2-3711 A.6. to discuss the investment of public funds for the development of the Cumberland Business Park. The motion carried 5-0.

RECONVENE IN OPEN SESSION

A motion was made by Director Pfeiffer and adopted by the following vote:

Mr. Shumaker -	Yes
Mr. Seigel -	Yes
Mr. Godsey -	Yes
Mr. Hazelgrove -	Yes
Mr. Henshaw -	Absent
Mr. Nyce -	Absent
Mr. Pfeiffer -	Yes

that the following Certification of a Closed Meeting be adopted in accordance with The Virginia Freedom of Information Act.

WHEREAS, the Industrial Development Authority of the County of Cumberland, Virginia 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 Industrial Development Authority of the County of Cumberland, Virginia hereby certifies that, to the best of each director'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 Industrial Development Authority of the County of Cumberland, Virginia; and (iii) no action was taken in closed session regarding the items discussed.

PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

The Board discussed the request of staff of the Department of Social Services (DSS) to paint offices. All directors agreed that DSS staff should be allowed to paint their offices.

The Board discussed the request of Clothes Closet staff to erect a directional sign at the Community Center. From the discussion it was decided that county staff will explore the possibility of upgrading all signage at the Community Center. It was suggested the signs list all offices/buildings in that area with the Clothes Closet.

A decision was made to close the IDA bank account; Fred Shumaker to effect closing.

Staff will work to advance the paperwork necessary to change the name of the Industrial Development Authority of Cumberland County, Virginia to the Economic Development Authority of Cumberland County, Virginia.

The Board would like for staff to move forward to maximize grant funding and construct the water line extension to the Business Park on Poorhouse Road.

ADJOURN

On a motion by Mr. Leroy Pfeiffer and carried unanimously, the Board adjourned the meeting until the next regular meeting of the committee to be held November 24, 2015, at 9:00 a.m. in the County Administration Building Downstairs Conference Room, Cumberland County Courthouse Complex in Cumberland, Virginia.

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8th day of December, 2015, 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
Tracie Wright, Finance Director
Sara Carter, Planning 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 Ingle and carried unanimously, the Board approved the Agenda as amended:

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

5. Public Comments

Ms. Barbara Gamage informed the Board that the Cumberland Christmas Ornament is on display at the Governor's mansion. Ms. Leah Olivier is the creator of the ornament. The Cumberland Christmas parade is scheduled for Sunday, December 13, 2015 at 2:00 p.m. Ms. Alice Patterson stated that she is opposed to the newly proposed ordinance regarding animals running at large. Ms. Stacey Lewis stated that she opposes dogs running at large. Mr. Carl Thompson asked that the county keep the animal running at large law in effect as it is. Ms. Zoe Worrell is in opposition to the proposed changes in the ordinance regarding animals running at large. Mr. Matt Patterson is opposed to changes in the Animal Control Ordinance.

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:

- CCPS participated in the Betty Scales Day of Service.
- The Elementary and Middle Schools held their nights of Excellence.
- Jordan Newman, a Middle School student, was invited to the White House to showcase his project highlighting the importance of Agriculture.
- The December School Board meeting is scheduled for Monday, December 14, 2015, and the retirement reception for Mr. George Reid will be held at 5:00 p.m. immediately prior to the meeting.

- Budget development input is being solicited.
- The Strategic plan is under development.

b) VDOT

Mr. Scot Shippee, Assistant Resident Engineer, informed the Board that the Blenheim Road paving project is complete. The Stoney Point Mill Lane Bridge on Route 620 is now open. Mr. Shippee asked the Board for consideration on abandoning the Route 621 Bridge on Brook Hill Road that leads into Amelia County now that the Route 620 Bridge is back open. This will make Brook Hill Road a dead end road. The Brook Hill Road Bridge is in the Richmond District, where the Stoney point Mill Lane Bridge is in the Lynchburg District. Mr. Shippee informed the Board that the maintenance funds not needed is money that can be spent on other county projects.

Per Ms. Giles' request, Mr. Shippee will further research the possibility of having VDOT install no littering signs in the county.

In November, The Lynchburg District VDOT Office executed a contract with Cumberland County and the Cumberland County Sheriff's Department for the Sheriff's Office to supervise inmate labor for roadside litter pick-up, among other duties. This contract will allow for payment of a deputies' time at an hourly rate for supervision of the inmates.

Mr. Shippee informed the Board that Mr. Kevin Wright has taken another position within the Department, and his last day as Residency Administrator will be December 9, 2015. As of December 10, 2015, Mr. Shippee will be the Acting Residency Administrator until such a time as that position is filled permanently.

One citizen voiced a concern with the direction of the one way traffic on Courthouse Circle. This citizen suggested that the one way traffic should be directed the opposite direction so that the traffic would enter Route 60, Anderson Highway, from Courthouse Circle, instead of Foster Road. Mr. Shippee was unsure as to whether Courthouse Circle is a private road or a VDOT road but indicated that county staff and VDOT staff would look further at this suggestion.

Supervisor Ingle asked for clarification on where the unused funds could be utilized if the Route 621 Bridge was abandoned. Mr. Shippee stated that those funds would go back to the Lynchburg District. Supervisor Ingle also asked whether Amelia County would have a say in the closing of the bridge. Mr. Shippee stated that, to his knowledge, Amelia County did not have a say in whether the Cumberland Supervisors decided to close that bridge.

c) Cumberland Public Library – Ms. Jennifer Beach

Ms. Beach informed the Board that the annual tree lighting was held the previous night. On December 23, 2015 there will be a Polar Express Party at the library. The Sweets in the Stacks event is an annual fundraiser that the Friends of Cumberland Library sponsor. This event will be held in March of 2016.

d) Joe Burton, Crossroads Community Services Crisis Prevention

Mr. Burton was not in attendance.

7. Public Hearings

a) Code Amendment 15-13 Animals

County Administrator, Vivian Giles, informed the Board that she was approached by Mr. Willis Meadows, the Animal Control Officer, in 2013 and asked to revise the County Animal Ordinance to bring in more in alignment with the Ordinance in Buckingham County, more specifically, as it relates to animals running at large. The current code allows animals to run at large 4 months out of the year, and the proposed code amendment would allow animals to run at large 9 months out of the year.

The Chairman opened the public hearing. The Board asked for Mr. Meadows input on the matter. Mr. Willis Meadows, informed the Board that the change in the county code would benefit the Animal Control officers as they receive many calls regarding animals running at large which do not relate to animal or citizen safety. By decreasing the at large limitations, this will reduce the length of time during the year when dogs running at large would be an ordinance violation and thereby require staff time. Ms. Giles informed the Board that because the County is not euthanizing as many animals, working more toward the goal of adoption, this has increased the staff work load as, so other means of reducing that work load would be helpful.

Ms. Alice Patterson stated that the proposed changes do not benefit the community. Mr. Carl Thompson is opposed to changing the county code. Ms. Barbara Hinton stated that there should be a penalty for not controlling your animals. Mr. Leo Henderson suggested that the code be changed only allow animals to run at large for 1 month out of the year. Ms. Rose McClinton stated that the more time the animals are able to run free, it will increase the amount of animals in the pound. With no other 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 15-13 except the change to section 10-33:

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

Chapter 10 - ANIMALS FOOTNOTE(S):

--- (1) ---

Cross reference— Environment, ch. 34; agricultural, intensive district A-1, § 74-131 et seq.; agricultural district A-2, § 74-171 et seq.; poultry facilities, § 74-1021 et seq.

State Law reference— Comprehensive animal laws, Code of Virginia, § 3.2-6500 et seq.; offenses involving animals, Code of Virginia, §§ 3.2-6500, 18.2-403.1 et seq.; diseased animals, dead animals, etc., Code of Virginia, §§ 18.2-323, 18.2-510; regulation of hunting and trapping by counties and cities, Code of Virginia, §§ 29.1-526, 29.1-528; hunting near public schools and public parks, Code of Virginia, §29.1-527; control of rabies, Code of Virginia, § 32.1-48.1 et seq.; estrays, Code of Virginia, § 55-202 et seq.

ARTICLE I. - IN GENERAL

Sec. 10-1. - Definitions.

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

Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat; however, when a dog attacks or bites another dog the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite; (ii) if both dogs are owned by the same person; (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian; or (iv) for other good cause as determined by

the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

Hearing dog means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

Hybrid canine means any animal that is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family; that at any time has been permitted, registered, licensed, or advertised as such; or that at any time has been described, represented, or reported as such by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

Run at large refers to a dog that is roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

Service dog means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

Vicious dog means a canine or canine crossbreed that has:

- (1) Killed a person;
- (2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or
- (3) Continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by this article that it is a dangerous dog, provided that its owner has been given notice of that finding.

(Code 1990, §§ 3-10, 3-12A(d), 3-13, 3-15; Ord. of 10-9-1996; Ord. of 9-10-1997; Ord. of 11-12-2003(1))

Cross reference— Definitions generally, § 1-2.

State law reference— Similar provisions, Code of Virginia, §§ 3.2-6500, 3.2-6540, 3.2-6540.1.

Sec. 10-2. - Boundary line acts as fence.

The boundary line of each lot or tract of land or any stream in the county shall be a lawful fence to any livestock.

(Code 1990, § 3-17)

State law reference— What constitutes lawful fence, Code of Virginia, § 55-299 et seq.; trespass in crossing lawful fence, Code of Virginia, § 55-306 et seq.; No-Fence Law, Code of Virginia, § 55-310 et seq.

Sec. 10-3. - Wolf hybrid canine; confinement.

It shall be unlawful for the owner or custodian to allow any hybrid canine to run at large in the county at any time. For the purpose of this section, a hybrid canine shall be deemed to be running at large while outside of any pen or enclosure as provided in subsection (b) of this section; however, any owner or custodian of a hybrid canine may be allowed to remove a hybrid canine from a pen or enclosure for purposes of transportation to another pen or enclosure or for the purpose of obtaining medical attention. In no event shall any hybrid canine be allowed to be set free on any property within the county at any time.

It shall be unlawful to own or possess a hybrid canine unless such hybrid canine is kept and maintained in a pen or enclosure constructed as follows:

1. The pen or enclosure shall contain at least 1,600 square feet of space.
2. Any fencing used in the construction of the pen or enclosure shall be at least eight feet in height, with an additional overhang of fencing or barbed wire angling a minimum of three feet into the pen or enclosure.
3. To prevent digging out along the fence, concrete footers at least one foot wide and six inches deep shall be installed along the perimeter of the pen or enclosure.
4. The pen or enclosure shall be surrounded by a chain link fence at least four feet in height and no closer than six feet to the pen or enclosure.
5. Any fencing used in the construction of the pen or enclosure shall be of 11 gauge wire or its equivalent.

A violation of this section is a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for any subsequent violation. Further, any person violating this section may be required to surrender the hybrid canine to be euthanized in accordance with Va. Code § 3.2-6562. (Code 1990, § 3-12A(a)—(c); Ord. of 2-14-1996)

State law reference— Hybrid canines, Code of Virginia, § 3.2-6582 *et seq.*

Secs. 10-4—10-30. - Reserved.

ARTICLE II. - DOGS

DIVISION 1. - GENERALLY

Sec. 10-31. - Enforcement of the comprehensive animal laws.

The enforcement of the comprehensive animal laws of the county shall be vested in the animal control officer.

(Code 1990, § 3-8)

State law reference— Animal control officer, Code of Virginia, § 3.2-6555

Sec. 10-32. - Code provisions applicable.

All other provisions of Code of Virginia, § 3.2-6555 *et seq.*, shall apply *mutatis mutandis* to the animal control officer of the county.

(Code 1990, § 3-9)

Sec. 10-33. - Running at large prohibited during certain months; penalty.

It shall be unlawful for the owner or custodian to allow any dog to run at large in the county during the period of March 1 to November 1 of each year. Any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up during the period specified shall be deemed to have violated the provisions of this section.

Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.

(Code 1990, §§ 3-10, 3-12, 3-15; Ord. of 3-13-1996)

State law reference— Code of Virginia, §§ 3.2-6538, 3.2-6587.

Secs. 10-34—10-50. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-51. - Amount of license.

- (a) It shall be unlawful for any person to own a dog four months old or older in the County unless such dog is licensed as required by this article. Dog licenses shall run by the calendar year, namely, from January 1 through December 31, and this license tax shall be payable at the office of the treasurer and shall be as follows:
- (1) For any single dog, regardless of sex, \$4.00. For a kennel of one to ten dogs, \$30.00.
 - (2) For a kennel of 11 to 20 dogs, \$40.00.
 - (3) For a kennel of 21 to 50 dogs, \$50.00.
- (b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person.

(Code 1990, § 3-1)

State law reference— Amount of license tax, Code of Virginia, § 3.2-6528.

Sec. 10-52. - Evidence showing inoculation for rabies prerequisite to obtaining dog license.

No license tag shall be issued for any dog unless there is presented, to the treasurer at the time application for license is made, the amount of license tax and a current certificate of vaccination as required by Code of Virginia, § 3.2-6521. No kennel license shall be issued unless a rabies vaccination certificate is presented for each dog in the kennel.

(Code 1990, § 3-2)

State law reference— How to obtain license, Code of Virginia, § 3.2-6527

Sec. 10-53. - When license tax payable.

License taxes on dogs shall be due and payable as follows:

- (1) On or before January 1 and not later than January 31 of each year, the owner of any dog four months old or older shall pay a license tax as prescribed in section 10-52.
- (2) If a dog shall become four months of age or come into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid forthwith by the owner.
- (3) If a dog shall become four months of age or come into the possession of any person between October 31 and December 31 of any year, the license for the succeeding calendar year shall be paid forthwith by the owner; and such license shall be valid from the date the license is purchased.

(Code 1990, § 3-3)

State law reference— When license tax payable, Code of Virginia, § 3.2-6530.

Sec. 10-54. - Duplicate license tags.

If a dog license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog shall be \$1.00.

(Code 1990, § 3-4)

State law reference— Duplicate license tags, Code of Virginia, § 3.2-6532. Sec. 10-55. - Sale to begin November 1.

Dog tags for each calendar year shall be sold in serial and numerical order, beginning November 1 of the prior year and shall remain on sale until October 31 of the calendar year covered by such tags.

(Code 1990, § 3-5)

Sec. 10-56. - Disposition of funds.

All funds collected by the treasurer pursuant to this division shall be paid into the general revenue fund of the county. All expenses incurred in administering this article shall be paid out of the general revenue fund of the county.

(Code 1990, § 3-6)

Sec. 10-57. - Penalties for violation.

Any person violating any of the provisions of this division shall be guilty of a class 4 misdemeanor and shall be subject to punishment as provided in Code of Virginia.

(Code 1990, § 3-7)

Secs. 10-58—10-80. - Reserved.

DIVISION 3. - DANGEROUS AND VICIOUS DOGS

FOOTNOTE(S):

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Cross reference— Environment, ch. 34.

State Law reference— Authority to control dangerous or vicious dogs, Code of Virginia, §§ 3.2-6540, 3.2-6540.1.

Sec. 10-81. - Regulation.

All dangerous and vicious dogs in the county shall be subject to the following regulations:

- (1) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court of competent jurisdiction at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal control officer or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If after hearing the evidence the court finds that the animal is a dangerous dog, the court may order the owner,

custodian, or harborer thereof to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of.

- (2) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was:
- a. Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
 - b. Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or
 - c. Provoking, tormenting or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times.

No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

- (3) The owner of any animal found to be a dangerous dog shall, within 45 days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of \$150.00 in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall

be renewed annually for a fee of \$85 in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry.

- (4) All certificates or renewals required to be obtained under this division shall only be issued to persons 18 years of age or older who present satisfactory evidence of the animal's current rabies vaccination, that the animal has been neutered or spayed, that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals under this section shall not be issued a certificate or renewal unless they present satisfactory evidence that their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and the animal has been permanently identified by means of electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.
- (5) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (6) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be

responsible for complying with all requirements of this division.

- (7) After an animal has been found to be a dangerous dog, the animal's owner shall immediately,
 - upon learning of the dog's status, notify the animal control officer if the animal:
 - a. Is loose or unconfined;
 - b. Bites a person or attacks another animal;
 - c. Is sold, given away or dies; or
- (8) Any owner of a dangerous who relocates to a new address shall, within 10 days of relocating, provide written notice to the animal control authorities of the old address from which the animal has been moved and the new address to which the animal has been moved.
- (9) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
 - a. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;
 - b. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack. Va. Code Ann. § 3.2-6540.

- (10) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.

Upon conviction, the court may (i) order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562 or (ii) grant the owner up to 45 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

Code of Virginia § 3.2-6540.

- (11) All fees collected pursuant to this article, less the costs incurred by the county in producing and distributing the certificates and tags required by this article and fees due to the State Veterinarian for the maintenance of the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required under Code of Virginia, § 3.2-6556.

(Code 1990, § 3-14; Ord. of 9-10-1997; Ord. of 11-12-2003(1); Ord. of 1-20-2004(1))

- b) Conditional Use Permit 15-11 - Cartersville Volunteer Fire Department

Zoning Administrator, Sara Carter, informed the Board that Fire and Rescue Buildings are listed as a conditional use in the Agricultural District. The Cartersville Volunteer Fire

Department has purchased land at the intersection of Cartersville Road and Jennings Road which is zoned A-2, and in order to build a fire department building, a conditional use permit is required. The Planning Commission unanimously recommends approval of the conditional use permit.

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 15-11:

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

c) Rezoning 15-05 – Bales

Zoning Administrator, Sara Carter, informed the Board that Mr. Bales purchased property in Cumberland County with the intention of having farm animals, and following his purchase he discovered that the property is zoned R-2 where farm animals are not permitted. The Planning Commission suggested that the Bales property remain to be zoned R-2 while the Commission works on a code amendment to allow animals in R-2. Mr. Bales elected to proceed with his rezoning application, and the Commission recommends the rezoning to the Board on a 5-1 vote.

The Chairman opened the public hearing. Supervisors Wheeler and Ingle requested that this matter be referred back to the Planning Commission for further review. With no citizens signed up to speak, the Chairman then closed the public hearing.

A motion was made by Supervisor Banks to approve REZ 15-05 as submitted, which failed by the following vote:

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

The Board discussed the location of the property in question as it relates to other properties in the area and their zoning, and Mrs. Carter provided some clarification to the Board.

On a motion by Supervisor Ingle, and carried by the following vote, the Board approved REZ 15-05 as submitted:

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

d) Rezoning 15-06 – Wise

Zoning Administrator, Sara Carter, informed the Board that Mr. Wise owns three lots at the intersection of Anderson Highway and Old Buckingham Road which are zoned B-3. These lots have been used for a variety of retail uses for many years. There have been requests for new business licenses in the retail area of this intersection in the last year where the requests were outside of what is permitted in the B-3 zoning category. The property owner requested that the Planning Commission initiate the rezoning of the properties from B-3 to B-1. The Planning Commission recommends this proposal for approval to the Board unanimously.

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 REZ 15-06:

Vote: Mr. Osl – absent 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 November and December 2015. Approved bills for December 8, 2015 total \$55,512.35. Ratified bills for November 18, 2015 to December 7, 2015 of warrants total \$81,380.52 with check numbers ranging from 71820 to 71915. Direct Deposits total \$73,399.19.
 - 2) Approval of Minutes (November 17, 2015)

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

9. Finance Director's Report

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

10. Planning Director's Report

a) Planning Project update

Zoning Administrator, Sara Carter, informed the Board that there are a few code enforcement issues that are awaiting legal action. One specific property that has code violations has received another notice of violation stating that if the violations are not remedied and the property is not brought into compliance, Ms. Carter will bring a request to the Board at the January meeting to revoke the Conditional Use Permit on the property.

b) Scope of Work – Comprehensive Plan Amendments

Zoning Administrator, Sara Carter, informed the Board that the Planning Commission will be working over the next year on a Comprehensive Plan amendment for the northern end of the county to include the Cobbs Creek Reservoir site. The Commission would like to review land use in the area and determine if there are any changes that need to be made.

c) Set public hearing – Conditional Use Permit 15-13 – Daves

On a motion by Supervisor Wheeler and carried, the Board set CUP 15-13 Daves for public hearing on January 12, 2016:

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

d) Set public hearing – Code Amendment 15-09 – Buffers

On a motion by Supervisor Wheeler and carried, the Board set CA 15-09 Buffers for public hearing on January 12, 2016:

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

11. Old Business

N/A

12. New Business

N/A

13. Public Comments (Part 2)

Ms. Orene Hampton stated that the road to the Hamilton Transfer Station (Samuels Drive) is too dusty and is adverse to her daughter’s health, and requested that the Board asphalt that road.

14. Board Member Comments

Supervisor Meinhard thanked the citizens who attend the Board meetings, and wished them Merry Christmas, and Happy Holidays.

Supervisor Ingle stated that after the closed session at the November Board meeting, the Board approved writing a letter of guarantee for a loan for the Cartersville Fire Department for an

amount not to exceed \$150,000.00. No county funds were appropriated.

15. Additional Information

- a) Treasurer’s Report
- b) DMV Report
- c) Monthly Building Inspections Report
- d) Approved Planning Commission meeting minutes
- e) Approved IDA meeting minutes

16. Adjourn into Closed Session-

On a motion by Supervisor Ingle 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

Pursuant to Virginia Code § 2.2-3711.A.1: Personnel
 Pursuant to Virginia Code § 2.2-3711.A.4: The protection of privacy of individuals in personal matters not related to public business;
 Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel
 Subject: Interpretation of the Personnel Manual in regards to Employee Leave

Vote:	Mr. Osl – absent	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 Banks.

A motion was made by Supervisor Banks 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 2.2-3711 of the code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Cumberland County.

No action was taken regarding the items discussed.

18. Adjourn -

On a motion by Supervisor Meinhard and carried, unanimously, the Board adjourned the meeting until the next regular meeting of the Board scheduled for January 12, 2016 at 6:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse.

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

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 21st day of December, 2015, at the Cumberland County Board Conference 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

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

1. Call to Order

The Chairman called the meeting to order.

2. Roll Call

County Administrator, Vivian Giles, called the roll.

3. Approval of Agenda

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

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

4. Revisions to the Personnel Manual Section 13-27; Small Purchase Policy

County Administrator, Vivian Giles, informed the Board that she is recommending the amendment to the county's small purchase policy in order to facilitate the soliciting of bids, primarily for vehicle and small equipment purchases, in order to increase competition and reduce costs for the county. She explained that on several occasions it has been difficult to get vendors to respond to RFPs, and when purchases are made under these conditions, often the best pricing is not realized.

On a motion by Supervisor Ingle and carried unanimously, the Board approved the recommended amendment to the Cumberland County Personnel Manual, Section 13-27: County Purchasing Policy:

Section 13-27: County Purchasing Policy

Purchases where the estimated total cost of the materials, equipment, supplies, shipping, insurance, construction, or services are not expected to exceed Fifty Thousand Dollars (\$50,000.00) may be awarded in accordance with the following procedures:

- a. Purchases from nongovernmental sources where the estimated total cost of the goods or services are \$20,000 or greater but less than \$50,000 may be made after soliciting a minimum of two (2) written quotations.
- b. Purchases from nongovernmental sources where the estimated total cost of the goods or services is \$2,000 or greater but less than \$20,000 may be made after soliciting a minimum of two (2) verbal

or documented telephonic quotations.

- c. Purchases where the estimated total cost of the goods or services is less than \$2,000 may be made upon receipt of at least one fair and reasonable price.
- d. Nothing in this section shall preclude the County Administrator from requiring more stringent procedures for purchases made under the small purchase method.

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

5. Adjourn -

On a motion by Supervisor Wheeler and carried unanimously, the Board adjourned the meeting until the January 12, 2016 at 6:00 p.m. for a joint meeting with the Cumberland County Industrial Development Authority in the Circuit Courtroom of the Cumberland Courthouse.

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

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney