



## CUMBERLAND COUNTY BOARD OF SUPERVISORS

Regular Monthly Meeting  
Circuit Courtroom, Cumberland Courthouse  
17 Courthouse Circle, Cumberland, VA

### Amended Agenda

April 13, 2021

6:00 p.m.

6:00 p.m. –

1. Call to order

2. Roll Call of Members

3. Adjourn into Closed Meeting –

Motion

Pursuant to VA. Code § 2.2-3711.A.7: Consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the litigating posture of the public body.

Pursuant to VA. Code § 2.2-3711.A.8: Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Subject: two potential litigation actions

4. Reconvene in Open Meeting (pg. 1-2)

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, (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, and (iii) no action was taken in closed meeting.”

Recess until 7:00 p.m. –

5. Welcome and Pledge of Allegiance

6. Approval of Agenda

Motion

7. State and Local Departments/Agencies/Community Service Providers

- a. Cumberland County Public Schools
- b. VDOT
- c. Cumberland County Public Library
- d. Cumberland Fire and EMS

Information  
Information  
Information  
Information

8. **Public Hearing Notices/Set Public Hearings**  
N/A
9. **Public Hearings**
  - a. CA 21-03 Chapter 38 Fire Prevention and Fire Protection and Emergency Services Ordinance Revisions ([pg. 3](#)) ([pg. ADD.1 – 14](#)) **Motion**
10. **County Administrator’s Report**
  - a. Consent agenda **Motion**
    - i. Approval of bills ([pg. 4-15](#))
    - ii. Approval of Minutes (March 9, 2021) ([pg. 16-25](#))
  - b. Adopt 2021 Tax Rate ([pg. 26](#)) **Motion**
  - c. Adopt FY 2021-2022 Budget ([pg. 27-33](#)) **Motion**
  - d. Adopt CIP FY 2021-22 thru 2025-26 ([pg. 34](#)) **Motion**
  - e. **Appointment to SVCC Board** ([pg. ADD.15 – 21](#)) **Information**
11. **Finance Director’s Report**
  - a. Monthly Budget Report ([pg. 35-43](#)) **Information**
  - b. Request for appropriation - \$800.00 from Clerk of Circuit Court ([pg. 44-46](#)) **Information**
  - c. Request for appropriation - \$5,142.80 from Clerk of Circuit Court ([pg. 47](#)) **Information**
  - d. Request for appropriation - \$99,791.00 from School Superintendent ([pg. 48-50](#)) **Information**
12. **Planning Director’s Report**
  - a. Planning Project Updates ([pg.51-53](#)) **Information**
  - b. **CA 21-05 Proposed Solar Facility Code Amendment** ([pg. ADD.22-26](#)) **Information**
13. **County Attorney’s Report**
14. **Old Business**
15. **New Business**
16. **Public Comments**
17. **Board Members Comments**
18. **Additional Information – ([pg. 54-77](#))**
  - a. Treasurer’s Report
  - b. DMV Report
  - c. Monthly Building Inspections Report
  - d. New Business Licenses
  - e. Commonwealth Regional Council Report
  - f. Approved Planning Commission meeting minutes (1/25, 2/8, & 3/8)
  - g. Approved EDA minutes – N/A
  - g. Cumberland 4-H monthly update – N/A
  - h. Cumberland Community Cares/Delma’s Food Pantry/Cumberland Path monthly update – N/A
19. **Adjourn – Regular Monthly Meeting May 11, 2021**

## Chapter 38 - FIRE PREVENTION AND PROTECTION AND EMERGENCY SERVICES

### ARTICLE I. - IN GENERAL

#### Sec. 38-1. - Adoption of statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code, the provisions of which are hereby incorporated herein by reference, duly adopted by the commonwealth of Virginia Board of Housing and Community Development pursuant to permissive authority conferred in the Code of Virginia, § 29-97 et seq., is hereby adopted as the Fire Prevention Code of the county, effective August 8, 2001.

#### Sec. 38-2. - Enforcement; fire official.

The fire prevention division shall be administered by the county fire official and such persons as he may designate to act for and in his behalf, shall take all such action as may be necessary to enforce the Virginia Statewide Fire Prevention Code that is the Fire Prevention Code of the county. The agency responsible for enforcement of the Fire Prevention Code shall be the fire prevention division of *Cumberland Fire and EMS* ~~the department of building inspection~~. The provisions of the Fire Prevention Code shall be enforced upon discovery by, or report of unsafe conditions made to, the fire official.

#### Sec. 38-3. - Fire board of appeals.

The county fire board of appeals is hereby designated as the board to hear appeals arising from the application of the provisions of the statewide Fire Prevention Code. Those persons appointed to the county board of building code appeals shall be deemed to be the members of the county fire board of appeals.

#### Sec. 38-4. - Reserved.

#### Secs. 38-5—38-30. - Reserved.

### ARTICLE II. - FIREWORKS

#### Sec. 38-31. - Unlawful use of certain fireworks.

Except as otherwise provided in this article, it shall be unlawful for any person to transport, manufacture, store, sell, offer for sale, expose for sale, buy, use, ignite or explode any firecracker, torpedo, skyrocket or other substance or thing, of whatever form or construction, that contains any explosive or flammable compound or substance, and is intended or commonly known as fireworks, and which explodes, rises into the air or travels laterally or fires projectiles into the air, other than sparks or other fireworks excepted under the provisions of section 38-36.

#### Sec. 38-32. - Seizure of unlawful fireworks.

Any law enforcement officer arresting any person for a violation of this article shall seize any article mentioned in section 38-31 in the possession or under the control of the person so arrested and shall hold the article until final disposition of any criminal proceedings against such person. If a judgment of conviction is entered against such person, the court shall order destruction of such article upon expiration of the time allowed for appeal of such judgment of conviction.

#### Sec. 38-33. - Permits for fireworks.

The county administrator may issue permits, upon application in writing, for the display of fireworks by fair associations, amusement parks, or by any organization or group of individuals, under such terms and conditions as he may prescribe. After such permit has been issued, sales of fireworks may be made

for use under such permit, and the association, organization or group to which it is issued may make use of such fireworks under the terms and conditions of such permit.

Sec. 38-34. - Penalty for violation.

Any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction be punished by confinement in jail not to exceed 12 months, or by a fine not exceeding \$1,000.00, or both such fine and imprisonment.

Sec. 38-35. - Nonapplication of this article.

This article shall have no application to any officer or member of the armed forces of the state, or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces; nor shall it be applicable to the sale or use of materials or equipment, otherwise prohibited by this article, when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

Sec. 38-36. - Certain exempted fireworks.

This article shall not apply to the use or the sale of sparklers, fountains, Pharaoh's serpents, caps for pistols, or to pinwheels commonly known as whirligigs or spinning jennies; however, the fireworks listed in this section may only be used, ignited or exploded on private property with the consent of the owner of such property.

Secs. 38-37—38-39. - Reserved.

### ARTICLE III. - FIRE, RESCUE AND EMERGENCY SERVICES

#### DIVISION 1. - GENERALLY

Sec. 38-40. - Definitions.

For the purposes of this article and unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

*Board* means the Board of Supervisors of Cumberland County.

~~*Chief Director*~~ as used in this chapter and in any agreement entered into thereunder means the head of the Cumberland County Department of Fire, Rescue and Emergency Services, as appointed by the board, and as otherwise described in Code of Virginia § 27-6.1.

~~*Committee*~~ means the Cumberland County Emergency Services Committee, as appointed by the board.

*Company* means a volunteer fire department organized and providing services within Cumberland County. Each individual fire-fighting organization within the county shall be defined as a "fire company", as provided in Code of Virginia § 27-8.1.

~~*Department*~~ means the Cumberland Fire and EMS ~~County Department of Fire, Rescue and Emergency Services~~, comprised of a force of volunteer personnel, a *County employed Chief*, and any other personnel employed by the department to carry out its duties as assigned.

*Rescue squad* means a volunteer rescue squad or emergency medical services organization organized within or authorized to provide services in Cumberland County pursuant to Code of Virginia §§ 32.1-111.1 et seq. Each individual squad shall be organized within the county, subject to approval by the board pursuant to Code of Virginia § 15.2-955.

*Service Level Agreement* means the agreement between the county and the volunteer fire companies that delineates and defines the administrative and operational responsibilities between the

parties as they relate to the provision of fire suppression and Emergency Medical Services (EMS) within Cumberland County, Virginia

Secs. 38-41—38-49. - Reserved.

## DIVISION 2. - VOLUNTEER FIRE COMPANIES

Sec. 38-50. - Existing companies continued.

*The volunteer fire companies known as Cartersville Volunteer Fire Department, Cumberland Volunteer Fire Department, and Randolph Volunteer Fire Department existing as of the adoption of this article are hereby continued provided that such companies maintain a current service level agreement with the county.*

Sec. 38-51. - Formation and designation.

Any number of persons may form themselves into a company for extinguishing fires. A writing, stating the formation of such company, with the names of the members thereof thereto subscribed, shall be recorded in the circuit court of the county. Upon recommendations from the *Chief, ~~committee~~* and the *director ~~County Administrator~~*, the board may approve by resolution the formation of such company and designate its name and/or number.

Sec. 38-52. - Rules and regulations to effect objectives.

The members of a company may make rules and regulations for effecting the objectives of the company consistent with the laws of the state, the ordinances of the county and the rules and regulations of the department.

Sec. 38-53. - Dissolution.

Whenever the board ascertains that a company has failed, for three months consecutively, to consist of an adequate number of active and effective members to efficiently provide service to citizens of the county or that it has failed, for the same period of time, to keep in good condition its apparatus and other implements, or whenever the board finds that a company is misusing county equipment, or if the board determines that there is a violation of terms of a service level agreement, or if the board, for any valid reason, deems it advisable, the board may dissolve such company; provided that, prior to any dissolution, the board may receive a recommendation concerning such dissolution from the *Chief ~~director~~* and the *~~committee~~ County Administrator*.

Sec. 38-54. - Youth participation in volunteer fire company activities.

- (a) Any person 16 years of age or older, with parental or guardian approval, may work with or participate fully in all activities of any volunteer fire company in Cumberland County, provided such person has attained certification under National Fire Protection Association 1001, Level One, Fire Fighter Standards, as administered by the Department of Fire Programs.
- (b) Any volunteer fire company allowing the persons authorized by subsection (a) of this section to work or participate in activities of any such fire company shall purchase and maintain insurance which provides coverage for injuries to or the death of such persons in their performance of activities under this section, unless such insurance is otherwise provided by Cumberland County. Although Cumberland County may provide such insurance, the county shall not be obligated to provide insurance.
- (c) Notwithstanding the foregoing provisions of this section, the following activities involving fire-fighting shall be prohibited:
  - (1) Minors 16 years and 17 years of age shall not enter a burning structure. The term "burning structure" as used in this section shall not include a structure which contains burning materials.

- (2) Minors 14 years and 15 years of age shall not participate in fire-fighting or support activities at the fire scene, enter a burning structure, enter a structure which contains burning materials, or engage in any other activity prohibited by law.
- (3) Minors under 14 years of age shall not participate in any activity related to fire fighting.

Secs. 38-55—38-59. - Reserved.

### DIVISION 3. - RESCUE SQUADS

Sec. 38-60. - Existing rescue squads continued.

~~The Cartersville Volunteer Rescue Squad and Cumberland Volunteer Rescue Squad Cumberland Fire and EMS rescue squad division, existing as of the adoption of this article, is recognized as the organization that provides service to the county. Cumberland Fire and EMS is authorized to enter into mutual aid agreements contracts, or service level agreements with other private and publically owned organizations to provide additional support as needed to the County. are hereby continued provided that such company companies maintains a current franchise agreement or permit with the county. Prince Edward Volunteer Rescue Squad, currently providing service within the county, is hereby recognized and authorized to continue providing such service provided that such company maintains a current franchise agreement or permit with the county.~~

Sec. 38-61. - Formation and designation.

Subject to approval by the board in accordance with Code of Virginia § 15.2-955, rescue squads may be organized within the county in accordance with Code of Virginia §§ 32.1-111.1 et seq. Upon recommendations from ~~Chief the committee and the director~~ *County Administrator*, the board may approve by resolution the formation of such squad and designate its name and/or number.

Sec. 38-62. - Rules and regulations to effect objectives.

The members of a rescue squad may make rules and regulations for effecting the objectives of the rescue squad consistent with the laws of the state, the ordinances of the county and the rules and regulations of the department.

Sec. 38-63. - Dissolution.

Whenever the board ascertains that a rescue squad has failed, for three months consecutively, to consist of an adequate number of active and effective members to efficiently provide service to citizens of the county or that it has failed, for the same period of time, to keep in good condition its apparatus and other implements, or whenever the board finds that a rescue squad is misusing county equipment, or if the board determines that there is a violation of terms of a service level or permit agreement, or if the board, for any valid reason, deems it advisable, the board may dissolve such rescue squad; provided that, prior to any dissolution, the board may receive a recommendation concerning such dissolution from the ~~Chief director and the committee~~ *County Administrator*.

Secs. 38-64—38-69. - Reserved.

### DIVISION 4. — EMERGENCY SERVICES COMMITTEE

~~Sec. 38-70.— Established; composition.~~

~~The Cumberland County Emergency Services Committee is hereby established. The committee shall be appointed by the board and shall consist, at a minimum, of two representatives to be appointed by the board on recommendation from the leadership of each of the companies and rescue squads maintaining a current franchise agreement or permit to provide service within the county; and the following committee members shall serve ex officio: the county administrator, or his designee; the county sheriff or his~~

~~designee; and the director. Additional members may be appointed to the committee at the discretion of the board. Committee member terms shall be two years in duration and without limitation for reappointment. All appointees to the committee shall serve and may be removed, with or without cause, at the pleasure of the board.~~

~~Sec. 38-71. – Purposes; bylaws.~~

~~The committee shall provide a public forum, through regularly scheduled public meetings, for input from all interested parties, including the public, on issues of public concern relating to fire, rescue and emergency services in the county. The committee shall make policy recommendations to the board for the provision of such services. The committee shall make specific recommendations to the board regarding the approval or disapproval of the organization of any fire company pursuant to Code of Virginia § 27-8.1, or of any rescue squad pursuant to Code of Virginia § 32.1-111.14. The committee shall make specific recommendations to the board regarding rules and regulations to be adopted for the operation of the department, which shall not be inconsistent with the provisions of this article. The committee shall keep minutes of its meetings and shall make periodic reports of its activities and recommendations to the board, including but not limited to such matters as incentives programs for volunteers, annual budgets and financial support, and capital improvement planning and priorities. The committee is hereby empowered to promulgate bylaws to effectuate, and not to conflict with, the purposes set forth herein.~~

~~Secs. 38-70 38-72—38-79. - Reserved.~~

#### ~~DIVISION 5. - DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES~~

##### ~~CUMBERLAND FIRE AND EMS DEPARTMENT~~

~~Sec. 38-80. - Established; composition.~~

~~The department of fire, rescue and emergency services Cumberland Fire and EMS is hereby established. The department shall consist of the several companies and rescue squads, the *Chief director*, and such other officers and employees as are approved by the board and appointed by the *Chief director*.~~

~~Sec. 38-81. - Appointment of *Chief director*; powers and duties.~~

~~The board shall appoint the head of the department, who shall be designated as provided for in Code of Virginia § 27-6.1. The *Chief director* shall provide general supervision and control over the department and its elements. The *Chief director* shall provide recommendations to the board on all policy, regulatory and budgetary matters as needed. ~~Recommendations made by the committee.~~ During any absence, the *Chief director* shall designate a deputy who shall have the authority described in this section~~

~~Sec. 38-82. - Supervision of department.~~

~~In the event of absence or unavailability of both the *Chief director* and the designated deputy of the department, those officials or the County Administrator may designate member(s) of the department to provide general supervision and control of the department and to carry out all functions of the *Chief director*.~~

~~Secs. 38-83—38-89. - Reserved.~~

#### ~~DIVISION 6. - EMERGENCY MEDICAL SERVICES COST RECOVERY~~

~~Sec. 38-90. - Purpose.~~

Pursuant to Code of Virginia § 32.1-111.14, it is hereby determined and declared that the exercise of the powers and duties set forth herein is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.

Sec. 38-91. - Cost reimbursement for ambulance service.

- (a) The cost recovery program is hereby established and is intended to pursue reimbursement for emergency medical services vehicle transports by recovering funds that may already be designated for such purpose.
- (b) The following definitions shall apply to emergency medical transport charges:
  - (1) Agency means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.
  - (2) Basic life support (BLS), advanced life support level 1 (ALS-1), and advanced life support level 2 (ALS-2) mean those services as defined by applicable federal or state regulations and administered in accordance with such applicable law.
  - (3) Emergency medical services vehicle means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services that is equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.
  - (4) Ground transport mile (GTM) means the transportation charges that shall be assessed in actual road miles from the location of the incident scene, or center point of a rescue demand zone where an incident scene or address is located, to a hospital or other facility where a patient is transported.

Sec. 38-92. - Permits required.

No agency shall charge fees for transport services provided by a private emergency medical services vehicle within the county in response to a call for emergency service originating from within the county without first obtaining and maintaining a current service level agreement or permit from the county which authorizes, among other things, participation in the county's billing program. Service level agreements or permits shall be issued in accordance with Code of Virginia § 32.1-111.14 by the ~~Chief director of the Cumberland Fire and EMS department of fire, rescue and emergency services~~, upon such terms and conditions as may be needed to ensure the public health, safety and welfare. No service level agreement or permit shall be required for any person acting pursuant to a mutual aid agreement for services within the county or while assisting the county during a state of emergency.

Sec. 38-93. - Charges and billing.

- (a) Except as otherwise provided by subsection (e) of this section, a service charge for BLS, ALS-1, ALS-2, such other chargeable levels of service and for ground transport mileage is imposed on each person being transported by any emergency medical services vehicle in the county in response to a call for service originating from within the county. In no event shall a person be denied transport for emergency medical services due to an inability to pay.
- (b) ~~The Chief director of the department of fire, rescue and emergency services Cumberland Fire and EMS, in consultation with the emergency services committee,~~ is hereby authorized and directed to establish rules, regulations and procedures, and to execute and maintain documentation necessary for the administration of this cost recovery program, including, but not limited to, contracting billing services, a subscription program for county residents or other eligible persons, and payment standards pursuant to a compassionate billing policy for those persons who demonstrate economic hardship, as permitted by applicable law. Such policy will also address the collection of charges imposed pursuant to this article that remain chronically unpaid.

- (c) The county or its agent shall generate a bill for all such emergency medical services vehicle transports. Agencies shall submit information required for the county or its agent to generate a bill for such services. Information, including patient information shared hereunder shall be only that information reasonably necessary to accomplish the billing process or other arrangement as mutually agreed to by the providing agency and the county. Payment of all charges for emergency medical services, including evaluation, treatment or transport, shall be the responsibility of the patient or the parent, guardian, or other legally responsible party in the case of a minor or an individual deemed incompetent.
- (d) The schedule of rates for emergency ambulance transport services charges shall be as set by resolution by the county board of supervisors from time to time.
- (e) No charge shall be imposed on persons in the following instances:
  - (1) Persons determined to be medically indigent by the county in accordance with administrative policies established by the county administrator;
  - (2) Persons in the custody of the sheriff of the county;
  - (3) During times of a declared local emergency when the County Administrator has suspended the collection of emergency medical services charges;
  - (4) Employees and volunteers transported from a county work site for work related injury or illness.

Sec. 38-94. - Designation of funds.

The funds received from the payment of the service charges shall be paid into a designated fund account of the county established for such purpose and held on the books of the county by the treasurer. In consultation with the *County Administrator* ~~emergency services committee~~, the distribution and allocation of the charges collected hereunder shall be determined each year as part of the county budget and appropriation process.

Sec. 38-95. - Billing and collection contractor.

Billing and collection services may be provided by a billing contractor. No county personnel or agency will accept or receive payment directly from or on behalf of a patient for services rendered to a patient.

**Service Level Agreement**  
**Between**  
**Cumberland County, Virginia,**  
**And**  
**Cumberland County Fire and EMS Department,**  
**And**  
**\_\_\_\_\_ Volunteer Fire Department Inc.**

This Service Level Agreement (SLA) is entered into this day \_\_\_\_\_ 2021 by, between, and among Cumberland County, Virginia, a Virginia county and political subdivision of the Commonwealth of Virginia (Cumberland County); and \_\_\_\_\_ Volunteer Fire & EMS Department (VFD), a volunteer fire company a part of the CFEMS; with Cumberland County, CFEMS, and VFD, singly and collectively referred to herein as "Party" or "Parties," as the case and context may be, the Parties all located in Cumberland County, Virginia

**I. AUTHORITY; OPERATING RELATIONSHIP**

As authorized and outlined by Cumberland County Code Sec. 38.40 the CFEMS is the Designated Emergency Response Agency (DERA) for Cumberland County and by composition of the department, includes partner agencies which are an integral part of the official safety program of Cumberland County.

VFD is a Virginia nonstock corporation, operating as such since \_\_\_\_\_.also being an organization tax exempt under Section 501(c)(3) of the Internal Revenue Code, also being a partner agency as a volunteer fire company of CFEMS.

VFD acknowledges and agrees, as a volunteer fire company, that it is subject to direction, control, and supervision by CFEMS and Cumberland County; CFEMS and Cumberland County acknowledge and agree the corporate and tax exempt status of VFD are subject to direction and control by the Members and Board of Directors of VFD, also subject to oversight by the Virginia State Corporation Commission and the United States Internal Revenue Service; VFD acknowledges and agrees, under applicable Virginia law, CFEMS and Cumberland County, for reasons satisfactory to them, under code 38-53, have authority to dissolve VFD as a volunteer fire company a part of CFEMS; CFEMS and Cumberland County acknowledge and agree that dissolving VFD as a volunteer fire company does not affect the corporate and tax status of VFD, and that the Members and Board of Directors of VFD have sole authority to make such determinations of VFDS's corporate and tax status, including a disposition of VFD's assets and liabilities in accord with applicable law and regulation.

**II. PURPOSE**

The purpose of this SLA is to delineate and define the administrative and operational responsibilities between CFEMS and VFD as they relate to the provision of fire suppression and Emergency Medical Services (EMS) within Cumberland County, Virginia.

### **III. SCOPE**

Nothing in this SLA, other than what is stated herein, shall be construed to limit or otherwise affect the independent powers, operations, or liabilities of VFD operating within Cumberland County, Virginia. The provisions of this SLA are in addition to the regulations within §Title 27 - Fire Prevention of the Code of Virginia, 12 VAC 5-31, Virginia Emergency Medical Services Regulations requirements, as well as all other applicable federal, state and county laws or ordinances.

### **IV. PERIOD OF AGREEMENT**

This SLA shall begin effective on the date of the last signature herein and shall be in effect thereafter for a period of five (5) consecutive years, unless otherwise amended, as set forth in Article VIII of this SLA.

### **V. ADMINISTRATIVE**

#### **A. Cumberland County Fire and Rescue Department (CFEMS) shall:**

- 1 Give authority and full access to VFD to operate as a volunteer fire company from the facility located at \_\_\_\_\_, Cumberland, Virginia 23040 (fire station \_\_)
- 2 Empower VFD to personalize Fire Station \_\_ to show organizational pride.
- 3 Empower VFD to personalize County-owned vehicles (if applicable) assigned to Fire Station \_\_ in order to show organizational pride. Vehicle color and graphics shall be mutually agreed upon by the Parties.
- 4 Empower VFD members to operate County-owned fire and EMS vehicles (if applicable) and equipment assigned to Fire Station \_\_.
- 5 Empower VFD to regulate equipment placement and operation on assigned vehicles, when such decisions are not covered elsewhere within established county wide Standard Operating Procedures (SOP).
- 6 Serve as the custodial manager of all National Fire Incident Reporting System (NFIRS) incident reports.
- 7 Serve as the primary administrator of the county-wide EMS license through the Virginia Office of EMS.
- 8 Serve as the primary administrator of the Departmental National Registry of Emergency Medical Technicians agency account.
- 9 Empower VFD members to operate as EMS providers under the County's EMS license.
- 10 Serve as the custodial manager of all patient medical records related to providing EMS responses under the county license.

- 11 Designate a HIPAA Compliance Officer.
- 12 Designate an Infection Control Officer.
- 13 Be the administrator and responsible financial party for maintaining and administering all aspects of the current NFIRS and Electronic Patient Care Reporting (EPCR) platforms.
- 14 Reserve any "Four-for-Life" funds received from the Commonwealth of Virginia for the purchase durable and non-durable medical equipment for all partner agencies.
- 15 Provide durable and non-durable medical equipment for all licensed EMS vehicles assigned to Fire Station 2.
- 16 Provide advice and procedural assistance on matters of personnel, budget, and administration, when requested by the VFD.
- 17 Provide Division of Motor Vehicle record checks on drivers, both CFEMS and VFD personnel, prior to the individual's being cleared to drive and then annually thereafter.
- 18 Provide VFD an annual allocation to be determined by the board and following all county policies and procedures, Aid to Localities funding for use in departmental training. Approval and appropriation must occur prior to the use of these funds. Unappropriated funds as of June 1 of each fiscal year are released back to the county for other appropriations.
- 19 Provide VFD access to matching funds, as available, for grant opportunities to secure equipment and provide member training. Approval and appropriation must occur prior to grant application. Equipment obtained through county matching funds, will be considered county property.
- 20 Provide workers compensation insurance and VFIS coverage for all volunteer members.

**B. \_\_\_\_\_ Volunteer Fire Department, Inc. (VFD) shall:**

Adopt and implement a membership code of conduct equivalent to or greater than, as it may determine, the requirements outlined within the Cumberland County Fire & EMS Department Personal and Professional Code of Conduct. If VFD accepts into its membership an individual who is a member at another partner agency within Cumberland County (thereby creating a situation of dual membership), the VFD agrees to recognize and enforce any serious disciplinary action against the member levied by the other organization. For purposes of this section, serious disciplinary action shall include suspension, termination or any other action which prohibits the member from performing the duties of an AIC or otherwise providing patient care such as revocation of clearance by the OMD.

- a. Adopt and implement an emergency vehicle driving policy equivalent to or greater than, as it may determine, the requirements outlined within the CFEMS driving procedures.
- b. Ensure administrative, financial and personnel management policies and procedures are established, applied and adhered to as it relates to its members.

- c. Policies shall ensure a drug, tobacco and alcohol-free environment, as well as prohibit harassment and discrimination of any kind.
  - d. Appoint a member as Company Chief, to provide overall guidance and responsibility to the fire company. Attendance and cooperation to the county Chief committee is required.
  - e. Appoint a member to serve as the infectious control liaison officer to work cooperatively with the designated CFEMS infectious control officer.
  - f. Appoint a member to serve as the EMS officer to coordinate EMS supplies, and contribute to EMS Quality Assessment/Quality Improvement. (as applicable)
  - g. Appoint a member to serve as the company training officer to coordinate with the county training committee and training officer.
  - h. Appoint a member to serve as the company logistics officer to coordinate VFD PPE and logistics requirements.
  - i. Appoint a member to serve as the company engineer to maintain accountability for, coordinate the repair of, and retain records of all CFEMS owned vehicles and equipment.
  - j. Maintain accountability for and records for all equipment purchased using grant funding.
  - k. Maintain written and electronic personnel files within the CFEMS for training purposes for all members for the purpose of documenting training records, emergency notification and other documentation as required by the Commonwealth of Virginia, Cumberland County, and CFEMS.
- l.
1. Be responsible for maintaining a complete roster of all its members and their membership classification to be submitted annually to CFEMS administration.
  2. Maintain accurate and up-to-date emergency contact information for all members.
  3. Submit accurate and all required incident report s, both NFIRS and EPCR, within 48 hours of dispatch to an incident for service, into the appropriate RMS.
  4. Maintain its 501(c)3 tax exempt status under the Internal Revenue Code as well as its corporate status under Title 13.1., of the Code of Virginia, as amended
  5. Per Title§ 27-8 & 27-10 of the Code of Virginia, maintain a membership of 20 effective members.
  6. Provide CFEMS with appropriate receipts to show appropriate spending of any ATL, "Four-for-Life", or County appropriated funding.
  7. Provide to the County upon request, access to company financial records to perform an audit of public funds according to generally accepted accounting principles (GAAP) and generally accepted auditing standards by an independent certified public accountant. The cost of any such audit will be borne by the fire company.
  8. If an audit or management letter reveals a reportable and/or material issue(s) with regard to compliance with generally accepted accounting principles, VFD shall provide a written statement that contains an explanation of each such issue and an action plan (with implementation timetable) for resolving each such issue, and shall provide periodic reports on progress made in resolution of each issue. If a resolution of such issues requires professional advice, VFD shall bear the cost of such advice if a lawsuit is pursued.

**VI. OPERATIONS**

**A. Cumberland County Fire and EMS Department (CFEMS) shall:**

1. Provide system-wide resource oversight to VFD.
2. Provide a Chief Officer to manage overall system wide resources and needs.

**B. \_\_\_\_\_ Volunteer Fire Department, Inc. (VFD) agrees to the following and shall execute the following:**

1. Manage all incidents through command-and-control procedures established by the Incident Command System (ICS) as part of the National Incident Management System (NIMS) as adopted by CFEMS and Cumberland County, Virginia.
2. Dispatch of all resources through the Cumberland County Emergency Communications Center. All response resources will be required to comply with dispatch protocols, Emergency Medical Dispatching, and all radio procedures and usage.
3. Adopt and comply with the CFEMS Standard Operating Procedures, General Orders and Interim Medical Directives.
4. The CFEMS Operational Medical Director (OMD) has primary authority over the EMS system and its providers.
5. The County Chief has overall responsibility for system wide resource management and availability.
  - a. Support of the established Cumberland County Local Fire Suppression Response Plan. During all hours the VFD will be able to muster a home response of a suppression crew meeting minimum staffing levels defined in department policy within 5 minutes 70% of the time and within 10 minutes 90% of the time.
6. In support of the established Cumberland County Local Emergency Medical Services (EMS) Response Plan:
  - a. Work with CFEMS to establish an EMS first response crew, for immediate response, during all other non-staffed hours. The goal should be that the VFD will be able to muster a home response of an EMS first response crew within 5 minutes 80% of the time.
  - b. EMS first response may be handled by any apparatus licensed as an EMS non-transport vehicle, posted within the primary response district of VFD.
7. The VFD is strongly encouraged to fulfill dedicated overall County resource staffing needs and obligations prior to committing to other special events or standby requests.
8. Ensure the operational readiness of all its apparatus and assigned equipment and it is strongly encouraged to standardize equipment with CFEMS partner agencies.
9. Maintain, service, and report for needed repair all equipment and facilities associated with its providing fire suppression and emergency medical services within and on behalf of Cumberland County, Virginia, including;
  - a. Conduct annual hometesting
  - b. Conduct annual testing/ maintenance of dry hydrants location in their primary response area.
  - c. Conduct semi-annual Personal Protective Equipment ensemble inspection for all members
  - d. Conduct annual FIT Testing for all IDLH qualified members.

**VII. BENEFITS AND INSURANCE**

1. The County will provide Accident and Sickness coverage, Line of Duty Act benefits, and coordinate Line of Duty Death benefits to the Members of VFD. Any other benefits offered beyond those benefits provided by Cumberland County are the responsibility of VFD.

### **VIII. AMENDMENTS, DEFAULT, AND TERMINATION**

1. This SLA sets forth the entire understanding of the Parties and supersedes any prior agreements, arrangements, and understandings related to the subject matter hereto.
2. This SLA may be modified or amended only with the written mutual agreement of all both Parties, and all amendments shall be attached to this SLA.
3. This SLA will be in default by VFD if the VFD does not meet its obligations for administrative duties and/or emergency response for a period of ninety (90) consecutive days.
  - a. An emergency response SLA fault will be brought before the CFEMS Senior Policy Group for action.
    - i. Sanction Level I - Perpetual dual dispatch of a secondary or staffed company to cover for response deficiencies.
    - ii. Sanction Level II - CFEMS will take measurements to ensure safety of citizens which may include; reassignment of CFEMS fleet vehicles, providing volunteer or career staffing for the affected company or at an adjacent company to cover for response deficiencies, or other measures it deems appropriate.
      1. Dissolution of VFD - CFEMS may seek the dissolution of VFD as a volunteer fire company under Title 27-10 Code of Virginia with the Cumberland County Board of Supervisors;
      2. In order to terminate this agreement, it must be mutually agreed upon with ninety (90) days written notice to the general public.

Signature page

C [redacted] County Fire and EMS Department

By:

Its: County Chief

Cumberland County

Attorney

By:

[redacted] County Attorney

Cumberland County Administrator

[redacted]  
Its: County Administrator

[redacted] Volunteer Fire  
Department, Inc. a Virginia nonstock  
corporation  
(VFD)  
Its: President

[redacted] Volunteer Fire  
Department, Inc. a Virginia nonstock  
corporation  
(VFD)

[redacted]  
Its: District Chief



**DATE:** April 13, 2021

**TO:** Cumberland County Board of Supervisors  
Don Unmussig, County Administrator

**FROM:** Meghan Allen  
Deputy Clerk

**RE:** Appointment needed for Cumberland Representative  
for Southside Virginia Community College Board

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### **Information**

Letter received from the College Board Chair, advising that as of June 30, 2021, Dr. Jeffery Scales will complete his second four-year term as the Cumberland County representative for the Southside Virginia Community College Board. According to their Board's policy, he not eligible for reappointment.

### **Recommendation**

At the next regular meeting of the Board of Supervisors, appoint one resident to the Southside Virginia Community College Board for a four-year term beginning July 1, 2021 and expiring June 30, 2025.



# SOUTHSIDE VIRGINIA COMMUNITY COLLEGE

March 10, 2021

The Honorable Brian Stanley, Chairman  
Cumberland County Board of Supervisors  
1 Courthouse Circle  
P.O. Box 110  
Cumberland, VA 23040

Dear Mr. Stanley:

As of June 30, 2021, Dr. Jeffery Scales will complete his second four-year term as Cumberland County's representative on the Southside Virginia Community College Board. In accordance with State Board policy, he is not eligible for reappointment.

Therefore, we request that the Cumberland County Board of Supervisors appoint someone to replace Dr. Scales effective July 1, 2021. State and Local Board policies call for membership on the College Board to be representative of the industries, businesses, and professions in the college service area with not more than one member from each membership classification being represented on the Board. A listing of current Board members and their classifications as well as a summary of Board member duties and responsibilities are enclosed for your information.

Thank you for your continuing support of the college. Please feel free to contact Dr. Quentin R. Johnson, President, or me if you need additional information or have questions concerning the membership classifications.

Sincerely,

J. Wesley Shepherd  
Chair, College Board

JWS/alj

Enclosures

- C: Mrs. LaFreda Ogburn, Local Board, Vice Chair
- Dr. Quentin R. Johnson, President
- Dr. Jeffrey Scales, Board Member

**Christanna Campus** ..... 109 Campus Drive, Alberta, VA 23821 ..... 434-949-1000     **John H. Daniel Campus** ..... 200 Daniel Road, Keysville, VA 23947 ..... 434-736-2000

Southside Virginia Education Center ..... 1300 Greenville County Circle, Emporia, VA 23847 ..... 434-634-9358     Lake Country Advanced Knowledge Center... 118 E. Danville Road, South Hill, VA 23970 ..... 434-955-2252  
 Southern Virginia Higher Education Center... 820 Bruce Street, South Boston, VA 24592 ..... 434-572-5451     Occupational Technical Center ..... Pickett Park, 1041 W. 10<sup>th</sup> Street, Blackstone, VA 23824... 434-292-3101  
 Estes Community Center ..... 316 N. Main Street, Chase City, VA 23924 ..... 434-372-0194     Cumberland County Community Center..... 1874 Anderson Highway, Cumberland, VA 23040 ..... 804-492-9275

Southside Virginia Community College  
Local Board Members  
Effective July 1, 2020

County	Name
Charlotte	Dr. Michael A. Campbell - Medical
Brunswick	Mr. Marc L. Finney - Library
Charlotte	Mr. Thomas E. Locke (Ned) – Retired (Engineer)
Buckingham	Dr. Donna Matthews - Education
Mecklenburg	Mr. Vin Montgomery - Business
Mecklenburg	Mrs. LaFreda Ogburn – Retired (Education) Vice Chair/Finance Committee
Greenville	Mrs. Brenda Parson - Government
Cumberland	Dr. Jeffery Scales - Education Finance Committee
Halifax	Mr. Gregory T. Scott - Education
City of Emporia	Mrs. Elizabeth Sharrett – Retired (Education) (Betsy)
Nottoway	Mr. J. Wesley Shepherd - Banking Board Chair
Lunenburg	Mr. Sidney Smyth (Sid) – Real Estate Finance Committee
Prince Edward	Mrs. Lisa Frazer-Tharpe - Business
Brunswick	Mr. Raymond Thomas - Business Finance Committee
Brunswick	Dr. Ronald Thornhill - Education
Halifax	Rev. Lawrence T. Wilkerson, Sr. – Retired (Education)

## D. Community College Board

### 1. General Statement

The community college board shall act in an advisory capacity to the State Board and shall perform such duties with respect to the operation of a single comprehensive community college as may be delegated to it by the State Board. The community college board shall be known as the (college name) Community College Board and may be called the college board. In the organization and development of the community college, the community college board shall be appointed as early as possible.

### 2. Ad Hoc Committee

#### a. Appointment of the Ad Hoc Committee

An ad hoc committee consisting of a minimum of three (3) persons shall be appointed by the governing body(s) of the political subdivision(s) sponsoring a community college and shall consist of one member of each governing body(s) of the political subdivision(s) in the region being served by the community college as identified in the Master Plan approved by the State Board. If less than three (3) political subdivisions sponsor a community college, the members of this ad hoc committee shall be appointed as follows:

- i. If two political subdivisions sponsor a community college, the governing body of each subdivision shall appoint two persons to the ad hoc committee.
- ii. If only one political subdivision sponsors a community college, the governing body of the subdivision shall appoint three persons to the ad hoc committee.

#### b. Duties of the Ad Hoc Committee

The ad hoc committee shall determine the following items for recommendation to the governing bodies of the participating political subdivisions:

- i. The number of members (between nine and fifteen members) on the community college board.
- ii. The allocation of these members among the local political subdivision(s) sponsoring the community college.
- iii. The initial local financial support for the community college and the allocation of these funds among the local political subdivision(s) sponsoring the college.

Implementation of these recommendations shall be contingent upon the approval by the governing bodies of the participating political subdivisions.

### 3. Appointment of Local College Boards

- a. A minimum of nine persons shall be appointed to the college board and shall include at least one person from each political subdivision sponsoring the college. Generally, the maximum number of persons on the college board shall not exceed fifteen persons.
- b. Each local political subdivision sponsoring the community college shall appoint its board members as allocated by the ad hoc committee within the guidelines of the State Board.
- c. The members of the college board shall be residents of the region to be served by the community college and shall include persons from various businesses, industries, and professions in the region being served by the community college. No elected members of either the General Assembly or of a local governing body shall be eligible to serve on the college board; however, elected town officials shall not be prohibited from serving on a college board so long as such town is not a participating political subdivision sponsoring the college. Additionally, no current or former employee, including current adjunct faculty members, of the community college shall be eligible to serve on the college board. Local college board members serving as of March 2007 who were former full-time employees of the community college would be eligible to serve out the remainder of their current term and be eligible for one additional consecutive term. All members of the college board shall be deemed members at large charged with the responsibility of serving the best interests of the whole region being served by the community college.

Members shall be appointed for a term of four (4) years. However, initial appointment of the members shall be as follows:

One-third of the members for four years, one-third of the members for three years, and one-third of the members for two

years.

The original appointees shall among themselves determine by lot which are to receive appointment for four years, which are to receive appointment for three years, which are to receive appointment for two years. Thereafter, all appointments shall be for a period of four years and shall become effective on July 1 of the appropriate year.

Initial terms of the original appointees shall become effective on the date of the college board's first meeting and shall expire on July 1 of the appropriate year (even though the first meeting of the college board is held in a month other than July). No person having served on the community college board for two successive four-year terms shall be eligible for reappointment to the college board for two years. However, a person appointed to fill an unexpired term may be reappointed for two additional four-year terms.

d. Failure to attend meetings of the college board shall constitute cause for the removal and replacement of a college board member. The community college board shall make this determination, and if it is determined that it is in the best interest of the college to have a replacement, the college board shall notify the appropriate sponsoring political subdivision of the need for a replacement.

e. Reappointments and Vacancies

a. When the term of office of a college board member expires, the appropriate local political subdivision shall either reappoint the member or appoint a new member. If the member whose term of office has expired is eligible for reappointment, that member shall continue in office until reappointed or a successor named. A member who is not eligible for reappointment shall discontinue service on the college board at the expiration of the term.

b. Whenever a vacancy occurs on the college board, the appropriate political subdivision shall appoint a person to fill the unexpired term of the member creating the vacancy.

f. Reallocation of College Board Membership

In the event that any local political subdivision wishes to reallocate the positions on a college board because of changing conditions, it shall notify the community college board and the State Board in writing of its desires and reasons for change. The same procedure used to establish the original ad hoc committee shall be instituted to establish an ad hoc committee to determine the number of members on the community college board and the allocation of these members among the local political subdivision(s) sponsoring the college.

g. Distribution of Representation

The college board membership distribution should be representative of the industries, businesses, and professions which are located in the service area of the college. To ensure an appropriate membership distribution representative of the service area, the State Board established the list of employment categories shown in the following Table 2A-1 to assist and guide the College Board Chairman and local government jurisdictions in the selection and appointment process. The President and College Board Chairman should work closely with the local jurisdictions in order to maintain a membership distribution representative of the college service area.

h. Duties and Responsibilities

A college board shall perform such duties with respect to the operation of a community college as may be delegated to it by the State Board. In general, a college board is responsible for assuring that the community college is responsive to the needs existing within its service region within the statewide policies, procedures, and regulations of the State Board. The specific duties of a college board include the following:

a. The college board shall elect a chairman and other such officers from its membership as it deems necessary and shall adopt such rules and regulations as are considered necessary to conduct its business in an orderly manner.

**Table 2A-1**  
**CATEGORIES for COMMUNITY COLLEGE BOARD MEMBERSHIP**

Agriculture	Machinery & Equipment
Air Conditioning & Heating	Meat, Dairy, Poultry & Fish
Allied Health	Products
Aluminum	Medical Equipment & Supplies
Architect	Medicine
Associations - Public Service	Metal, Mining & Refining
Associations - Trade	Military Personnel
Automobile Industry	Mineral Oil Industry
Beverages	Musical Instruments & Merchandise
Broadcasting Service	Office Appliances, Equipment, & Building Stationery
Materials	Optical Goods & Services
Business Service	Osteopathy
Chemical Industry	Paints, Oils, & Decoration
Clothing Industry	Paper Industry
Coal Industry	Pharmacy
Communication Service	Photography
Construction Service	Plastics Industry
Dentistry	Plumbing
Dry Goods & General Merchandise	Power Production Equipment & Electrical Supplies
Education	Printing & Publishing
Industry & Electronics	Public Relations & Advertising
Engineering	Public Utilities and/or Service
Entertainment	Pure Science
Exhibitions	Real Estate
Finance	Recreation
Fire Fighting & Prevention	Refrigeration
Firearms & Explosives	Religion
Food Industry	Retired
Funeral	Rubber Industry
Furniture & Home Furnishings	Ships & Nautical Equipment
	Shoe Industry

Gas Industry  
Glass Industry  
Government  
Hardware  
Homemaking  
Horticulture  
Hotels, Resorts, & Restaurants  
Institutions & Hospitals  
Insurance  
Iron & Steel Industry  
Jewelry  
Laundry, Cleaning and Dyeing  
Law  
Law Enforcement

Stone Industry  
Storage  
Textile Fibers  
Tobacco Industry  
Transportation  
Vehicle Industry  
Veterinary Medicine  
Wood Industry

- b. The college board and the members thereof shall serve as channels of communication between the State Board and the governing bodies of the local political subdivisions.
- c. The college board shall submit its recommendations to the State Board for a name for the community college and each campus of a multi-campus college. In the name of each community college shall be included the phrase "Community College." The college board shall be authorized to provide names for any facilities on the college campus.

Each college shall adopt procedures regarding the naming of major facilities on its campus(es). The procedures may provide for naming on the basis of significant service, but should also provide incentives and recognition for private sector giving to support the college. Recognition for private sector giving should typically occur after the gift has been received rather than on a prospective basis.

A current copy of the procedures should be provided to the Office of Facilities Management Services.

Individuals are not eligible for a naming award if they are currently employed at the college or elsewhere within the Virginia Community College System, are serving on the local college board, or serving on the State Board for Community Colleges. In addition, per the Code of Virginia, no college building, park, road, bridge, or other structure shall be named after a sitting member of the General Assembly. A separation from such employment or service of at least one month is a prerequisite for consideration for eligibility of an award.

- d. The college board shall provide recommendations to the State Board on the development of the site plan and on the design, and construction, of facilities for the community college.
- e. The college board shall participate with the Chancellor and the State Board in the selection, evaluation and removal of the president of the community college in accordance with procedures adopted by the State Board.
- f. The college board shall participate, with the college president, the Chancellor and the State Board, in the development and evaluation of a program of community college education of high quality in accordance with procedures adopted by the State Board. In that context, a college statement of purpose shall be developed by the college community. It shall be approved by the college board and reviewed and approved by the Chancellor on behalf of the State Board. This statement of purpose shall tailor the VCCS Mission Statement to the particular needs and circumstances of the college.
- g. The college board shall be responsible for eliciting community participation in program planning and development, establishing local citizens' advisory committees for specialized programs and curricula, and approving the appointments of all members of these committees.
- h. The college board shall review all new curricular proposals for the community college and shall recommend those proposals that it supports to the State Board. It shall also review proposals for the discontinuation of programs and shall communicate its recommendations on such proposals to the State Board.
- i. The college board shall oversee the development and evaluation of the community service program for the community college, and may authorize the president to grant an "award of completion" to a person successfully completing an approved non-credit program.
- j. The college board shall be kept informed of the fiscal status of the college by the college president and shall receive summaries of the biennial financial plan and the annual spending plans.
- k. The college board shall review and approve a detailed local funds budget for the community college as prepared by the college president within State Board guidelines, and shall submit this proposed budget to the State Board for review at the time of its submission to the local political subdivisions. In addition, the college board shall submit a financial statement showing detailed expenditures of such local funds to the local political subdivisions and the State Board at the end of the fiscal year.
- l. The college board shall be responsible for reviewing and approving local rules on student conduct developed by the college president within the guidelines of the State Board.
- m. The college board shall be responsible for the review and approval of a budget prepared by the college president for the expenditure of revenues from vending commissions and auxiliary enterprises, including the student activity fund within the guidelines established by the State Board. The college board shall be responsible for reviewing and approving periodic reports of revenues and expenditures within these funds.
- n. The college board shall be responsible both for reviewing reports of audit and for reviewing the college president's response to those reports of audit.
- o. The college board shall be informed of personnel matters by the college president.

I. Contact with the State Board

Any college board or its authorized representative may appear before the State Board simply by notifying the Secretary to the State Board of its request no later than fifteen days prior to the next regularly scheduled meeting of the State Board so that this matter may be put on the agenda.

6

j. Local Advisory Committees for Specialized Programs

Local advisory committees for specialized programs and occupational/ technical curricula shall be utilized in the establishment and evaluation of such programs and curricula.

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**DATE:** April 13, 2021  
**TO:** Cumberland County Board of Supervisors  
Don Unmussig, County Administrator  
**FROM:** Stephany S. Johnson  
Planner/Zoning Administrator/FOIA Officer  
**RE:** CA 21-05 Solar Ordinance Amendments

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### **Information**

At its March 26, 2021 meeting, the Planning Commission requested staff undertake additional ordinance amendments as follows:

- Decommissioning – provide definition and require a decommissioning plan;
- Require the decommissioning plan to be prepared by a Professional Engineer;
- Provide decommissioning requirements to ensure the site is returned to its original condition(s);
- Provide bond or surety for the duration of the project to ensure the facilities are removed and the site is returned to its original condition(s);
- Require that the applicant provide the County with any changes in activities on the site; and
- Encourage the developer contribute to the County’s tax base and/or employment opportunities.

Proposed ordinance amendments are attached to reflect the above recommendations. The Planning Commission is scheduled to hold a public hearing on April 26, 2021 and will make a recommendation to the Board at your May 7, 2021 meeting.

### **Recommendation**

Set a public hearing for May 11, 2021 to consider CA 21-05 solar Ordinance Amendments

**Proposed CA 21-05  
Solar Facility Code Amendments**

Utility-scale solar energy facility shall be permitted with conditional use permit in the following districts: A-2, and M-2.

**Add the following to Sec. 74-2 – Definitions.**

*Canopy tree* means a tree that shall measure a minimum of three (3) inches in caliper and ten (10) feet in height at the time of planting.

*Decommissioning* means the removal of the solar energy facility including a decommissioning plan, which shall be followed after the anticipated useful life, or abandonment, or termination of the project. Among other things, revegetation and road repair activities should be addressed in the plan.

*Evergreen tree* means a tree that has foliage and that remains green and functional year-round. Such tree shall measure a minimum of two (2) inches in caliper and six (6) feet in height at the time of planting.

*Understory tree* means a tree that shall measure a minimum of two (2) inches in caliper and six (6) feet in height at the time of planting.

*Utility-scale solar energy facility*, means an installation principally designed and used to capture and convert solar energy into electric or thermal energy for off-site use, such as transmission to the power grid. The area of the system includes all the land inside the perimeter which extends to any fencing. The term applies, but is not limited to, solar photo-voltaic ("PV"), solar thermal, and solar hot water systems. All such facilities shall be subject to the following standards:

- 1) Certain solar facilities exempt. Solar facilities dedicated primarily to the production of electricity for another facility located on the site and solar facilities permitted by Code of Virginia, § 15.2-2288.7 shall not be subject to the conditional use permit requirements.
- 2) Site plan required. Solar facilities must be developed in accordance with an approved site plan that meets the standards of Sec. 74-1103 "Site plan contents" of Cumberland County Code.
- 3) Approved solar components. Electric solar system components must have a UL listing or equivalent.
- 4) Distribution lines. To the extent reasonably practical, all new distribution lines to any building, structure, or utility connection shall be located underground (trenched) to the extent permitted by the electric company.
- 5) Compliance with building code. All active solar facilities shall meet all requirements of the Virginia Uniform Statewide Building Code as well as all federal and state statutes, codes, regulations, and ordinances; and shall be inspected by the Cumberland County Building Official.
- 6) Land Disturbance. A land disturbance plan shall be prepared by an engineer, submitted by the applicant, and approved by the Commonwealth of Virginia Department of

Environmental Quality and the Peter Francisco Soil & Water Conservation District prior to any land disturbance. The owner or operator shall construct, maintain and operate the project in compliance with the approved plan. An E&S bond (or other security) will be posted for the construction portion of the project

- 7) Utility notification. No grid tied photovoltaic system shall be installed until evidence has been submitted to the planning department that the owner has been approved by the utility company to install the system.
- 8) Setbacks. With the exception of poles and lines necessary to connect to the power grid, the perimeter of the system shall be located at least fifty (50) feet from the property line of any adjoining parcel owned by any landowner other than the owner of the parcel on which the solar facility is being proposed; at least one hundred (100) feet from the nearest inhabitant residence at the time of the initial application; and at least one hundred (100) feet from any public road.
- 9) Height. With the exception of the lighting, poles, and lines necessary to connect to the power grid, the height of structures and arrays in the system shall be ground mounted and not exceed fifteen (15) feet as measured from grade at the base of the structure to the apex of the structure
- 10) Security fencing. The solar facility shall be enclosed around the perimeter by a security fence with a minimum height of six (6) feet.
- 11) Liability insurance. The applicant shall provide proof of adequate liability insurance for a solar facility prior to the issuance of a zoning or building permit. This shall be provided to the Zoning Administrator.
- 12) Signage. No signage is allowed on the solar facility fencing except for a sign, not to exceed thirty-two (32) square feet, displaying warnings, the facility name, address, physical E-911 address, and emergency contact information.
- 13) Noise. Inverter noise shall not exceed fifty (50) dBA, measured at the facility property line.
- 14) Vegetative screening. A vegetative buffer yard shall be required. The vegetative buffer yard shall meet one or more of the following set of requirements:
  - a. Forty (40) feet wide with:
    - i. Four (4) canopy trees per one hundred (100) linear feet
    - ii. Six (6) understory trees per one hundred (100) linear feet
    - iii. Eleven (11) evergreen trees per one hundred (100) linear feet

The use of existing, healthy, well-formed canopy trees, understory trees, evergreen trees, and shrubs shall be maximized wherever practical to comply with these vegetative buffer requirements.

- 15) Maintenance. Native grasses **or any non-invasive species** shall be used to stabilize the site for the duration of the facility's use. Site access, buffer areas, and all landscaping shall be maintained to a level acceptable to Cumberland County. The project owner shall be responsible for maintaining the solar facility and access roads.

- 16) Decommissioning/Abandonment/**Decommissioning Plan/Bond Required**. The system owner and the owner of the land on which the solar facility is located shall be responsible and liable, jointly and severally, to begin removing all obsolete or unused systems, facilities and equipment within six (6) months of cessation of operation and shall have them fully removed within twelve (12) months.

All components are to be recycled whenever feasible. Reasonable extensions of that time may be granted from time to time by the Zoning Administrator upon timely application and a showing that (a) the system owner and/or landowner are actively seeking sale or lease of the solar facilities for future operation, or (b) the system owner or landowner have continuously maintained the land and facilities in good condition.

Every charge authorized by this section which remains unpaid shall constitute a lien against the property on which a solar facility is located ranking on a parity with liens for unpaid county taxes and enforceable in the same manner as provided in Code of Virginia, §§ 58.1-3940 et seq. and 58.1-3965 et seq., as amended.

**A decommissioning plan shall be prepared by the Professional Engineer and shall include the following: (a) the anticipated life of the project; (b) the estimated decommissioning cost and how such cost is determined; (c) the manner in which it is to be decommissioned; and (d) surety or a bond posted prior to obtaining a land disturbance permit for the duration of the project. Such surety or bond may include any salvage value derived from the old facility.**

**The decommissioning plan must provide for the removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that the ground is again tillable and suitable for agricultural purposes. Disturbed earth shall be graded and reseeded. Hazardous material shall be disposed of in accordance with federal and state law.**

- 17) Glare. The solar facility shall be installed so that no reflected glare is visible at the property line adjacent to a public road.
- 18) FAA Requirements. Any solar facilities located within five (5) nautical miles of any airport shall meet all FAA requirements.
- 19) Lighting. All outdoor lighting shall be shielded to direct light and glare onto the system's premises.
- 20) Wetlands. Wetlands shall be inventoried, delineated, and avoided.
- 21) Access. The County Administrator, Building Official, or Zoning Administrator, or any other parties designated by those County officials, shall be allowed to enter the property at any reasonable time to check for compliance with the provisions of this permit. Furthermore, access shall be granted without notice if the security, health and safety standards and regulations that apply to the project site pose a risk.
- 22) Change in ownership or operator and activities. The owner and operator shall provide a written notice to the County Administrator and Zoning Administrator in the event of any change in ownership, change in the operator, inactivity, or modifications to equipment or activities on site..**

Additional considerations for conditions.

To preserve and protect county view sheds and resources, to protect the health, safety and welfare of the community, and to otherwise advance the purpose and intent of this article, the following non-exhaustive list of additional criteria may be considered by the planning commission and the board of supervisors in addressing whether to recommend or grant a permit, and what conditions to impose on any permit for an energy generation facility:

- a) The topography of the site and the surrounding area.
- b) The proximity of the site to, observability from, and impact on urban and residential areas.
- c) The proximity of the site to other energy facilities and utility transmission lines.
- d) The proximity of the site, observability from and impact on areas of scenic significance and of historical, cultural and archaeological significance.
- e) The proximity of the site, observability from and impact on public rights of way to include all roads, recreational and state facilities.
- f) The preservation and protection of wildlife and pollinator habitats and corridors.
- g) The size of the site.
- h) The proposed use of available technology, coatings and other measures for mitigating adverse impacts of the facility.
- i) **The encouragement of economic development activities that provide desirable employment or the enlargement of the tax base.**
- j) The preservation and protections of prime farmland and forestland in the county, provided that:
  1. "Prime farmland" shall have the meaning assigned to it by the Natural Resource Conservation Service of the United States Department of Agriculture.
  2. If no more than ten percent of the site is prime farmland; this consideration will be waived.

The enumeration of these criteria shall not prohibit the planning commission or the board of supervisors from considering other factors deemed relevant to a specific special use permit applicant based on the details of the application. Nothing herein shall limit in any manner the nature and scope of reasonable conditions that may be recommended by the planning commission or imposed by the board of supervisor.

**Add “Utility-scale solar energy facility ” subject to obtaining a conditional use permit in Sections 74-133 (A-2)and 74-583 (M-2)**