



# CUMBERLAND COUNTY BOARD OF SUPERVISORS

**Tax Rate Public Hearing  
Cumberland County Circuit Courtroom A  
Cumberland, Virginia**

**AGENDA  
April 26, 2016**

**Regular Meeting – 7:00 p.m.**

- 1. Call to Order**
- 2. Welcome and Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Agenda Motion**
- 5. Public Hearing**
  - a. Proposed 2016 tax rates (pg. 1-2) Motion**
  - b. Code Amendment 16-06 Special Assessments (pg. 3-6) Motion**
- 6. Adopt FY 2016-17 Budget Motion**
- 7. Adopt CIP FY 2016-17 thru 2020-21 Motion**
- 8. Adjourn into Closed Session Motion**

Pursuant to VA. Code § 2.2-3711.A.1: Personnel;  
Subject: Employee leave analysis and Employee benefits

- 9. Reconvene in Open Session (pg. 7-8) 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.”

- 10. Adjourn – Regular meeting May 10, 2016, 7:00 p.m. Motion  
Cumberland County Circuit Courtroom**



# COUNTY OF CUMBERLAND

## NOTICE OF PUBLIC HEARINGS

A **PUBLIC HEARING** will be held by the Board of Supervisors on April 26, 2016 at 7:00 p.m., or as soon thereafter as may be heard, in the Cumberland Courthouse at Cumberland, Virginia to consider the proposed tax levies for the calendar year beginning January 1, 2016.

<u>Levy</u>	<u>2015 Actual Levy</u>	<u>2016 Proposed Levy</u>
Real Estate & Manufactured Homes	\$ .74	\$ .78
Personal Property	\$ 4.50	\$ 4.50
Personal Property – Emergency Services	\$ 4.50	\$ 4.50
Personal Property – Disabled Veterans	\$ .01	\$ .01
Airplanes	\$ .50	\$ 1.50
Machinery & Tools	\$ 3.75	\$ 0.00
Heavy Construction Machinery	\$ 3.75	\$ 0.00
Public Service Corporations	\$ .74	\$ .78

All interested citizens will have the opportunity to give written or oral comment at the hearing. Senior citizens and disabled citizens are encouraged to attend. All public meetings are accessible to persons with disabilities. Any person requiring auxiliary aids, including sign language interpreters, or other assistance in connection with the public hearing should notify the county administrator at least five (5) days prior to the hearing.

Vivian Seay Giles, County Administrator  
 BY ORDER OF THE BOARD OF SUPERVISORS  
 Cumberland County, Virginia

A **PUBLIC HEARING** will be held by the Board of Supervisors on April 26, 2016 at 7:00 p.m., or as soon thereafter as may be heard, in the Cumberland Courthouse at Cumberland, Virginia to conduct a public hearing pursuant to Va. Code § 15.2-1427, which hearing may be continued or adjourned, as required under applicable law, to consider the amendment of Cumberland County Code Sections 58-211 and 58-213 as follows:

*Code Amendment 16-06 – Special Assessments – The Board of Supervisors will consider adoption of an ordinance to amend Sections 58-211 and 58-213 of the Code of the County of Cumberland Virginia governing taxation of real property based on use value and assessment. The purpose of the amendment is to remove from the special assessment program and statutes all horticultural, forests, and open space uses.*

Copies of the complete texts of the above code amendments is available for public review at the office of the Cumberland County Administrator’s Office, County Administration Building, 1 Courthouse Circle,

Cumberland, Virginia between 8:30 am and 4:30 pm of each business day. The public is invited to attend these hearings at which persons affected may appear and present their views orally or in writing. Questions or comments may be directed to Ms. Vivian Giles, County Administrator, at (804) 492-3625. Persons with disabilities are urged to contact the County Administrator's Office at (804) 492-3625 at least five (5) days prior to the meeting to arrange for any necessary accommodations.

**BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 16-06:  
“AN ORDINANCE AMENDING CHAPTER 58 OF THE  
CUMBERLAND COUNTY CODE REGARDING  
SPECIAL ASSESSMENTS”**

**April 26, 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., April 26, 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 Supervisor \_\_\_\_\_, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 58, Sections 58-211 and 58-213 governing taxation of real property based on use value and assessment. The purpose of the amendment is to remove from the special assessment program and statutes all horticultural, forests, and open space 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

David Meinhard, Vice-Chairman

Kevin Ingle

William F. Osl

Parker Wheeler

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 April 26, 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. 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 adoption of the ordinance.
- d. This Resolution is effective immediately.

**Sec. 58-211. - Findings.**

The board of supervisors finds that the preservation of real estate devoted to agricultural, ~~horticultural, forests and open space~~ uses within its boundaries is in the public interest and, having theretofore adopted a land use plan, ordains that such real estate shall be taxed in accordance with the provisions of Code of Virginia, § 58.1-3230 et seq.; the standards prescribed by the director of the state ~~department of conservation and recreation;~~ ~~the state~~ commissioner of agriculture and consumer services; ~~the state forester;~~ and this article.

**Sec. 58-213. - Determination of use value and assessment.**

(a) Promptly upon receipt of an application, the commissioner of the revenue shall determine whether the subject property meets the criteria for use value assessment and taxation under this article, Code of Virginia, § 58.1-3230 et seq., and the applicable standards prescribed by the director of the ~~state department of conservation and recreation,~~ the commissioner of agriculture and consumer services ~~and the state forester.~~

(b) ~~Qualifying Minimum~~ acreage shall be ~~as follows:~~

~~(1) Real estate devoted to:~~

~~a. Agricultural or horticultural use shall consist of a minimum of five acres.;~~

~~b.~~

~~Forest use shall consist of a minimum of 20 acres;~~

~~c.~~

~~Open space use shall consist of a minimum of 25 acres, except that real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property shall consist of a minimum of two acres. A scenic river, a scenic highway, a Virginia Byway or public property under this subsection means those which are listed in the state comprehensive outdoor recreational plan, also known as the Virginia Outdoors Plan, a copy of which can be obtained from the department of conservation and recreation, 302 Governor Street, Suite 203, Richmond, VA 23219.~~

~~(2)~~

~~The requirements of subsection (b)(1) of this section for minimum acreage shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots titled in the same ownership. For purposes of this section, properties separated only by a public right of way are considered contiguous.~~

~~(c)~~

~~In addition to meeting the requirements for minimum acreage, real estate devoted to open space use shall be:~~

~~(1)~~

~~Within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Code of Virginia, § 15.2-4300 et seq.;~~

~~(2)~~

~~Subject to a recorded perpetual easement that is held by a public body, and that promotes the open space use classification, as defined in Code of Virginia, § 58.1-3230; or~~

~~(3)~~

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~~Subject to a recorded commitment meeting the standards prescribed by the director of the state department of conservation and recreation and entered into by the landowner with the county and approved by the county.~~

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(~~c~~) \_\_\_\_

If the commissioner of the revenue determines that the property does meet such criteria, he shall determine the value of such property for its qualifying use, as well as its fair market value.

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(~~e~~) \_\_\_\_

In determining whether the subject property meets the criteria for agricultural use ~~or horticultural use~~, the commissioner of the revenue may request an opinion from the commissioner of agricultural and consumer services; ~~in determining whether the subject property meets the criteria for a forest use, he may request an opinion from the state forester; and, in determining whether the subject property meets the criteria for open space use, he may request an opinion from the director of conservation and recreation.~~ Upon the refusal of the commissioner of agriculture and consumer services, ~~state forester, or the director of the department of conservation and recreation~~ to issue an opinion, or in the event of an unfavorable opinion which does not comport with the standards set forth by the commissioner of the revenue, the party aggrieved may seek relief from the circuit court of the county. If the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this division.

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**Mr. Chairman, I move that the Cumberland County Board of Supervisors adopt the resolution provided and that each member certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Cumberland County Board of Supervisors, and (iii) no action was taken in closed session regarding the items discussed.**

The Board returned to regular session on a motion by the Chairman.

A motion was made by Supervisor \_\_\_\_\_ adopted by the following vote:

Mr. Osl -  
Mr. Banks -  
Mr. Ingle -  
Mr. Meinhard -  
Mr. Wheeler -

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

WHEREAS, the Board of Supervisors of Cumberland County has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

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

No action was taken regarding the items discussed.