

2. VDOT - Mark McKissick - "Slow - Children Playing" signs

On a motion by Mr. Womack and carried, the Board agreed that requests for signs will be turned over to VDOT for a recommendation. If VDOT recommends that a sign be placed, then the citizens requesting the sign will be required to pay for the sign and installation; if the County requests that a sign be installed, the County will pay all costs.

Vote: Mr. Osl - aye Mr. White - absent
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

The Board agreed to refer the VDOT subdivision regulations to the Planning Commission for a recommendation on updating the County's subdivision ordinance.

3. Old Business

John Sullivan, Animal Warden, stated that he had obtained information from the United States Department of Agriculture's Wildlife Services Division stating that bounty systems are not effective enough in controlling coyote populations and that they felt the program is often abused. There is no way to track where a coyote is killed. Carcasses that may have been killed outside of bounty-enforcing counties are often taken to those counties that do pay for the kills.

Mr. Sullivan stated that if the proposed ordinance is passed, he would like to request that the whole carcass be turned over to animal control to eliminate the chance of the program being abused.

Mr. Sullivan stated that a citizen lost five baby goats two years ago in the Cartersville area and since then there has only been a few calls regarding coyote sightings in the county.

Mr. Womack made a motion to adopt a bounty for \$50.00 on coyotes and that the whole carcass be turned over to the Animal Warden.

Vote: Mr. Osl - nay Mr. White - absent
 Mr. Petty - nay Mr. Womack - aye
 Mr. Heaton - aye

With there being a tied vote, with one member absent, the proposed ordinance will be forwarded to the Board of Supervisor's meeting on July 12, 2005.

4. Public Hearings

- a) Ordinance providing for automatic sewer and water liens against properties of delinquent users of County public water and sewer services

The County Attorney explained that the General Assembly enacted legislation allowing Cumberland County to place a lien on water and sewer delinquent property and the County's ordinance needs to be amended.

The Chairman opened the hearing and with there being no speakers, the public hearing was closed.

On a motion by Mr. Petty and carried, the Board adopted the following ordinance:

AN ORDINANCE ADOPTING NEW SEC. 66-400 TO CHAPTER 66, "UTILITIES," OF THE CUMBERLAND COUNTY CODE TO PROVIDE FOR LIENS ON THE REAL ESTATE OF DELINQUENT WATER OR SEWER USERS.

WHEREAS, the County of Cumberland owns and operates, or will operate, a public water system and a public sewer system serving the citizens of Cumberland County; and,

WHEREAS, in order to properly manage the use and enjoyment of the County's water resources, it is necessary to collect the charges for use of the water and sewer systems.

NOW THEREFORE, BE IT ORDAINED, that new Sec. 66-400 of Chapter 66, "Utilities," of the Cumberland County Code is hereby adopted as follows:

Sec. 66-400. Liens.

Pursuant to §15.2-2118 of the Code of Virginia 1950 (as amended), any fees, charges or taxes hereafter made, imposed or incurred by users of the Cumberland County public water or sewer systems shall be a lien on the real estate served by such waterline or sewer. Where

residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

Effective: July 1, 2005

Vote:	Mr. Osl - aye	Mr. White - absent
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - aye	

- b) Amendment to Traffic and Vehicles ordinance to adopt recent changes to State traffic laws

The County Attorney explained that the amendments to the current traffic and vehicle ordinance would include State changes.

The Chairman opened the public hearing and since there were no speakers, the hearing was closed.

On a motion by Mr. Womack ad carried, the Board adopted the following ordinance:

AN ORDINANCE AMENDING SEC. 62-1, ARTICLE I, CHAPTER 62, "TRAFFIC AND VEHICLES," OF THE CUMBERLAND COUNTY CODE TO ADOPT RECENT AMENDMENTS TO STATE LAW THAT BECAME EFFECTIVE JULY 1, 2005.

WHEREAS, due to recent amendments to the Code of Virginia that will become effective on July 1, 2005, it is necessary to amendment Sec. 62-1, Article I, Chapter 62, "Traffic and Vehicles," of the Cumberland County Code to incorporate such State law provisions.

NOW THEREFORE, BE IT ORDAINED, that Sec. 62-1, Article I, Chapter 62, "Traffic and Vehicles," of the Cumberland County Code is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 62-1. Adoption of state law

- (a) Pursuant to the authority of §46.2-1313 of the Code of Virginia 1950 (as amended), all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in the Code of Virginia, Title 46.2 and Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 as in force and effect on July 1, 2005, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the County, are hereby adopted and incorporated in this chapter by

reference and made applicable within the County of Cumberland, Virginia. References to highways of the State contained in the provisions and requirements adopted in this section shall be deemed to refer to the streets, highways and other public ways within the County of Cumberland. Such provisions and requirements are hereby adopted, *mutates mutandis*, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the County of Cumberland to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, Title 46.2 or of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia 1950 (as amended).

- (b) All definitions of words and phrases contained in the State law adopted in this section shall apply to such words and phrases when used in this chapter unless clearly indicated to the contrary.
- (c) The penalties imposed for the violation of any provision or requirement adopted by this section are as provided by general law for similar offenses under Title 46.2 or under Article 2 (§18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia 1950 (as amended).

Effective date: July 1, 2005

Vote:	Mr. Osl - aye	Mr. White - absent
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - aye	

- c) Amendments to County Code relating to the \$5.00 fee assessed against defendants in Criminal or traffic cases

The County Attorney explained the current ordinance has a sunset clause and the amendment would extend the authority to collect the fee, which will be used for Courthouse security.

The Chairman opened the public hearing and with there being no speaker, the public hearing was closed.

On a motion by Mr. Heaton and carried, the Board adopted the following ordinance:

AN ORDINANCE READOPTING SEC. 26-121 AND AMENDING SEC. 26-122, ARTICLE V, CHAPTER 26, OF THE CUMBERLAND COUNTY CODE TO PROVIDE FOR THE COLLECTION OF \$5.00 FEE FROM CRIMINAL DEFENDANTS.

WHEREAS, the Board finds the adoption of this ordinance to be in the best interests of the citizens of Cumberland County and to aid in maintaining courthouse security.

NOW THEREFORE, BE IT ORDAINED, that Sec. 26-121 and 26-122 hereby readopted and amended to read as follows:

ARTICLE V.

ASSESSMENT OF PROCESSING FEE FOR COURTHOUSE SECURITY

Sec. 26-121. Amount assessed.

The sum of \$5.00 is hereby assessed against each defendant as part of the costs in each criminal or traffic case in the general district and circuit courts of the county, wherein the defendant is convicted of a violation of any statute of the Commonwealth of Virginia or ordinance of the County. Assessments under this Article shall be in addition to all other costs provided by law.

Sec. 26-122. Collection by clerk of court.

The fee imposed by Section 26-121 shall be ordered as a part of court costs collected by the clerk of the court and shall be deposited into the account of the treasurer of the county. The fees shall be held by the treasurer subject to appropriation by the board of supervisors of the county to the sheriff's office for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

Effective Date: June 14, 2005

Vote:	Mr. Osl - aye	Mr. White - absent
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - aye	

- d) Amendments to Zoning and Subdivision Ordinances recommended by Planning Commission

The County Attorney explained the proposed amendments recommended by the Planning Commission.

The Chairman opened the public hearing, with there being one speaker, Tyler Craddock of the Home Builders Association of Richmond. Mr. Craddock felt that if additional entrances are mandated that this would increase cost to subdivision homeowners.

The Chairman closed the public hearing.

On a motion by Mr. Osl and carried, the Board adopted the following ordinance with the third portion being referred back to the Planning Commission:

WHEREAS, the Board finds that the amendments to Sec. 74-147, Sec. 74-227, Sec. 74-267 of the Cumberland County Zoning Ordinance, and Sec. 54-124(b) (d) (e) (f) (g) (i-3) & (j), and Sec. 54-160 of the Cumberland County Subdivision Ordinance are required by public necessity, convenience, general welfare or good zoning practice.

NOW THEREFORE, BE IT ORDAINED, that the Board of Supervisors makes the following amendments to the County Zoning Ordinance and the Subdivision Ordinance to read as follows:

Zoning Ordinance Amendments:

(A-2 District)
Sec. 74-147. Yard regulations.

(a) *Side.* The minimum side yard for each main structure in an A-2 district shall be 25 feet or more.

(b) *Rear.* Each main structure shall have a rear yard of 35 feet or more.

(R-1 District)
Sec. 74-227. Yard regulations.

(a) *Side.* The minimum side yard for each main structure in an R-1 district shall be 25 feet or more.

(b) *Rear.* Each main structure shall have a rear yard of 35 feet or more.

(R-2 District)

Sec. 74-267. Yard regulations.

(a) *Side.* The minimum side yard for each main structure in an R-2 district shall be 25 feet or more.

(b) *Rear.* Each main structure shall have a rear yard of 35 feet or more.

Subdivision Ordinance Amendments:

Sec. 54-124. Lots.

(j) *Setback.* No structures within a minor subdivision shall be located any closer to the centerline of any road right-of-way on any designated primary highway than 130 feet or more, or 75 feet or more from the centerline of any secondary road right-of-way or street right of way for any private road. The side yard setback from main structures shall be a minimum of 25 feet for main structures and the rear yard setback for main structures shall be a minimum of 35 feet.

Sec. 54-160. Lots.

(a) *Size.* The following lot sizes shall be provided according to whether one or both public utilities are available. Lots having both public water and sewer available shall have a minimum area of 20,000 square feet. Lots having public water available shall be at least one acre or such area sufficient to accommodate a 100 percent backup drain field area. Lots having public sewer available shall be at least one acre and provide for a second well site.

(1) The subdivision of any lot that results in more than three lots being able to use the same roadway for the purpose of access to a public road shall require the entirety of such road to be constructed according to the Virginia Department of Transportation's Subdivision Street requirements effective January 1, 2005 as amended. Prior to the approval of any such subdivision plat, a surety bond, letter of credit or other financial guaranty acceptable to the county plats officer shall be provided to the county in an amount sufficient to cover the cost of road construction to insure completion of all roadwork within a one year period.

Sec. 54-124. Lots.

(b) *Size.* All lots created as a result of a division of land for residential purposes shall require health department approval for an onsite septic system, and provide a 100 percent

backup drainfield area on the lot; provided, however, any lot utilizing a Aerobic Treatment Unit (ATU) or Alternative Sewage Discharging System as approved by the Health Department shall not be required to show a drainfield area. Where drainfield areas are utilized, this area must be designated so as not to locate any structure or part thereof on the area. All lots shall have an approved well site location, and a backup or 2nd well site location on the lot. The class of wells shall be determined by the local or district health department. A copy of the approval must be submitted with the survey plat.

(e) *Lot entrances.*

(1) Except as provided in sub-section (2) below, all minor subdivisions shall have no more than one entrance road onto any public or private road.

(2) A second entrance may be created if the minor subdivision has more than 750 continuous feet of road frontage on a public road. The entrances serving the minor subdivision shall not be within 500 feet of each other. All entrances onto a public/state road must be approved by the Virginia Department of Transportation.

(h) *Subdivision entrance.* All entrances to a subdivision are subject to the Virginia Department of Transportation approval.

(i) *Road construction.* All roads that serve lots within a minor subdivision whether a single or one lot, or up to three lots, the following shall apply:

(1) The road shall be properly contoured to fit the lay of the land.

(2) The road shall have adequate drainage.

(3) Road access shall be provided over a 50-foot wide right-of-way clearly shown on the subdivision plat.

(4) The road shall have a minimum travel surface not less than 18 feet in width.

Effective Date: June 14, 2005

On a motion by Mr. Petty and carried, the Board adopted the following ordinance:

WHEREAS, the Board finds the following ordinance to be in the interest of the health and welfare of the citizens of Cumberland County and is required by public necessity, convenience, general welfare or good zoning practice.

NOW THEREFORE, BE IT ORDAINED, that Section 74-12, Article I, Chapter 74 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 74-12. Procedure for amending.

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by the board of supervisors, as follows:

- A. The planning commission may, and at the direction of the board of supervisors shall, prepare proposed zoning ordinance amendments, including amendments to the map or maps showing the division of the territory into districts and the text setting forth the regulations applying in each district. The commission shall hold at least one public hearing on a proposed ordinance or any amendment of an ordinance, after notice as required by Virginia Code §15.2-2204, and may make appropriate changes in the proposed ordinance or amendment as a result of the hearing. Upon the completion of its work, the commission shall present the proposed ordinance or amendment including the district maps to the board of supervisors together with its recommendations and appropriate explanatory materials.
- B. This zoning ordinance shall not be amended or reenacted unless the board of supervisors has referred the proposed amendment or reenactment to the planning commission for its recommendations. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the board of supervisors, shall be deemed approval, unless the

proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed amendment or reenactment shall cease without further action.

- C. Before approving and adopting any amendment to this zoning ordinance, the board of supervisors shall hold at least one public hearing thereon, pursuant to public notice as required by Virginia Code §15.2-2204, after which the board of supervisors may make appropriate changes or corrections in the ordinance or proposed amendment. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by Virginia Code §15.2-2204.

- D. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the board of supervisors may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the board of supervisors, (ii) by motion of the planning commission, or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed zoning map amendment, addressed to the board of supervisors or the planning commission, who shall forward such petition to the board of supervisors. Substantially the same petition shall not be reconsidered within one year without the approval of the board of supervisors. Any such resolution or motion by the board of supervisors or planning commission proposing the rezoning shall state that public necessity, convenience, general welfare, or good zoning practice requires the rezoning.

- E. All motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed twelve months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action.

[State Law References: Code of Virginia, §15.2-2285 & §15.2-2286.]

Effective Date: June 14, 2005

Vote: Mr. Osl - aye Mr. White - absent
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

5. Department and Agencies

- a) Library's request for supplemental appropriation

Sharon Eels, Library Director, requested an additional supplemental appropriation in the amount \$1,717.00 over its 2004-05 budget allocation. The requested allocation is for custodial and insurance costs.

The Board of Supervisors requested more information and deferred the request until the June 29, 2005 meeting scheduled with the Library Board.

- b) Piedmont Regional Hazard Mitigation Plan-Adopt resolution

Mr. Leeds, Building Inspector, explained that the County is required by FEMA to adopt a hazard mitigation plan in order to qualify for future funding.

On a motion by Mr. Osl and carried, the Board adopted the following resolution:

RESOLUTION TO ADOPT THE PIEDMONT REGIONAL HAZARD MITIGATION PLAN

WHEREAS, Cumberland County is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, Cumberland County desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the Cumberland County Board of Supervisors to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the Cumberland County Board of Supervisors to fulfill its obligation under Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive certain types of federal assistance in the event of a declared disaster affecting Cumberland County; and

WHEREAS, the Piedmont Planning District Commission has facilitated the development of a multi-jurisdictional hazard mitigation plan that includes Cumberland County with input from the appropriate local and state officials;

WHEREAS, the Virginia Department of Emergency Management and the Federal Emergency Management Agency have reviewed the hazard mitigation plan prepared for Cumberland County for legislative compliance and has approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors hereby:

1. Adopts the Piedmont Regional Hazard Mitigation Plan; and

2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted on June 14, 2005

Vote:	Mr. Osl - aye	Mr. White - absent
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - aye	

6. County Administrator's Report

a) Consent Agenda

The County Administrator explained each item in the consent agenda and on a motion by Mr. Womack and carried, the Board approved the following items as presented:

1. Approved minutes for May 2005.
2. Approved bills for June 2005 totaling \$221,570.84 and ratified bills for May 2005 of warrants totaling \$206,838.59 with check numbers ranging from 44751 to 45051. Direct Deposit totaling \$75,552.11.
3. Adopted the following policy on hiring from within

Policy on county employees applying for job vacancies with County:

1. Employees are allowed to apply for vacancies within the county government. All vacant positions will be posted on Cumberland County intranet and on the bulletin board in the employee break room.
2. The County may consider current County employees prior to giving consideration to outside applicants.
3. If the supervisor does not wish to offer the position to a current

employee of the County, then outside applicants will be considered.

4. The position applied for must be a higher grade than the current grade of the employee to receive an increase in salary. A promotion is considered to be 3% increase or the minimum salary for the position, whichever is greater.
 5. If the current position and the position applied for are the same grade, the move would be considered a lateral transfer, with no increase in salary.
 6. If the position is a lower grade, the employee could transfer to the position with consideration given to year of service.
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4. Appointed Scott Toepfer as Coordinator of Emergency Services
 5. Approved Festival Permit for 4th of July celebration - Cartersville Ruritan
 6. Appropriated amounts of \$5,560.01, \$3,962.99, and \$8,033.00 to Clerk's office
- These funds are State reimbursements and copy fees. No local funds included.
7. Appropriated \$23,917.46 to Social Services for refunds/reimbursements, no additional local funds
 8. Transferred \$1.8 million to Fund 302 (June real estate tax collections)
 9. Approved festival permit for a Gospel Singing on July 16, 2005 to be sponsored by Shiloh New Covenant Church, Pleasant View Baptist Church, and Rising Mount Zion Baptist Church.

Vote: Mr. Osl - aye Mr. White - absent
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- b) Consider adoption of Commonwealth Regional Council by-laws and charter; and appointments to Council

On a motion by Mr. Osl and carried, the Board adopted the Commonwealth Regional Council by-laws and charter, along with the following resolution; with Mr. Osl being primary appointed member to the Commonwealth Regional Council and Mr. Petty to serve as the alternate. (Copy in Official Board File)

WHEREAS, the Board of Supervisors of the County of Cumberland, Virginia by Resolution dated June 14, 2005, directed its representatives to the Piedmont Planning District Commission to participate in a vote dissolving the Piedmont Planning District Commission, and directed its representatives to Virginia's Heartland Partnership to participate in a vote dissolving Virginia's Heartland Partnership, with the intention that a new planning district commission be formed;

WHEREAS, the Piedmont Planning District Commission, on March 17, 2005, voted to dissolve effective June 30, 2005, and to be replaced by a new planning district commission that will come into existence effective July 1, 2005;

WHEREAS, the Board of Supervisors of the County of Cumberland, Virginia, desires that all current employees of the Piedmont Planning District Commission continue employment with the new Planning District Commission, with no interruption of pay or benefits, and that its share of the assets of the Piedmont Planning District Commission transfer to the new planning district commission;

WHEREAS, a Charter & Bylaws Committee, comprised of representatives of the Piedmont Planning District commission and the Virginia's Heartland Partnership, has prepared a Charter Agreement and Bylaws for a new planning district commission to be known as the "Commonwealth Regional Council," and has presented the same to this Board for consideration, it is therefore;

RESOLVED, that the Board of Supervisors of the County of Cumberland, Virginia shall become a member locality of the "Commonwealth Regional Council" pursuant to the terms of the Charter Agreement of the Commonwealth Regional Council, dated June 14, 2005, a copy of which is attached hereto and made a part hereof, and that the Chairman of the board is authorized and directed to execute the Charter Agreement on behalf of the Board of Supervisors of the County of Cumberland, Virginia;

RESOLVED that William F. Osl, Jr. is appointed to represent the County of Cumberland, Virginia as its member of the "Commonwealth Regional Council," and Van H. Petty appointed to represent the County of Cumberland, Virginia as its alternate member. Both the representative and the alternate representative shall serve at the pleasure of the Board of Supervisors of the County of Cumberland, Virginia;

RESOLVED that, having reviewed the attached Bylaws, copy which is attached, and having no objection thereto, the Board of Supervisors of the County of Cumberland Virginia, hereby directs or authorizes its representative to the "Commonwealth Regional Council" to adopt the Bylaws at the Council's July 2005 organizational meeting.

RESOLVED that, as of July 1, 2005, the "Commonwealth Regional Council" is appointed as the agent of the Board of Supervisors of the County of Cumberland Virginia, for the sole purpose of receiving Cumberland County's pro rata share of the assets from the dissolution of the Piedmont Planning District Commission, and is directed to receive those assets and immediately convey and deliver those same assets to the general operating funds of the Commonwealth Regional Council."

Vote: Mr. Osl - aye	Mr. White - absent
Mr. Petty - aye	Mr. Womack - aye
Mr. Heaton - aye	

- c) Board recommendations to Circuit Court Judge for appointment to Equalization Board (Districts 2 and 5)

Deferred until July Board meeting.

- d) Appointment to Workforce Investment Board

It was the consensus of the Board, to appoint Mr. Bruce Speas to serve on the Workforce Investment Board as a business representative.

- e) Appointment to Social Services Board - District 4

On a motion by Mr. Womack and carried, the Board reappointed Margaret Smith to serve on the Social Services Board for District 4.

Vote: Mr. Osl - aye Mr. White - absent
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- f) Update on Cumberland Volunteer Rescue Squad - Consider responses to RFP and review of call log for Cumberland Volunteer Rescue Squad

Two bids have previously been received from EMS Services. One bid was deemed non-responsive. The other bid was received from Emergency Services Solutions, of Powhatan, which proposed staffing two EMT's year-round for 16 hours per day, five days per week. The annual cost to the County would be \$176,640.00.

On a motion by Mr. Osl and carried, the Board ranked Emergency Services Solutions, Inc. number one and instructed staff to begin contract negotiations.

Vote: Mr. Osl - aye Mr. White - absent
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- g) Adopt resolution in support of separate jail operation for INS and federal prisoners

On a motion by Mr. Heaton and carried, the Board adopted the following resolution:

WHEREAS, the Piedmont Regional Jail Board, consisting of representatives of the Counties of Amelia, Buckingham, Cumberland, Lunenburg, Nottoway and Prince Edward, has been evaluating the operation of what is now a multi-purpose detention facility; and

WHEREAS, the six counties have approved the expansion of the facility at no cost to the Commonwealth of Virginia; and

WHEREAS, the Piedmont Regional Jail Board has determined that it is in the best interest of the multi-purpose facility to have the operations as separate and distinct activities, and is requesting that the governing bodies of the six participating counties approve the legal separation of the Piedmont Regional Jail and the Piedmont Detainee Center;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Cumberland, Virginia, does hereby approve the separation of the governmental funds to account for the distinct operations of the Piedmont Regional Jail and the Piedmont Detainee Center; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Cumberland, Virginia, hereby endorses and supports the separation of the two facilities, including staffing, with full legal compliance and the development of new financial systems for Fiscal Year 2005-2006 to reflect the separate operations of the Piedmont Regional Jail and Piedmont Detainee Center.

Vote: Mr. Osl - aye	Mr. White - absent
Mr. Petty - aye	Mr. Womack - aye
Mr. Heaton - aye	

- h) Consider contract with Marsh Witt Associates for planning services

The County Administrator explained the proposal from Marsh Witt Associates for planning services to the County.

It was the consensus of the Board to refer back to staff to negotiate with the company on providing certain services within Task 2 of the proposal.

- i) Discuss stump dumps and whether to direct staff to provide information

The County Administrator stated that some Board members are being questioned by citizens about

the fact that stump dumps were included in our zoning code, and they want to know whether the Board plans to take any action to pursue this.

It was the consensus of the Board to refer back to staff to gather information on stumps dumps (organic material) and develop an RFP.

- j) Treasurer's request for one-time extension of tax deadline date to June 29th

The County Administrator stated that the Treasurer has requested a one-time extension of tax deadline date to June 29, 2005, due to this being the first time tax collections have been due on June 15th.

On a motion by Mr. Womack and carried, the Board approved a one-time extension of tax deadline date to June 29, 2005.

Vote: Mr. Osl - aye Mr. White - absent
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- k) Appropriation report FY 2005-06 through May

The County Administrator stated that the Assessor's budget has been exceeded for this year. This is due to previous years assessments not starting until later in the FY. However, the company started earlier this year and has completed more than half of the work, and the remainder will be paid in FY 2005-06.

7. Assistant County Administrator's Report

- a) Project Updates

The Assistant County Administrator stated that due to the recent approval of tobacco securitization, the County's chances for inclusion in the state's proposed broadband internet initiative have increased. The proposal seeks to install high-speed internet infrastructure to a number of Southside communities.

Securitization will reportedly provide roughly \$390 million for economic development projects. Project funds will be administered by the Virginia Tobacco Indemnification Community Revitalization Commission.

On July 14, the Old Dominion Resource and Conservation Development Council will premier a DVD detailing the development of the Civil Rights in Education Heritage Trail in Lunenburg.

Ms. Swinson stated that a representative from the Longwood Small Business Development Center will attend next month's meeting to share the results of the recent County consumer business survey.

8. County Attorney's Report

- a) Revised Memorandum of Agreement with Constitutional Officers

The County Attorney reviewed the revised memorandum of Agreement with the Board of Supervisors.

On a motion by Mr. Osl and carried, the Board adopted the following Memorandum of Agreement with Constitutional Officers:

THIS CONSTITUTIONAL OFFICER MEMORANDUM OF AGREEMENT, made this 14 of June 2005, by and between the BOARD OF SUPERVISORS of CUMBERLAND COUNTY, VIRGINIA, (hereinafter "the Board"), and L.O. Pfeiffer, Jr., Cumberland County Treasurer; Anita H. French, Cumberland County Commissioner of the Revenue; Carol Ownby, Cumberland county Clerk of the Circuit Court; Claude B. Meinhard, Cumberland County Sheriff; and Patricia Scales, Cumberland county Commonwealth's Attorney (hereinafter collectively "the Officers.)

RECITALS

Recital 1. WHEREAS, In accordance with Section 2.2-3008 of the code of Virginia, as amended, employees of Constitutional Officers may be accepted in local government body's or personnel system if agreed to by both the Constitutional Officer and the local governing body; and

Recital 2. WHEREAS, the Officers receive salary allocations from the Commonwealth of Virginia's Compensation Board for themselves and some of their employees; and

Recital 3. WHEREAS, the Board currently funds out of local revenue, and without Compensation Board funding, the salaries of some of the employee's of the Officers; and

Recital 4. WHEREAS, the Officers desire that the Board supplement the salary allocations for those employees which are Compensation Board funded, as permitted by law; and

Recital 5. WHEREAS, as permitted by law the Board is willing to fund the salaries of the local funded employees of the Officers and to supplement the funding allocated by the Compensation Board for the salaries of the Officers' employees funded by the Compensation Board in consideration of the Officers agreeing to adopt and abide by certain of the Board's Personnel (excluding grievance procedure) Policy;

Recital 6. WHEREAS, Virginia Code Section 15.2-1605.1 permits Officers and the Board of Supervisors to agree that the Board will supplement the salaries of the Officers' deputies and employees; now, therefore

AGREEMENT

In consideration of the mutual covenants and promises contained herein, the Board and the Officers agree as follows:

1. The term of this agreement will be from July 1, 1005 through December 31, 2007 or as to each individual Officer upon the expiration of his or her term of office if sooner than December 31, 2007.
2. Employees of a constitutional officer shall be considered employees of the Officer regardless of whether the employee is county or compensation board funded.

3. All permanent employees of the Officers are hereby included within the competitive service system of the County. For purposes of this agreement, the term "competitive service system" shall include all exempt and non-exempt employees of the Officers who shall be classified and compensated solely in accordance with the provisions of the Cumberland County Personnel Policies and the County Uniform Pay and Classification Plan; provided, however, that the Officer's hiring practices are conducted pursuant to Virginia Code Section 15.2-1604.
4. Except as provided herein or required by law, the Officers do hereby adopt and agree that they and their employees shall be governed by the Board's Personnel (excluding grievance procedure), Policies, as amended from time to time, provided however, in no event shall the Officers or their employees be entitled to any benefits for sick leave or annual leave that exceed those of other county employees. The Officers shall be required to keep and maintain current records of all their respective employees regarding accumulated sick leave and annual leave time and submit them to the County Payroll Department of a monthly basis.
5. The Board agrees that except as required by law, all of the employees of the Officers shall be classified, graded and compensated (to include fringe benefits) in conformance with the County's Uniform Pay and Classification Plan and to the extent required to meet the level of compensation accorded under that plan, the Board will, subject to the lawful appropriation of funds, supplement the funds appropriated by the Compensation Board.
6. The Officers acknowledge and agree that, except as provided by law or properly authorized restrictions on supplanting the funds any increase in funding by the

basis of a typical new residential unit and the contribution of each such residential unit to funding of capital improvements through the tax rate has been calculated; and

WHEREAS, the Board finds that rezoning and development of properties for commercial and industrial use may result in an increased use of public facilities and also in increased tax revenue and other economic benefits to the County; and

WHEREAS, the Board also recognizes that each development proposal presents circumstances requiring specific evaluation, with regard to the resulting costs and benefits accruing to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cumberland County, Virginia, that the Board hereby directs the Planning Commission to conduct a public hearing recommending the amendment to §74-673 of the Zoning Ordinance to permit the acceptance of cash proffers, and that, henceforth, the following shall be the general guidelines for consideration and acceptance of cash proffers and will be considered by the Board in conjunction with other land use factors applicable to particular development proposals and other proffers offered by rezoning applicants:

I. **APPLICABILITY**

These guidelines shall be applicable to all rezoning applications. Amounts set out in this policy, representing the cost of public facilities and public capital costs for each typical unit of a development, are general guidelines only. Individual rezoning applications present circumstances which are to be considered in evaluating applications and proffered conditions. Those circumstances and factors include:

- A. Proffers of dedication of land, or construction of public facilities, or of amenities or facilities available for use in connection with a proposed development, which decrease the need for use of community facilities existing or planned by the County.
- B. The economic benefits of industrial, commercial and residential development and the contribution of a development proposal to the goal of development which is properly apportioned between industrial, commercial and residential types.
- C. The scale of the proposed development and the scale of the incremental effect on community facilities.

II.

METHODOLOGY

A. General Considerations

1. The impact of proposed developments on public facilities and the need for capital improvements will be reviewed on a case-by-case basis.

2. The basis for analyzing the needs expected to be generated by proposed residential development and the economic contribution of the development, shall be the projected capital costs and tax revenues set out in documents referred to below. Those costs and revenues are established for average County residential units.

3. In general, the revenue generated by commercial and industrial development is expected to cover the capital costs of the development. Each proposed development will be reviewed to identify any unusual or excessive requirements. The County's policy with respect to cash proffers in commercial and industrial rezoning shall be interpreted liberally in order to promote desirable economic development.

4. Road improvement needs generated by a proposed development will be reviewed on a case-by-case basis.

B. The costs of needed public facilities as described in documents prepared by Robinson Farmer Cox Associates, titled "County of Cumberland, Virginia - Cash Proffer Computations" dated April 20, 2005, and applicable to an average residential unit are summarized as follows and shall, in addition to other factors described in this policy, be the basis for consideration of cash proffers:

School Facilities	\$2,654
General Government Facilities	\$63
Public Safety Facilities	\$215
Public Works Facilities	\$5
Parks & Recreation & Culture Facilities	\$21
Total Capital Impact per residential unit	\$2,958

Proffer documents are expected to contain a provision ensuring that the Per Unit Contribution(s) paid in each year shall be adjusted annually to reflect any increase or decrease in an appropriate inflationary factor, as published by a reliable government or other independent organization, to the extent allowed by law. The Board of Supervisors of Cumberland County hereby establishes that the percentage increase or decrease in the annual rate of inflation, as calculated by referring to the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics or the Marshall and Swift Building Cost Index shall be used for the purpose of determining any increase or decrease in the Per Unit Contribution to most accurately reflect the rate of annual inflation of capital expenditures in the County. Recalculated cash proffer amounts shall be effective July 1 of each fiscal year, for payments through June 30 of the successive year. However, pursuant to Virginia Code §15.2-2303.3, the County shall neither request nor accept a cash proffer whose amount is scheduled to increase annually, from the time of proffer until tender of payment, by a percentage greater than the annual rate of inflation, as calculated by referring to the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics or the Marshall and Swift Building Cost Index.

III. **ANALYSIS OF THE FINANCIAL BENEFITS OF DEVELOPMENT**

- A. The contribution of a development to the cost of public improvements shall be based on the percentage of the tax rate attributable to debt service over a 20-year period.
- B. Analysis of in-kind donations, such as land or facilities, should be based on the value set out in the written proffer, or a method agreed upon by the County staff and the applicant.

IV.

ADMINISTRATION

- A. Proffer payments shall be paid at the time of approval of the building permit for the residential unit or commercial or industrial development, unless the landowner voluntarily agrees to an earlier payment.
- B. These cash proffer guidelines shall be reviewed and updated each fiscal year in conjunction with CIP review and adoption.
- C. The County Treasurer shall be responsible for administration of cash proffer funds and development of proffer fund procedures.
- D. In the event a building is not constructed after the issuance of the building permits, the cash proffer shall be refunded upon request and the building permit shall be void.

V.

CAPITAL IMPROVEMENT PROGRAM

The FY 2005-2006 through 2009-2010 Cumberland County Capital Improvements Plan was adopted by the Board of Supervisors on April 19, 2005.

Vote: Mr. Osl - aye	Mr. White - absent
Mr. Petty - aye	Mr. Womack - nay
Mr. Heaton - aye	

- c) Contract with DEQ re: waterline extension

The County Attorney explained the proposed contract with DEQ regarding the waterline extension.

On a motion by Mr. Osl and carried, the Board awarded the contract to DEQ and authorized the County Administrator to execute.

Vote: Mr. Osl - aye	Mr. White - absent
Mr. Petty - aye	Mr. Womack - aye
Mr. Heaton - aye	

d) Water user agreement - consider approval

The County Attorney discussed the proposed water user agreement.

On a motion by Mr. Womack and carried, the Board approved the water user agreement. (Copy in Official Board File)

Vote: Mr. Osl - aye Mr. White - absent
 Mr. Petty - ay e Mr. Womack - aye
 Mr. Heaton - aye

9. Board Members

Mr. Osl stated that Dr. Quisenberry will be here for a meeting on July 12th, to discuss an agricultural innovation center.

Mr. Osl asked that Kelly Hale, Cartersville Rescue Squad send her comments to the County Administrator regarding paid emergency services personnel.

Mr. White

Absent

Mr. Petty

No comments

Mr. Womack

No comments

Mr. Heaton

No comments

10. Public Comments

One citizen had a concern with growth in the County and stated that the farmer's pay more and get less.

11. Additional Information

Planning Commission terms expiring in August -
Zeke Sanderson and Bill Burger

Agenda for meeting with Library Board

12. Adjourn

The Chairman ordered the meeting adjourned until Wednesday,
June 29th, 2005 at 4:30 p.m., meeting with Library Board at
the Library.

Chairman

County Administrator