

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 10th day of January 2006, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van Petty, District 3
Elbert Womack, District 4
Jeremiah Heaton, District 5
Darvin E. Satterwhite, County Attorney
Judy Ownby, County Administrator
Sherry Swinson, Assistant County Administrator
Sandy Sullivan, Deputy Clerk

The Chairman called the meeting to order and the Deputy Clerk called the roll.

The invocation was led by Rev. Dargon Lucas, Retired and the pledge of allegiance was led by the Chairman.

1. Approval of Agenda

On a motion by Mr. Osl and carried, the Board approved an addendum to the agenda as follows:

6. County Administrator's Report

- d) Request for Conditional Use Permit (for Board referral to Planning Commission for consideration)
- e) Consider bids for construction of commercial entrance at Randolph Transfer station

8. County Attorney

- a) Discussion of PPEA

11. Additional Information

- d) Note for the minutes that Dave Hale replaced Cabell Metts on Equalization Board, District 1 representative).

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

2. **Organizational Matters**

- a) Set date, time, place for regular meetings

It was the consensus of the Board, that the Board of Supervisors meetings for 2006 will be held on the second Tuesday of each month at 7:00 p.m., at the Cumberland County Courthouse, Circuit Courtroom.

*Please note that the June 2006 Board of Supervisors meeting will be held on June 6, 2006, instead of June 13, 2006.

- b) Adopted the following Board By-Laws

**CUMBERLAND COUNTY, VIRGINIA
BOARD OF SUPERVISORS
BY-LAWS**

Statement of Intent and Purpose

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

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

To these ends these By-laws are so adopted.

By-laws Definitions

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

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

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

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

Board: The Cumberland County Board of Supervisors.

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

County Code: The *Cumberland County Code*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Construction

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

Article 1. General

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

Article 2. Board of Supervisors

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

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

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

Article 3. Officers of the Board of Supervisors

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

3.2. The term of office of the Chairman and Vice-Chairman shall be one (1) calendar year beginning at the end of the Annual Meeting at which they were elected through the end of the Board's next Annual Meeting the following calendar year.

Article 4. Election of Officers

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

4.2. Election of officers of the Board shall be the first Item of Business after Reading and Approval of Minutes at the meeting when elections are to be held.

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

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

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

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

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

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

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

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

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

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

Article 6. Meetings of the Board of Supervisors

6.1. The Annual Meeting of the Board shall be held on the second Tuesday of January. The Regular Meetings of the Cumberland County Board of Supervisors for shall be on the second Tuesday of each month. These Annual and Regular Meetings shall be Called to Order at 7:00 p.m. and shall be held at Cumberland County Circuit Court Room in the County Courthouse Building on Rt. 60, Cumberland C.H., Virginia.

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

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

6.3. If the Annual or any Regular Meeting day falls on a legal holiday, the meeting may be held on the holiday or rescheduled as determined by the Board by Action of Record taken at the Annual Meeting or any Regular or Special Meeting prior to the holiday. If rescheduled other than

at the Annual Meeting, public notice shall be served pursuant to § 15.2-1416 of the Virginia Code.

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

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

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

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

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

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

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

6.8. The Sheriff of Cumberland County shall, upon request, provide at least one (1) deputy to attend the Annual and Regular Meetings of the Board and, upon request of the County Administrator, at any other official meeting. When in attendance of any official meeting, deputies shall be under the direction of the Chairman of the Board during the period of the

official meeting (including any brief recess thereof), and under the direction of the County Administrator, Acting County Administrator, or his designee during the period prior to the meeting's Call to Order and immediately upon final Recess or Adjournment of the meeting.

Article 7. Agendas for Board of Supervisors Meetings

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

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

1. Call to Order and Determination of Quorum
2. Roll Call of Members
3. Welcome, Invocation and Pledge of Allegiance
4. Approval of the Agenda
5. Public Hearing (if any)
6. Highway Matters
7. Presentations from Department/Agencies/Organizations
8. County Administrator's Report
 - Approval of Minutes
 - Approval of Warrants
 - Appointments
 - Appropriations
9. Assistant County Administrators Report
 - Economic Development
 - Update on Current County Projects
10. County Attorney's Report
11. Board Member Reports
12. Public Comments
13. Closed Meeting
14. Adjournment

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

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

7.4. The Board shall take no Action of Record on any matter that is not on the Meeting Agenda unless a modification to the Meeting Agenda is requested at the time of Approval of the Agenda. Modification of the Meeting Agenda requires a majority vote of Board members present. Upon Approval of the Agenda, no further modifications may be made except as provided for in paragraph

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

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

Article 8. Conduct of Meetings of the Board of Supervisors

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

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

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

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

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

a. A quorum of the Board is a majority of the membership comprising at least three (3) of the five (5) members of the Board. A quorum must be present to Call to Order and continue an official meeting and to take Action of Record.

b. The Chairman shall Call to Order an official meeting at the designated time and determine a quorum. If a quorum is not present at the designated time, the Chairman may direct a delay of up to fifteen (15) minutes in the start of the meeting at his discretion. Any further delay in the start of the meeting may be made only with the consensus agreement of the majority of those Board members present.

c. Should for any reason a quorum not be maintained continuously during any official meeting, the meeting shall adjourn at that time. A Board member's physical presence on the grounds of the location of the meeting shall be considered as being present at the meeting and satisfactory for the maintenance of a quorum. Board members shall notify the Chairman if required to leave the grounds of the location of the meeting, either temporarily or for the remainder of the meeting.

d. All informal and formal discussions of Items of Business and Actions of Record must be made from the Board Table. Any Board member away from the Board Table but maintaining physical presence at the meeting location at the time of an Action of Record will be counted as having cast an abstaining vote.

e. Informal discussion of an Item of Business by Board members is permitted while no primary or substitute motion is pending.

f. A second to a primary and substitute motion is not required in order to formally discuss and/or vote upon the motion. Voting shall be by show of hands. The Chairman shall verbally summarize the vote upon conclusion of an Action of Record, noting by individual name those Board members abstaining or voting in the minority on the Item of Business.

g. Any member of the Board may terminate debate or discussion of an Item of Business and call for a vote on a pending motion by "calling for the question" after being recognized by the Chairman.

h. An abstaining vote is neither an affirmative nor a negative vote and has no effect on the vote, or the status of the quorum.

i. A tie vote fails. The Board does not designate a tiebreaker pursuant to § 15.2-1421 of the Virginia Code.

j. A substitute motion will be voted on prior to the primary motion, in reverse order (i.e. the substitute motion will be voted on first). Only one (1) substitute motion will be considered prior to a vote on the primary motion.

k. The Chairman is authorized to speak in discussions, and can vote on all motions and/or all questions but may not call for the question or make a primary motion, substitute motion or second. The Chairman may temporarily relinquish the position and conduct him/herself as a member of the Board for the purpose of making a primary motion on an Item of Business. The Chairman may do so by passing the gavel to the Vice-Chairman or Acting Vice-Chairman prior to the start of discussion of an Item of Business. Upon completion of the Item of Business, the gavel shall be returned to the Chairman.

l. A primary motion may be amended prior to vote with the concurrence of the originating Supervisor of the primary motion, and with second. The amended primary motion is then treated as the primary motion, and not a substitute motion. A primary motion may not be amended if a substitute motion is pending until conclusion of vote on the substitute motion. An amendment to a primary motion opposed by the originating Supervisor shall not be voted on until action is taken on the original primary motion.

m. If a primary or substitute motion is made at a Board meeting where at least four (4) members are present and the motion is voted on and fails, the same or a substantively similar motion cannot be reconsidered by the Board during that fiscal year except by a primary or substitute motion made by a member of the Board who voted on the prevailing side where there are no less than four (4) Board members present, and only if two-thirds (2/3) of the Board members present vote to reconsider the motion again.

n. A primary or substitute motion may be made to tentatively act upon an Item of Business where a final Action of Record is anticipated at a later date. All Items of Business tentatively acted upon by the Board shall be considered bound by the tentative action if not otherwise reconsidered by the Board within three (3) calendar months of the date of the tentative action.

o. A motion to Table an Item of Business for consideration at a future meeting, or to remain Tabled indefinitely may be made either as a primary or substitute motion but not by consensus agreement. An action to Table an Item of Business to a later time within the same meeting may be passed by consensus agreement of a majority of Board members present.

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

a. Official meetings of the Board are open to public observation and, as set out herein, public participation. When not addressing the Board and/or attending public as herein described, those present at an official meeting shall be respectful of the rights of others.

b. Board members are to be polite and courteous in addressing other members of the Board and all those present at Board meetings, and all Board members are to maintain proper decorum in their conduct at meetings of the Board (i.e., refrain from "name calling", derogatory remarks and other forms of personal affronts).

c. Those persons and organizations with Items of Business before the Board should be represented at an official meeting if so requested by the Board of Supervisors, individual members of the Board, the County Administrator, County Attorney, or any person acting on behalf of these.

d. Those persons and organizations with Items of Business before the Board may address the Board upon recognition and invitation of the Chairman to approach the Podium, where upon they shall identify themselves, any title and organization they represent, and provide a mailing address to facilitate any correspondence needed subsequent to the Item of Business. As a guideline, presentations to the Board pursuant to an Item of Business should be limited to ten (10) minutes. The Chairman at his discretion may end a presentation after such time has elapsed or may permit continuation of it. The Board by Action of Record may overrule the Chairman's decision in this regard.

e. The discourse of those presenting at the Podium shall be made part of the Minutes of the Meeting subject to Article 9 of these By-laws.

f. Those individuals of the public attending any official meeting of the Board of Supervisors without an approved Item of Business on the Meeting Agenda or modification thereof shall not be permitted at the Podium at any time other than during the Open portion of a public hearing. No person shall address the Board during an official meeting from the audience unless recognized by the Chairman.

g. At any official meeting of the Board where a public hearing is set on the Meeting Agenda, or a Public Hearing of the Board pursuant to Article 6.4, the Chairman shall first permit general presentation and discussion of the matter of the public hearing from the Podium and/or from the Board Table. At the conclusion of such presentation/ discussion, the Chairman shall Open the public hearing and invite those of the public attending the meeting to the Podium to comment.

h. At the discretion of the Chairman, or with the consensus agreement of the majority of the Board, those speaking during the open portion of a public hearing may be limited to a specified length of time for comments at the Podium. The Chairman at his discretion may provide a verbal advisory to a speaker at the Podium when thirty (30) seconds remain of the specified time to conclude comments. During public hearings, speakers may address the Board only on matters pertaining or germane to the issue for which the public hearing is being held. No speaker is to engage in political statements, personal attacks upon members of the Board of Supervisors, county employees or officials, or any other person, nor are speakers entitled to use abusive language or discuss matters outside the issue for which the public hearing is being held. Violation of this rule shall enable the Chairman by directive to take appropriate measures to rule the speaker out of order and to have the speaker removed from the meeting, if necessary and take such other steps the Chairman deems appropriate, including bringing appropriate charges against the person and bringing the charges in the name of the Board of Supervisors.

i. No discourse at a public hearing, whether during general presentation and discussion or during the Open portion of the hearing is required to be entered into the Minutes unless conducted at the Podium.

j. Repelled (section addressed decorum during public comments)

k. Repelled (section addressed decorum during public comments)

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

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

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

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

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

9.3. Pursuant to § 15.2-1536 and § 15.2-1538 of the Virginia Code, the County Administrator shall serve as Clerk of the Board and shall carry out the duties specified in § 15.2-1539 of the

Virginia Code. The County Administrator may designate a Recording Clerk to take and prepare the Minutes of the Board and to assist in the exercise of the office of Clerk of the Board. Minutes shall be prepared on the basis of both written notes and audio recordings. Where technically possible, audio recordings shall be made of all official meetings of the Board, subject to the provisions of Paragraph 9.2 of this Article. The specific language of the Minutes of any given meeting shall be at the discretion of the County Administrator, who shall endeavor to render the Minutes in the most accurate and neutral way possible. The County Administrator shall review and correct all Minutes prior to dissemination to the Board for adoption.

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

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

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

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

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

recorded Minutes, indicating the first date of recordation, the date of Board action to amend the Minutes, and the date of recordation of the amended Minutes.

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

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

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

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

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

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

Article 10. Appointments of the Board of Supervisors

10.1. The Board at its discretion may, and where required and in accordance with the Virginia Code or other law, shall from time to time establish and make appointments of its members and other persons to various positions, groups, organizations, committees, advisory boards and other bodies, both formal and informal, for such purposes as are in the interest of the Board and county.

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

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

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

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

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

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

11.1. Pursuant to § 15.2-1411 of the Virginia Code, the Board may at its discretion establish Committees of the Board and Advisory Boards by Resolution and vote of a majority of the Board members at any official meeting. Committees may be solely composed of members of the Board or may be jointly composed of Board members and other individuals appointed or otherwise authorized to participate in Committee activities. Board approval of such other individuals is not required unless specified by Resolution. Advisory Boards shall be composed persons other than members of the Board and may include other individuals appointed by Advisory Board members to participate in Advisory Board activities. Board approval of such other individuals is not required unless specified by Resolution. Board members may be appointed as ex-officio members of Advisory Boards.

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

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

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

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

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

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

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

Article 12. Offices of County Administrator and County Attorney

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- c) Consider Board member appointment to Board, Commissions, etc.

On a motion by Mr. Osl and carried, the Board approved item 2, a, b, and c, the following Board Member Committee appointments:

CPAC Committee	Cliff White
Crossroads Community Services	Jeremiah Heaton
FEMA	Jeremiah Heaton
Local Emergency Planning Committee	Jeremiah Heaton
Commonwealth Regional Council	W.F. Osl, Jr.
Alternate	Van Petty
Planning Commission	W.F. Osl, Jr.
Public Library	Cliff White
Regional Disability Board	Elbert Womack
Alternate	Cliff White
Piedmont Regional Jail Board	Elbert Womack
Alternate	Judy Ownby
RC & D Council	Sherry Swinson
Alternate	Elbert Womack

Rt. 60 Corridor Committee	Van Petty & Cliff White
Social Services Board	Van Petty
Communications Policy and Mgt. Team	Van Petty
School CIP Committee	Cliff White
Family Assessment Management Team	Jeremiah Heaton
Piedmont Court Services Board	Jeremiah Heaton

(A complete list of committee and appointment is in the Official Board file for 1/10/06)

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

3. VDOT - Alan Leatherwood, VDOT Representative

Mr. Leather, Resident Engineer stated that Rt. 601, Ashburn Road is scheduled to be advertised for construction bids in March 2006 and that the work should be completed in June 2006 and that in the spring, traffic will be limited to one lane when construction starts on Farmville Main Street/Rt. 45 bridge.

Mr. Heaton inquired about the flashing traffic signs in the school zone.

Mr. Leatherwood stated that the application for the flashing speed lights in the school zone had been sent back to the school for corrections. Mr. Leatherwood also stated that VDOT had suggested that the speed limit in the school zone be set at 25 MPH, however, the school wishes to keep the speed limit at 35 MPH. With this being said, the school will have to provide engineering expertise to support a 35 MPH zone. VDOT will supply the signs but will not be responsible for installing them.

Mr. White inquired about the responsibility of maintaining State Forest roads.

Mr. Leatherwood stated that it is up to the residents along the road to maintain them. These roads have not been maintained by VDOT or the State Forest for numerous years.

shall be located any closer than 75 feet or more from the centerline of any secondary road right-of-way or street right-of-way for any private road, and to further provide a definition for "centerline" of the road right-of-way.

WHEREAS, the Board of Supervisors finds that the following ordinance to accomplish the foregoing amendments is required by public necessity, convenience, general welfare or good zoning practice.

NOW THEREFORE, BE IT ORDAINED, the Board of Supervisors hereby adopts an ordinance making the following amendments to the Cumberland County Zoning Ordinance:

Sec.74-2. Definitions.

Setback means the minimum distance by which any building or structure must be separated from the front, side or rear lot lines, or from the centerline of any road right-of-way on any designated primary highway or from the centerline of any secondary road right-of-way or street right of way for any private road.

- (a) For the purposes of this definition, "primary highway" shall mean U.S. Route 60, Route 45 and Route 13, and any other public streets and roads shall be deemed to be "secondary road right-of-ways."
- (b) For the purposes of this definition, "centerline" shall mean:
 - i. The midpoint of the paved or graveled portion of any two-laned road in the County; or,
 - ii. For that portion of U.S. Route 60 that is four-laned:
 - 1. For those structures located in the north side of U.S. Route 60, the midpoint of the paved portion of the west-bound lanes; and,

2. For those structures located in the south side of U.S. Route 60, the midpoint of the paved portion of the east-bound lanes.

Sec.74-145. Setbacks regulations.

No structures in an A-2 district 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, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Sec. 74-225. Setback regulations.

No structures in an R-1 district 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, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Sec. 74-265. Setback regulations.

No structures in R-2 district 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, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Sec. 74-306. Setback regulations.

No structures in an R-3 district 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, except that temporary signs advertising sale or rent of premises may be erected up to

the property line. This shall be known as the setback line.

Sec. 74-384. Design standards for small lot manufactured housing subdivisions.

(c) *Setback regulations.* Manufactured housing and accessory structures shall comply with the front yard setback regulations as follows: No structures 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, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Sec. 74-425. Setback regulation

(a) *Front setback.* No structures in a B-1 district 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 60 feet or more from the centerline of any secondary road right-of-way or street right-of-way for any private road, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line. Exceptions to this subsection will be those properties or any subdivision fronting on the south side of Rt. 60, starting with the southernmost boundary of tax parcel #57A2-A-30, continuing north to the northern boundary of tax parcel #57A2-A-45 and fronting on the north side of Rt. 60 starting with the southern boundary of tax parcel #57A1-A-3 to its northern boundary, and starting with the southern boundary of tax parcel #57A-A-11. The setback line for these exceptions shall be 75 feet from the centerline of the right-of-way of Rt. 60.

Sec. 74-465. Setback requirements.

(a) *Front setback.* No structures in a B-2 district 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 60 feet or more from the centerline of any secondary road right-of-way or street right-of-way for any private road, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Sec. 74-505. Setback regulations.

(a) *Front setback.* No structures in B-3 district 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 60 feet or more from the centerline of any secondary road right-of-way or street right-of-way for any private road, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Sec. 74-546. Setback regulations.

No structures in an M-1 district 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, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Sec. 74-586. Setback regulations.

No structures in an M-2 district 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, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Effective January 10, 2006

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

5. Department/Agencies

a) Nancy Faxon

Nancy Faxon, speaking on behalf of the United Daughters of the Confederacy, expressed concern about the Civil War Plaques not being placed in the Courthouse. Mrs. Faxon noted that the Board of

Supervisors originally voted in November 2004, (4-1) to have the plaques displayed in the Courthouse.

Board members offered suggestions of a display case for the plaques in the event that the wall-mounting of the Courthouse would not support the plaques and this would also allow for the plaques to be transported or relocated if the need should arise.

On a motion by Mr. Womack and carried, the Board agreed to have Judy Ownby, County Administrator, contact the architectural/engineering firm of HDH Associates for a recommendation on installing the plaques in the Courthouse lobby.

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

Mr. Heaton requested that County Administrator, Judy Ownby, update Ms. Faxon on the progress of the project regarding the plaques.

b) Emergency Services Committee report

Kelly Hale, Cartersville Volunteer Rescue Squad gave a report from the Emergency Services Committee. Ms. Hale stated that the first phase of the Committee's upgrade to the communications systems should be completed by March 1, 2006. She also stated that a sub-committee for the EMT communications has been formed to provide in-house training for new equipment. Continuing education classes are planned for EMS volunteers in the near future. There will also be a free Firefighter 1 class available in April at the Cumberland Volunteer Fire Station.

The Committee is working on grants for new equipment and renovations for the previous Flippen's Store property.

c) Public Works/LEPC report - Jerry Giles

Jerry Giles introduced the new Recreation Director, Keith White to the Board of Supervisors.

- d) Consider bids for construction of commercial entrance at Randolph Transfer Station

Mr. Giles asked the Board of Supervisors to review the bid information regarding the entrance to the Randolph Transfer Station and the entrance to Social Services Entrance.

On a motion by Mr. Heaton and carried, the Board agreed to accept the low bid from Collins Clearing and Grading at the sum of \$38,950.00 to complete the entrance work at the Randolph Transfer Station and Social Services.

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

- e) Outline for an Economic Development Strategy Board Discussion and Public Comments

Mr. Osl gave a presentation on the outline for an Economic Development Strategy for Cumberland County.

The presentation touched on the strengths and weaknesses of Cumberland County, along with the goals for Cumberland County. Planning and Zoning issues were discussed to preserve the rural character of the county, while expanding the tax base.

A copy of the presentation is attached to and made a part of the official minutes for January 10, 2006.

Citizens commented on the presentation and one person stated that we should pursue grant funding to provide revenue for the county. Other questions and comments were: where will the proposed landfill be located; a request that the Board revisit zoning and subdivision ordinances, and preserve the rural nature of the county; a statement that perhaps citizens would favor a tax increase from the recent reassessment to generate funds rather than having a landfill; and a comment expressing appreciation for the presentation of the economic development strategy.

6. **County Administrator's Report**

a) Consent Agenda

The County Administrator explained each item in the consent agenda and on a motion by Mr. Osl and carried, the consent agenda was approved.

1. Approved minutes for December 2005.
2. Approved bills for January 2006 totaling \$528,352.35 and ratified bills for December 2005 of warrants totaling \$501,561.65 with check numbers ranging from 46380 to 46695. Direct Deposit totaling \$95,848.92.
3. Adopted resolution ratifying contract for purchase of Flippen's Store.

WHEREAS, in compliance with the provisions of §15.2-1800 & §15.21803 of the Code of Virginia, 1950, as amended, the County Attorney approved and recorded a deed conveying to the Board of Supervisors of Cumberland County, Virginia, from Flippen's Store, Incorporated, a certain parcel of land, with all improvements thereon and appurtenances thereto belonging, lying and being in the Madison District, Cumberland County, Virginia containing 1.323 acres, more or less, shown on plat of survey prepared by Woodrow K. Cofer, Incorporated, Certified Land Surveyor, dated November 29, 2005.

WHEREAS, the Board of Supervisors, on August 29, 2005, approved the contract for the acquisition of the said 1.323 acre parcel.

NOW THEREFORE, BE IT RESOLVED, the Board of Supervisors hereby approves, ratifies and affirms the aforesaid actions of the County Attorney in approving and recording the said deed.

Effective: January 10, 2006

4. Appropriated \$19,348 and \$742.65 from Department of Fire Programs among the three fire departments;
5. Appropriated \$1,436.91 to the Department of Health which was the refunded amount from FY 2005 to the County, for purchase of a Hemoccue machine.
6. Appropriated \$2,217.33 from the Technology Trust fund to Clerk of Circuit Court (State funds).

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

- b) Appointment to Water & Sewer Advisory Committee - District 5

It was the consensus of the Board of Supervisors to consider an at-large position if a representative from District 5 cannot be found to serve.

- c) Board of Zoning Appeals appointments (Dr Oulie; Lynn Ayers; Jimmy Adams) terms expire January 2006)

On a motion by Mr. Womack and carried, the Board recommended Dr. Keith Oulie, Lynn Ayers and Jimmy Adams to the Circuit Court Judge for re-appointment to the Board of Zoning Appeals.

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

- d) Request for Conditional Use Permit (for Board referral to Planning Commission for consideration)

On a motion by Mr. Osl and carried, the Board referred the request for conditional use permit by Covance Research Products Inc. to the Planning Commission for consideration.

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

7. **Assistant County Administrator's Report**

a) Update on projects

The Assistant County Administrator stated that the water project is on schedule. The substantial completion date for the water tank is January 29, 2006.

Mr. Heaton inquired about the fencing around the water tank and Ms. Swinson stated that the fencing should also be completed by January 29, 2006.

Ms. Swinson stated that the Bear Creek Lake project is about sixty days behind schedule. The updated completion date for the cabins is now May 2006. The water lines are schedule to be finished by the May 2006 completion date and the cabins can be hooked up to the water lines by June or July 2006 for rentals.

8. **County Attorney's Report**

a) Discussion of PPEA

The County Attorney stated that the School Board has asked that the Board of Supervisors consider giving them the authority to enter into an interim or comprehensive agreement that is required under the Public-Private Education Facilities and Infrastructure Act of 2002, (PPEA). The Act gives private entities the authorization to develop a wide range of projects for public use if the public entities involved determine there is a need for the projects and if such action could provide the projects to the public in a timely and cost effective fashion.

In order for this to take place, the School Board would need to adopt the guidelines that are consistent with PPEA. The School Board has adopted the guidelines that the state approved in 2002. There was a change in the statute in 2005. The School Board has requested that the Board of Supervisors review their model which would give them the ability to utilize the PPEA in the future.

The County Attorney stated that he will bring the new model to the regular Board of Supervisors meeting in February for the Board's review.

b) Zoning Issues

The County Attorney stated that currently zoning matters are being sent to the Board of Supervisors and then redirected to the Planning Commission. The Planning Commissions would like to request that the Board of Supervisors consider amending the zoning ordinance so that all zoning-related matters with the exception of requests for re-zonings or conditional use permits go directly to the Planning Commission for consideration.

It was the consensus of the Board of Supervisors that the County Attorney draft the ordinance amendment.

9. Public Comments

One citizen stated that the county needs a stable and predictable government and felt that current tax rates along with the new reassessments would bring the needed revenue into the County to build schools instead of having a landfill in the County.

There were also citizens in support of the landfill and stated that a landfill can be built today without having any environmental issues.

A landowner on Route 60 has a hole in the driveway pipe that needs to be repaired and asked the county to look into this.

10. Board Members

Mr. Heaton stated that when a landfill site is selected, the citizens in that area will be notified. It will not just be something that you read about in the newspaper.

Mr. Petty stated that the Meals-on-Wheels program started serving five families and now the program is serving twelve families as of December 2005 and that drivers are needed for the program.

Mr. Petty also stated that he wanted the public to know that their input and information is very helpful to the Board of Supervisors. Mr. Petty also invited the public to tour the new Luther P. Jackson Adult Education Facility.

Mr. Osl stated that the Commonwealth Regional Council is entering the last stages on hiring their Executive Director and that meetings are continuing with engineers regarding the reservoir project.

Mr. White stated that he has received numerous phone calls regarding the location of the proposed landfill. He also stated that the Board of Supervisors meets in closed session as needed for negotiations, etc. and that the Board of Supervisors is trying to be as public as possible without jeopardizing any negotiations for the County.

Mr. White also expressed his condolences for the Pearsall, Meador and Goodman families during their recent losses.

Mr. Womack stated that the Board of Supervisors is working very hard to gather information regarding the proposed landfill and thanked Mr. Osl for his presentation.

11. Additional Information

- (a) Gov. Warner's request to US Secretary of Agriculture for designation of Cumberland and other counties as disaster areas.
- (b) Public Notice re: Board of Equalization hearings
- (c) Building Inspections monthly and year-end reports

No action taken on the above items.

12. Closed Session

On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 (A-5) purchase of real estate for a public purpose; and (A-7) continued contract negotiation re: landfill.)

The Board returned to regular session on a motion by Mr. Osl.

A motion was made by Mr. Osl and adopted by the following vote:

Mr. Osl – aye
Mr. White – aye
Mr. Petty – aye
Mr. Womack – aye
Mr. Heaton - aye

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, 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 on the item discussed in closed session.

13. Adjourned

The Chairman ordered the meeting recessed until January 16, 2006 at 3:00 p.m. in the Old Clerk's Office for closed session re: VA Code Section 2.23711 (A-7) consultation with staff and legal counsel regarding potential litigation.

Chairman

County Administrator