

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14th day of November 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
Robert Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Sherry Swinson, Assistant County Administrator
Jill Matthews, Assistant County Administrator

The Chairman called the meeting to order and the County Administrator called the roll.

The invocation was led by Rev. Cameron Cloud, Hatcher Baptist Church, and the Pledge of Allegiance was led by the Chairman.

1. Approval of Agenda

On a motion by Mr. Osl and carried, the Board amended the agenda as follows:

4. Department / Agencies
 - c) Karen Mulleins, Cumberland County Schools
- revised Agenda Consideration
5. Assistant Administrator / Finance & Human Resources
 - c) Code revision – Sec. 50-33 Tires / Refuse Disposal
 - d) 4 For Life Funds – request for appropriation
\$7,780.29 for Cumberland Rescue Squad & Cartersville Rescue Squad
6. County Administrator's Report
 - a) Consent Agenda
 1. October minutes
 - d) Cost proposal for value engineering – revised estimate
 - f) Flippen Building – authorization to accept bids

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

2. VDoT – Mark McKissick

- a) Mr. Leatherwood reported that the Morris Drive project is currently on hold.
- b) A joint public hearing on the 6-Year Plan was set for the regular Board meeting to be held on January 9, 2007 at 7:00 p.m.

Mr. Leatherwood informed the Board that the Ashburn Road project is currently being bid.

3. Public Hearings

a) Lot Line Adjustment

The Chairman opened the public hearing. There were no public comments, therefore the public hearing was closed.

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

54-236 Vacation and Adjustment of Boundary Lines

The vacation, relocation, alternation, or adjustment of the boundary lines of any lot or parcel of land may be approved by the administrator, so long as:

A. The lot or parcel of land was established as part of an otherwise valid and properly recorded plat of subdivision or re-subdivision (i) approved as provided in this ordinance; or (ii) properly recorded prior to the applicability of a subdivision ordinance.

B. such action does not involve the relocation or alteration of streets, alleys, easements for public passage or utilities, or other public areas; and provided further, that no easement or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

C. The plat or deed evidencing such vacation, relocation, alteration, or adjustment is signed and acknowledged by the property owners affected thereby as provided in § 15.2-2264, Code of Virginia, 1950 (as amended).

D. The resulting lots conform to the requirements of the Cumberland County Zoning Ordinance, as applicable, or, in the case of existing nonconforming lots, do not increase the extent of the nonconformance.

State law references: Similar provisions, Code of Virginia, § 15.2-2275.

54-236.1 Boundary Line Adjustment Application and Review Procedures

The proposed plat and deed evidencing such relocation, alteration, and adjustment shall be submitted to the administrator with the appropriate application and fee for review. The administrator shall act to approve, conditionally approve, or disapprove the plat and deed within thirty (30) days of receipt of a complete application. In the event of disapproval of the plat and deed, the administrator shall state the reasons for disapproval in writing.

54-236.2 Boundary Line Adjustment Recordation

The applicant shall record the boundary line adjustment plat in the land records of Cumberland County within six months of approval and shall furnish the administrator with proof of recordation and three copies of the executed boundary line adjustment. Any plat not so recorded shall be deemed null and void.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

b) Grass / Weed Ordinance

The County Attorney reviewed the proposed changes to Section 46-2 of the County Code pertaining to removal of trash, garbage; cutting of grass, weeds.

The Chairman opened the public hearing. There were no public comments, therefore the public hearing was closed.

The Board discussed the proposed ordinance and expressed their concern for the possible impact to agricultural operations.

On a motion by Mr. Osl and carried, the Board voted not to approve the proposed changes to Section 46-2 of the County Code, and to refer to the Planning Commission to consider addressing the issue from a zoning standpoint.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

c) County Decals

The Chairman opened the public hearing. There were no public comments, therefore the public hearing was closed.

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

WHEREAS, the Cumberland County Board of Supervisors initiated a review of its vehicle decal requirements and considered elimination thereof and replacement with a license tax; and

WHEREAS, the Board of Supervisors directed staff to prepare a draft of a revision to the County Code to reflect the elimination of the vehicle decal and establishing a corresponding license tax; and

WHEREAS, the Board of Supervisors further directed staff to make the text of the new provisions available for public review; and

WHEREAS, the Board of Supervisors duly advertised, providing notice of its public hearing, and duly received comment on the proposed ordinance on November 14, 2006; and

WHEREAS, after discussion, preparation, staff presentation and due deliberation, including public input and presentation at its November 14, 2006, meeting, the Board of Supervisors desires to finalize and affirm its findings and to take action on the proposed amendments to County Code Sections 62-31 through 62-38, by eliminating the vehicle decal and providing for a license tax;

BE IT RESOLVED by the Board of Supervisors, as follows:

- a. The Board of Supervisors, after due consideration of public comment received, determines that the County Code amendments are consistent with, and substantially in accord with, the County's objectives with regard to taxation and are consistent with the public necessity and convenience.
- b. Upon consideration of the proposed text, testimony, staff remarks, and public comment, and after consideration of the current provisions set forth in Chapter 62 of the County Code, the Board of Supervisors amends the County Code as follows:
 1. Delete the current Sections 62-31 through 62-38.
 2. Add new Sections 62-31 through 62-37 to read as follows:

Sec. 62-31. Levy of License Tax.

Subject to the limitations provided in state law, specifically Virginia Code §§ 46.2-752 and 46.2-755, there is hereby imposed an annual license tax on each motor vehicle, including but not limited to automobiles, trucks, motorcycles and motor homes, within the County, outside the incorporated towns, owned by a resident of the County, regularly housed or stored in the County and used or intended to be regularly operated upon the public streets or highways in the County as herein otherwise specifically provided. The provisions of this article shall apply to those persons required to pay a state license tax under the provisions of the Virginia state law and shall not apply to persons exempt under provisions of statutes of the state from payment of license tax upon motor vehicles, and also shall not apply to any person who does not actually reside in the County in the conduct of his business, occupation or profession, or who is exempt from the payment of such license tax under Virginia Code § 46.2-755 but shall apply to owners of vehicles which are regularly parked, garaged, and used in the conduct of business, occupation or profession in the County though the owner thereof resides or is domiciled outside the County. The word "reside," as used in this section, shall be construed to mean having a place of abode in the County, irrespective of the intention of any person to return to some residence outside of the County at some future time.

The vehicle license tax shall be assessed by the Commissioner of the Revenue on all licensed vehicles as of January 1, unless otherwise exempted.

The vehicle license tax imposed by this section shall not apply to any antique vehicle having a permanent state registration. For the purpose of this article, "antique vehicle" shall mean every motor vehicle that has been properly registered and licensed as an antique motor vehicle under Virginia Code § 46.2-730 issued an antique tag and is owned solely as a collector's item, and not regularly operated upon the public streets or highways in the County.

Members in good standing of the volunteer fire department and rescue companies in Cumberland and Prince Edward counties and the Town of Farmville who reside in Cumberland County and serve the County shall be exempt from the license tax on one vehicle.

Sec. 62-32. License Year and Date of Payment.

The motor vehicle license tax year shall commence on January 1 and terminate on December 31 of each year. The required tax hereunder shall be paid on or before November 15 of each year.

Sec. 62-33. Amount of License Tax.

Each motor vehicle shall be classified and shall be assessed as follows:

- (1) Each and every automobile or truck (up to 10,000 lbs. gross weight), a license tax of \$23.00 per year.
- (2) Each and every motorcycle, motor scooter or vehicle of like design, a license tax of \$18.00 per year.
- (3) Buses or motor homes, a license tax of \$23.00 per year.
- (4) Trucks 10,001 lbs. gross weight or greater, a license tax of \$39.00 per year.
- (5) Farm trucks under 10,001 lbs. gross weight, a license tax of \$18.00 per year.
- (6) Farm trucks 10,001 lbs. gross weight or greater, a license tax of \$20.00 per year.
- (7) National Guard licensed vehicles, a license tax of \$10.00 per year.

Sec. 62-34. Refunds.

There shall be no refund of any license tax paid for any vehicle disposed of or moved out of the County after January 1 of each year.

Sec. 62-35. License Tax Payment Required.

No person shall operate a motor vehicle subject to the license tax imposed in this article unless the requisite license tax has been paid. Failure to pay the license tax shall constitute a violation of this article, whether or not the vehicle is in actual operation or on a public road or street.

Sec. 62-36. Tax Paid into the General Fund.

All motor vehicle taxes and taxes collected under the provisions of this article shall be paid to the Treasurer of the County and shall be credited to the general fund and deposited by the Treasurer in the same manner as that prescribed for other County taxes.

Sec. 62-37. Penalty for Violation.

Violation of any provision of this article shall be a class 4 misdemeanor.

3. Add an enactment clause to provide for a transition to the new license tax from the vehicle decal tax which reads as follows:

Enactment Clause: Effective for 2007 License Year Only.

In order to adjust the amount of the vehicle license fee for the 2007 license year and in recognition of the transition from the former March 15, 2007 due date for decals to the new November 2007 due date for vehicle license taxes, the vehicle taxes for the 2007 license year only is hereby reduced such that the taxes shall be eighteen dollars twenty-five cents (\$18.25) on each and every automobile and truck, and is hereby reduced such that the tax on each and every motorcycle shall be fourteen dollars twenty-five cents (\$14.25). All other license taxes for vehicles not set out specifically herein shall be adjusted in the same manner as the previous sentence for license year 2007. The provisions of this paragraph shall expire on November 15, 2007, and all annual County license taxes for the 2008 license year and thereafter shall be payable on or before November 15 of each year, beginning November 15, 2008.

BE IT FURTHER RESOLVED by the Board of Supervisors that the amendments reflected above are hereby effective immediately.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

4. Departments / Agencies

- a) Steve Jacobs, Robinson Farmer Cox Associates delivered a current proffer report to the Board. The report placed the total capital impact per household at \$5,242.00 per household, a substantial increase from the previously reported impact of \$2,958.00.
- b) Deleted from agenda
- c) Karen Mulleins, Cumberland County Schools gave a status report to the Board for the middle/high school project. Ms. Mulleins presented the Board with the proposed final draft of the Comprehensive Agreement for the project.

Jim Thornton, School Superintendant, gave a brief PowerPoint presentation outlining the layout and plans for the proposed middle/high school project. Both Mr. Thornton and School Board Chairman, Mr. Reid, requested that the Board authorize Mr. Thornton to accept the Comprehensive Agreement before December 1, 2006.

The Board scheduled a meeting for December 1, 2006 at 3:00 pm in the Old Clerk's Office to review and take action on the Comprehensive Agreement.

d) Emergency Services Committee Report

Kevin Ingle was present to represent the Emergency Services Committee. Mr. Ingle informed the Board of approval of a Homeland Security grant for upgrade of the emergency communications system. The grant was approved in the amount of \$395,800.00 and required a match of only \$19,790.00.

Bill Bailey was present as representative of the Randolph District Volunteer Fire Department. Mr. Bailey informed the Board that the Fire Department had received approval through FEMA for a grant to purchase a new pumper/tanker truck. The grant will cover 95% of the cost of the vehicle.

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

WHEREAS, the Cumberland Volunteer Rescue Squad, a non-profit organization, has been in operation for over 30 years, providing emergency patient care to the citizens of Cumberland County, and

WHEREAS, in recent years the membership of Cumberland Volunteer Rescue Squad has had a debilitating loss of volunteers, an inability to recruit new members, an inability to properly fill administrative offices, and an inability to staff appropriate personnel for emergency response coverage, and

WHEREAS, the administrative arm of Cumberland Volunteer Rescue Squad repeatedly has tried but has been unable to provide the direction necessary to resolve the many issues which have resulted in a major burden on the current volunteer operational officers, the active volunteer members, and other emergency services agencies that operate within Cumberland County, and

WHEREAS, the Cumberland Volunteer Rescue Squad, despite the best intentions and efforts of its members, is unable to remedy the overwhelming administrative and operational issues within the organization without assistance, and

WHEREAS, it is the responsibility of the Cumberland County Board of Supervisors to ensure the best interests, health, and public safety of its citizenry

and that the Board of Supervisors seeks to ensure the protection and care of its citizens, and

WHEREAS, after considerable discussion and evaluation, the Cumberland County Board of Supervisors and emergency services leaders consider a reorganization of emergency services and administration thereof is in the best interest of the County's citizens;

BE IT RESOLVED by the Board of Supervisors, as follows:

- a. An immediate reorganization of the Cumberland County emergency services from its volunteer organizations shall be undertaken to include a partnership with the Cumberland Volunteer Rescue Squad and Cumberland Volunteer Fire Department (the "Volunteer Organizations"), to wit:

Effective immediately, and to last for a minimum period of six months, funding in support of the Volunteer Organizations shall be dependent on the Volunteer Organizations entering into a partnership agreement. This partnership is to function under one Leadership Team (detailed below) while maintaining two separate branches. This Leadership Team is empowered to act on behalf of the Volunteer Organizations in all capacities necessary for reorganization and continued operation of the Volunteer Organizations and for the betterment of emergency patient care in the County.

- b. The President and Captain (as set forth in the Attached Organizational Chart) will provide monthly progress reports to the County Administrator with periodic meetings to be held with an ad hoc committee (the "Leadership Team") comprised of the County Administrator, a Board of Supervisors Representative, the President and the Captain. A review will be held at the end of the first 90 days to determine if any changes to the partnership arrangement are necessary. A six-month review will be held to determine if the Cumberland Volunteer Rescue Squad has adequate membership and leadership to dissolve the partnership, if it will be necessary to continue with the partnership for another period of time, or if other action is indicated.
- c. To qualify for funding from the County, all Cumberland Volunteer Rescue Squad records will immediately be made available or presented to the County for audit and review. No one acting on behalf of the Cumberland Volunteer Rescue Squad may enter into any agreements, contracts or act in any position of authority, except with regards to patient care in the line of duty, other than by explicit approval from the President or Captain. The existing bylaws and standard operating procedures (SOPs) of Cumberland Volunteer Rescue Squad will be immediately changed to be

in compliance with this Resolution, and the Cumberland Volunteer Rescue Squad will temporarily operate under the SOPs of the Cumberland Volunteer Fire Department and the rules/regulations of the Virginia Office of Emergency Medical Services (OEMS). Issues that arise that cannot be addressed by either of these resources will be addressed on a case-by-case basis in writing by the Leadership Team. Within the first thirty days of this Resolution, the Leadership Team will draft new bylaws and SOPs with the assistance of the remaining members of Cumberland Volunteer Rescue Squad and others deemed by the Leadership Team to have appropriate expertise.

- d. Each of the Volunteer Organizations of this partnership shall remain separate by holding separate meetings and maintaining separate minutes, financial records, and rosters. All financial disbursements for the Cumberland Volunteer Rescue Squad will be subject to a review and approval process that includes authorization for payment by the responsible officer in charge and requiring the signature of the President or Captain on all disbursements made by the Treasurer. Any Cumberland Volunteer Fire Department member appropriately certified and approved by the Captain will be given membership rights and added to the active roster within the Cumberland Volunteer Rescue Squad entity for the sole purpose of the betterment of patient care. Any Cumberland Volunteer Rescue Squad member who wishes to attain membership within the Cumberland Volunteer Fire Department will be subject to the application and approval process of the Cumberland Volunteer Fire Department.
- e. The County Administrator shall provide all Cumberland Volunteer Rescue Squad members with formal notice and copies of this Resolution and give 10 days from receipt to acknowledge their commitment to the reorganization. Failure of any current member of the Cumberland Volunteer Rescue Squad to comply with the resolution and/or the efforts herein stated shall be removed at the direction of the Cumberland Volunteer Rescue Squad leadership.

BE IT FURTHER RESOLVED by the Board of Supervisors that this Resolution is hereby effective immediately.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

- e) Jerry Giles – water report; LEPC report; Water & Sewer Advisory Committee report

Mr. Giles extended an invitation to the Board to attend the Water & Sewer Advisory Committee meeting scheduled for November 29, 2006 at 7:00 pm in the

Old Clerks Office, with a tour of the County water plant to follow. Mr. Giles informed the Board of plans to use the Gateway Center as a distribution point in the event of a natural disaster or emergency.

5. Assistant County Administrator / Finance and Human Resources

- a) Mrs. Matthews reviewed the monthly budget report with the Board. There were no questions.
- b) On a motion by Mr. Osl and carried, the Board designated the County Human Resources Department as lead agency for coordination of long-term care services.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

- c) Code revision – Sec. 50-33 Tires / Refuse Disposal

Mrs. Matthews outlined reasons for the proposed code revision. The current code had caused some confusion for citizens in the past as to the amounts they would be charged for disposal of certain tires. A public hearing was set for December 12, 2006 at the regular Board meeting to review proposed changes to Sec. 50-33 of the code.

- d) 4 for Life Funds – request for appropriation

On a motion by Mr. Petty and carried, the Board approved an appropriation of 4 for Life grant funds totaling \$7,780.29 for Cumberland Rescue Squad & Cartersville Rescue Squad.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

6. County Administrator’s Report

- a) The County Administrator explained each item in the consent agenda and the following actions were taken:

On a motion by Mr. Womack and carried, the Board approved the following items in the consent agenda as presented:

- 1) Approved minutes for October 2006.

- 2) Ratified bills for October 2006 totaling \$224,650.62 with check numbers ranging from 49118 to 49263 and Direct Deposits totaling \$58,293.39. Approved bills for November 2006 totaling \$ 239,295.39.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

b) Appointments

- 1) Missy Shores will no longer be serving as parent representative with FAPT. The Board will consider appointment of a possible replacement at their regular December meeting.
- 2) On a motion by Mr. Osl and carried, the Board appointed Cliff White to replace Christine Ross as Board representative on the Crossroads Services Board.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

- c) On a motion by Mr. Womack and carried, the Board referred the application submitted by Buckingham partners, LLC for rezoning a portion of Northfield property to the Planning Commission.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

- d) On a motion by Mr. White and carried, the Board authorized the County Administrator to accept the proposal from Faithful+Gould totaling \$32,552.00 for value engineering services on the proposed middle/high school complex.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye

Mr. Oertel – abstained

- e) On a motion by Mr. Osl and carried, the Board adopted the Legislative Agenda for 2007 as follows:

1. Revenue Sharing Program – The Board of Supervisors requests amendments to Section 33.1-23.05 of the Code of Virginia, to change the tiered approval process of the Revenue Sharing Funds, which is currently unfair to smaller, rural localities.

2. Eminent Domain – The Board of Supervisors asks that the Virginia General Assembly give consideration to Virginia’s eminent domain laws as they apply to the ability of one political subdivision having the power to condemn land within another political subdivision, without the approval of the local governing body.
3. Funding for High Bridge Trail State Park – The Board of Supervisors requests that the \$1,000,000 that was eliminated from the 2006-2007 State budget for High Bridge Trail State Park be reinstated for 2007-2008.
4. Oppose legislation that diminishes local tax authority/revenues
5. Funding for Magistrates – The Board of Supervisors requests that the Virginia General Assembly provide for adequate funding for Magistrates.
6. Situs for Taxation – Amending Section 58.1-3511A requiring that situs for assessment and taxation of personal property, merchants capital and machinery and tools be the county (would not include motor vehicles, travel trailers, boats and airplanes which are already assessed based on where they are “normally garaged, docked or parked”) be in the county, district, town or city in which the property is “normally used, located or held out for sale” instead of where the property “may be physically located on tax day.” The purpose of the change is to prevent taxpayers from being able to move their tangible personal property, merchants capital or machinery and tools out of the locality where the property is normally kept throughout the year on “tax day” in order to avoid being assessed for the tax by claiming that the property was not “physically located” in the locality on tax day.
7. Comprehensive Services Act – The Board of Supervisors requests that the Virginia General Assembly provide that court-ordered children be classified as “mandated” for the purposes of receiving state reimbursements.
8. Land Use and Planning – The County of Cumberland opposes any legislation that will weaken the ability of local governments to control the growth, planning and land use decisions within its boundaries.
9. Broadband – The County of Cumberland requests that the Virginia General Assembly continue the work of the Virginia Tobacco Commission by funding the expansion of broadband in rural Virginia.
10. Sheriff’s Department staffing – The Board of Supervisors requests that the Compensation Board’s minimum staffing standards fund at least 10 deputy sheriffs per county, since Cumberland has a small population, but

large land area, and five deputies are not adequate to perform 24-hour law enforcement, court security and other legally required duties.

11. School Construction and debt service – The Board of Supervisors urges the State to provide localities with recurring money for school facility debt service on a per pupil basis and in addition to SOQ funding, to establish a permanent revenue source and formula for distributing school construction and debt service funding to localities. Or, the State should increase the current level of school construction funding for Literary Loan program from \$7.5 million per project to a minimum of \$12 million per project.
12. Constitutional Officers funding – The Board requests that the State fully fund the costs of constitutional officers and their employees.
13. Teachers Incentive Compensation Program – the Board of Supervisors requests that the State provide adequate funding for the Teachers Incentive Compensation program.
14. Preservation of Open Space – Cumberland County supports the General Assembly initiatives to preserve open space. We request continued assistance in identifying programs and funding.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

- f) On a motion by the Mr. Petty and carried, the Board authorized the County Administrator to accept the following bids for the Flippen Building project:

Johnston Enterprises	\$61,900.00
Green Enterprises	\$12,000.00
R. L. Chapman & Sons	\$24,286.00
The Carpet House	\$41,278.00
Manning Construction, Inc.	\$44,024.00
MMC Mechanical	\$68,000.00

The Board further authorized the County Administrator to negotiate contracts on the remaining portion of the project for which no bids were received.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye

Mr. Oertel – abstained

7. Assistant County Administrator's Report

Ms. Swinson informed the Board that the Bear Creek Lake dedication for the new facilities has been scheduled for November 30, 2006 at 12:00 noon. The final walk through has not yet been rescheduled.

8. County Attorney's Report

- a) The County Attorney encouraged the Board to finalize short and long-term financing. A public hearing was set on a Financing Resolution for the regular Board meeting to be held December 12, 2006.
- b) There was no update on the Wireless Authority at this time.
- c) On a motion by Mr. White and carried, the Board approved the following By-laws for the Landfill Advisory Committee:

**BYLAWS OF THE CUMBERLAND COUNTY LANDFILL
CITIZENS ADVISORY COMMITTEE**

Article I. Name

The name of the Committee shall be the "Cumberland County Landfill Citizens Advisory Committee," referred to herein as the "Committee."

Article II. Purpose

Responsibilities of the Committee shall include advising the Cumberland County Board of Supervisors, hereinafter the "Board," during the planning and design phases, operation, maintenance, closure, and post-closure of the landfill. The Committee shall make recommendations to the Board on issues including, but not limited to, the planning and design, operation and maintenance of the landfill site, monitoring of the site during use and after closure, and the access roads leading thereto. In addition, the Committee shall hear and make non-binding recommendations to the Board regarding compensation for landowners pursuant to the Property Value Protection Plan in accordance with the Host Community Agreement. The Board will make all final determinations regarding compensation under the Property Value Protection Plan. The Committee shall make recommendations to the Board regarding any other issues which impact the surrounding neighborhoods.

Article III. Members

The Committee shall consist of 13 members appointed or confirmed by the Board.

Section 1.

a. The voting members of the Committee shall be appointed or confirmed by the Board from the following constituencies:

- Seven (7) residents of the Cumberland community consisting of:
 - Five (5) representatives from each of the Board's Election Districts, to be appointed by the corresponding Supervisor; and
 - Two (2) at-large members from the neighborhoods surrounding the landfill, with preference given to residents of The Woods, to be nominated by the Board and appointed pursuant to a majority vote of the Board.
- Two (2) members to represent the Cumberland County Development Company, LLC, including the Landfill Manager.

b. The non-voting, ex-officio members consist of:

- Two (2) members of the Board, or their designees; and
- The County Administrator, or designee; and
- The Planning and Zoning Administrator, or designee.

Section 2.

The members of the Committee shall be appointed for three-year terms, except that the Board representative members shall be appointed annually.

Section 3.

Absences caused by illness or personal matters of importance are excusable. If a member has two unexcused absences, the Secretary of this Committee shall notify the Board with a copy to the represented party.

Section 4.

Vacancies in membership shall be filled by appointment by majority vote of the Board for an unexpired term only. The appointed member shall represent the same constituency and serve in the same position and capacity as the previous member.

Article IV. Officers

Section 1.

The officers of this Committee shall be comprised of the Chair, Vice-Chair and the Secretary, ex-officio. The Chair and Vice-Chair shall be elected by the Committee at its first meeting and subsequently in January of each year. The

Secretary shall be the County Administrator, or designee. Each officer shall serve a term of one year.

Section 2.

The officers shall perform the duties prescribed by the most recent revised edition of Robert's Rules of Order for Small Boards, including, but not limited to:

a. The duties of the Chair are to:

1. Preside at Committee meetings;
2. Represent the Committee before the Board and other public bodies except when this responsibility has been delegated to an appropriate official or Committee member.
3. Appoint subcommittees as appropriate; and
4. Perform other duties as appropriate to the office of Chair.

b. The duties of the Vice-Chair are to:

1. Serve as Chair in the absence of the Chair; and
2. To take all steps necessary to schedule Committee meetings.

c. The duties of the Secretary are to:

1. Keep and distribute minutes of all meetings of the Committee;
2. Attend to the correspondence of the Committee and facilitate communication among Committee members;
3. In the absence of the Chair and Vice-Chair, conduct the election of a temporary Chair; and
4. Maintain the Committee library consisting of the minutes of all meetings of the Committee and documents, correspondence, and reports pertinent to the purpose of the Committee.

Section 3.

Nominations for the officers shall be made from the floor at the first meeting, and subsequently annually in January, to be followed by elections.

Section 4.

Officers shall be elected by a majority of the votes cast.

Section 5.

No member shall be elected to the same office for more than two (2) successive one-year terms. A member may be elected to an office previously held for two (2)

one-year terms, providing an interval of one year has elapsed since he last held that office. No officer shall hold more than one office simultaneously.

Section 6.

It shall be presumed that any officer who is absent from three (3) regular meetings of the Committee has resigned from such office.

Any officer may be removed from office, with or without cause, by a majority vote of the entire Committee in a meeting duly called for that purpose.

Any officer may resign upon written notice to the Board.

Section 7.

A vacancy, occurring in any office, shall be filled from the current membership by majority vote of the Board for an unexpired term only.

Article V. Meetings

Section 1.

The Committee shall meet at least four (4) times a year, and the first meeting in January shall be considered the Annual Meeting.

Section 2.

Dates for the meetings shall be established at the Annual Meeting.

Section 3.

Special meetings of the Committee may be called by the Chair or by a majority of the Committee, comprised as well by at least one board member. Each member must be notified at least seven days in advance of such special called meeting.

Section 4

Emergency meetings may be called at the discretion of the Chair.

Section 5.

A quorum shall consist of a majority of the voting members.

Section 6.

Meetings shall be open to the public.

Article VI. Subcommittees

The Chair may, from time to time, establish subcommittees and advisory or working groups, to study and report on matters relevant to the Committee.

Article VII. Adoption

These bylaws shall become effective upon adoption and approval of the Board.

Article VIII. Amendment

Section 1.

These bylaws may be changed solely by the Board.

Section 2.

A copy of the bylaws and any amendments to the bylaws shall be provided to the Committee members and any person who requests a copy or copies.

Article IX. Compensation and Reimbursement

The compensation and reimbursement policy of the Committee shall be determined annually by the Board and shall be consistent with the Water and Sewer Advisory Board and the Planning Commission's compensation and reimbursement structure.

Article X. Termination

Unless the Board acts earlier to terminate its existence or extend its life, the Committee will cease to exist after January 1, 2027.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye

Mr. Oertel – abstained

9. Board Comments

Mr. Osl discussed the recent VACo conference.

Mr. White recently met with Travis Gilliam, Keith White and Lt. Prillaman with Army National Guard to discuss the proposed athletic complex at the Luther P. Jackson school.

Mr. White expressed his concern for the change in collections of the E911 tax. Collection responsibility will be shifted to the state, causing a two month delay in issuance of checks to localities. This will cause a shortfall in projected revenues for the current fiscal year.

Mr. White requested that the Assistant County Administrator check into COIN reimbursements from the state, insuring that funds provided for vacant positions be reallocated to cover other office expenses.

Mr. Petty stated that Meals On Wheels was currently operating on Monday, Wednesday and Friday and was seeking volunteers.

Mr. Petty expressed concerns about the Industrial Park and the fact that it is now full. Mr. Petty stated that he sees a need to expand the current industrial part or begin looking at a new site for an additional Industrial Park.

Mr. Womack, as a member of the Agricultural Steering Committee, has been looking at water and air quality. Mr. Womack passed related literature along to the County Administrator for review.

Mr. Womack also welcomed Mr. Oertel as the newest member to the Board of Supervisors.

Mr. Oertel had no comments.

10. Public Comments

A citizen stated that she does not want a landfill.

Another citizen said that R.A.P. citizens do not want a multi-state landfill. He also asked how we plan to pay for new school.

Other issues brought up were emergency preparedness regarding communications, make-up of the Citizens Landfill Advisory Committee, and a request for additional information in the newsletter.

There were no additional names on the sign-up sheet so the Chairman closed the Public comments portion of the meeting

On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(6) to discuss contract negotiation re: water reservoir project.

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. Oertel - 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.

The Chairman adjourned the meeting. The next meeting will be held December 1st, 2006 at 3:00 p.m. in the Old Clerk's Office.

Chairman

County Administrator