



# CUMBERLAND COUNTY BOARD OF SUPERVISORS

## Regular Monthly Meeting Cumberland County Circuit Courtroom A Cumberland, VA

November 17, 2015  
Regular Meeting – 7:00 p.m.

1. **Call to Order**
2. **Welcome and Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda** **Motion**
5. **Public Comments (Part one)**
6. **State and Local Departments/Agencies/Community Service Providers**
  - a. Dr. Amy Griffin, Superintendent of Cumberland County Public Schools **Information**
  - b. VDOT **Information**
  - c. Jennifer Beach, Cumberland Public Library **Information**
  - d. Mr. Tom Perry, Cartersville Volunteer Fire Dept. **Information**
  - e. Mr. Roger Hatcher, Water and Sewer Advisory Committee (pg. 1) **Information**
  - f. Mrs. Kelly Snoddy, Peter Francisco Soil & Water Conservation District (pg. 2-7) **Information**
  - g. Ms. Barbara Daniels, Cumberland Clothes Closet **Information**
7. **Public Hearings**
  - a. Conditional Use Permit 15-12 Sutton (pg. 8-16) **Motion**
  - b. Conditional Use Permit 15-10 Minerva Fleming (pg. 9-25) **Motion**
  - c. Rezoning 15-01 Kevin Dunn (pg. 26-35) **Motion**
8. **County Attorney/County Administrator Report**
  - a. Consent agenda **Motion**
    - i. Approval of bills
    - ii. Approval of Minutes (October 13, 2015)
  - b. Appointments to the Cumberland Museum Board (pg. 36) **Motion**
  - c. Amend Lease Agreement for Old DSS Building (pg. 37-41) **Motion**
9. **Finance Director's Report**
  - a. Monthly Budget Report (pg. 42-52) **Information**
  - b. Appropriation of \$20,000 for purchase of real property for Piedmont Regional Jail (pg. 53) **Motion**

- 10. Planning Director’s Report**
- a. Planning Project updates (pg. 54-56)
  - b. Set public hearings –
    - i. Code Amendment 15-11 Farming in R-2 (pg. 57)
    - ii. Rezoning 15-06 Robert Wise (pg. 58)
    - iii. Conditional Use Permit 15-11 (pg. 59)
  - c. VDoT Surety Bond Resolution (pg. 60-61)
- Information Motion**
- 11. Old Business**
- 12. New Business**
- 13. Public Comments (Part two)**
- 14. Board Members Comments**
- 15. Adjourn into Closed Session** **Motion**
- Pursuant to Va. Code § 2.2-3711.A.7: Consultation with Legal Counsel  
Subject: Host Community Agreement
- Pursuant to Va. Code § 2.2-3711.A.1: Personnel  
Subject: Assignment of duties and performance review
- 16. Reconvene in Open Session** **Motion**
- Roll call vote pursuant to Virginia Code § 2.2-3712 certifying “that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter; (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body; and (iii) no action was taken in closed session.”
- 17. Additional Information – (pg. 62-82)**
- a. Treasurer’s Report
  - b. DMV Report
  - c. Monthly Building Inspections Report
  - d. Approved Planning Commission meeting minutes
  - e. Approved IDA minutes-N/A
  - f. JLARC Financial Statement
- 18. Adjourn – Regular Meeting – December 8, 2015**

Ms. Vivian Seay Giles, Esq.  
County Administrator/County Attorney  
1 Courthouse Circle  
Post Office Box 110  
Cumberland, Virginia 23040

RE: Sewage Lift Station Monitors

October 9, 2015

Dear Ms. Giles,

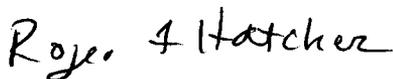
On behalf of the Cumberland County Water and Sewer Committee, I request you advise the Cumberland County Board of Supervisors on the wisdom of upgrading the sewage lift stations monitoring system. Currently only one of the 11 lift station monitors is functional. Also, the one functional monitor "chatter box" has very limited monitoring capabilities and is supported by a very expensive (\$5400/yr) Verizon line. Specifically we support Brian Saxtan 's selection of Omni Site's XR50 Cellular Sewage Lift Station Monitor. This system reports conditions at each of the 11 lift stations including:

- Pump run time
- Pump cycles
- GPM
- Drawdown time
- Inflow
- Rainfall

The system reports directly to a designated computer or I-phone. In addition to detecting pump failures and (inflow/infiltration) events, it will warn of potential overflow situations. It comes with a soft ware package that reports (with graphs and charts) all of the critical information to evaluate the status of each of the 11 lift stations.

The installed cost of the entire system is approximately \$23,000 and the annual monitor cost is \$2400. Please communicate with Brian for more exact details.

Sincerely yours,  
Cumberland County Water and Sewer Advisory Committee



Roger F. Hatcher, PhD  
Chairman

Cc: Carolyn Helgeson, Secretary, Cumberland County Water and Sewer Committee  
Bryan Saxtan, Director of Utilities, Cumberland County

TO: Cumberland Board of Supervisors

FROM: Peter Francisco Soil and Water Conservation District

DATE: October 23, 2015

SUBJECT: **Request to Amend County Zoning and Subdivision Ordinances as pertains to Development Downstream of Watershed Flood Control Dams**

The Peter Francisco Soil and Water Conservation District (PFSWCD) is requesting that the Cumberland County Board of Supervisors consider an amendment to the County Zoning and Subdivision Ordinances in reference to limit and control development within the dam break inundation zones (DBIZ) below the 17 watershed flood control structures, which provide flood protection for Cumberland and Buckingham Counties. The District's primary responsibility towards these 17 watershed dams is to operate and to maintain the structures in accordance with Virginia Dam Safety Laws and Regulations, to prepare and update emergency action plans; and to maintain certifications with the Department of Conservation and Recreation (DCR). PFSWCD coordinates with both Cumberland and Buckingham Counties in emergency action planning and implementation. Development downstream of flood control dams is a growing concern for watershed projects across the country. Development within the DBIZ could result in more stringent state regulations, the need for more extensive emergency action plans, an increase in hazard classification of the dam, and potential rehabilitation of the dam and emergency spillways to meet dam safety standards.

The District would like to work with the County to develop a plan to control downstream development in the DBIZ. Not only would an increase in development in DBIZ potentially require rehabilitation of the dams, which will require major funds, but it would also increase the workload of our local emergency services personnel in the event of an emergency. In discussion with other SWCDs who are also working with their Counties, we have found that other localities are requiring site plans, special use permits, etc. for building within the DBIZ. As we are sure you are aware, in 2008, the Virginia General Assembly adopted legislation (HB 837) to address development in dam break inundation zones of state-regulated dams. The requirements apply only to proposed developments downstream of a dam for which a dam break inundation zone map is on file with the County. All 17 flood control dams have inundation studies completed and on file with the County Zoning Department and Emergency Services. Also on file are Emergency Action Plans (EAPs) which include roads and dwellings noted in the DBIZ.

The District appreciates your consideration of this matter, and we thank you for your continued cooperation and support towards our Agency as we serve the counties of Cumberland and Buckingham. We will be approaching the Buckingham County Board of Supervisors concerning this request as well. If you have any questions or concerns, you may call our office at (434) 983-7923.

Att: 2 informational handouts



## Watershed Flood Control Dams – Why Are They Here?

### **History of the Watershed Flood Control Structures**

Under the Public Law 566 Watershed Project and Flood Prevention Program, over 150 watershed dams have been built across the state of Virginia, with financial and technical assistance from USDA Natural Resources Conservation Service (NRCS).

The Peter Francisco Soil & Water Conservation District (PFSWCD) is the Local sponsor of 17 NRCS assisted watershed projects that provide flood protection for Buckingham and Cumberland Counties. PFSWCD's primary responsibility is to operate and maintain the watershed flood control structures, to prepare and update emergency action plans and maintain regulatory certifications with the Department of Conservation and Recreation (DCR) - Division of Dam Safety. PFSWCD coordinates with both Buckingham and Cumberland Counties in emergency action planning and implementation.

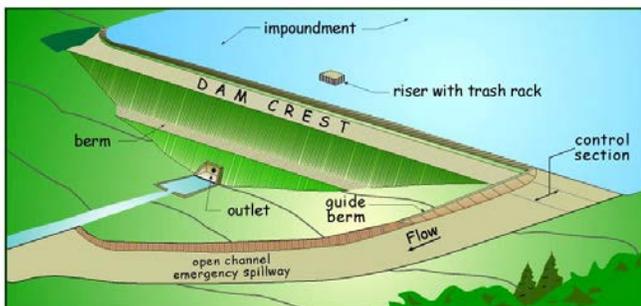


### **Purpose of the Watershed Flood Control Structures**

The PFSWCD sponsored watershed projects were originally planned and implemented for flood control and soil erosion reduction in watersheds whose primary land use was agriculture. The projects provide other natural resource benefits such as water quality, irrigation water management, water supplies, wetland development, fish and wildlife habitat and recreation. Projects of this nature have been providing benefits for decades; however people are often unaware that the projects even exist, or of their positive impact to the community, because of their rural setting.

### **How do Watershed Flood Control Dams Reduce Flooding?**

A series of watershed dams are built across small tributaries to larger streams or rivers. The dams temporarily store flood water after rain storms and slowly release it over a period of several days through a pipe in the dam. This slows the surge of water that reaches the main water course after a rain, thus reducing flooding. Land conservation programs in the watershed help control erosion, which will reduce the sediment that flows into streams and lakes.



## Facts & Figures of the Watershed Structures protecting Buckingham and Cumberland

Definition of a watershed: *an area of land which drains to a certain body of water.*

There are eleven (11) flood control dams located in the Willis River watershed and six (6) in the Slate River watershed, (2 of which are in the smaller watershed of Muddy Creek). All are earthen dams, with primary and secondary spillways.

The Willis River watershed dams were constructed during the time period of 1969-1975 and the Slate River watershed dams were constructed between the years of 1961-1991. The surrounding land and lakes are privately owned, with the majority of the land use in forest and agriculture. One of the Slate River watershed dams is located partially within the Appomattox-Buckingham State Forest and the lake is managed by the Department of Game and Inland Fisheries as a public recreation area.

The Willis River watershed consists of 176,700 acres. The watershed is very nearly divided in half between the eastern portion of Buckingham and the western portion of Cumberland.

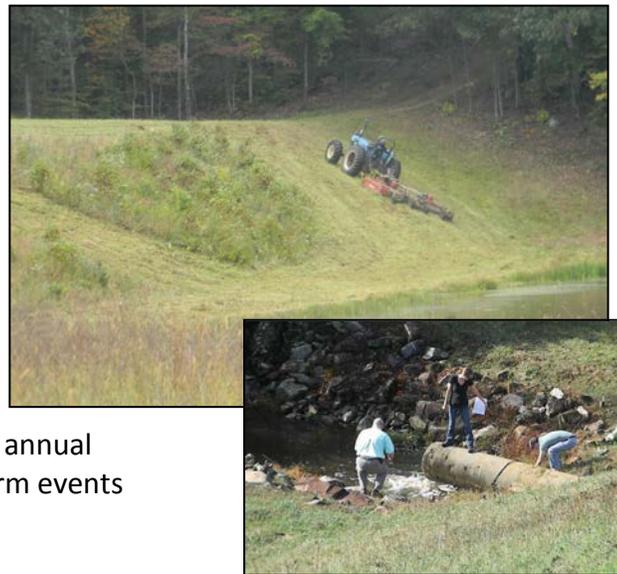
The Slate River watershed consists of 98,730 acre, with 7,450 of those acres in the smaller watershed of Muddy Creek. The watershed encompasses the majority of Buckingham.

## Operation and Maintenance Performed by Peter Francisco SWCD

Operation and maintenance of the watershed dams can be expensive and labor intensive, but is necessary to ensure that the dams function as designed and remain safe.

Maintenance work the District routinely performs includes:

- annual mowing of dams – twice per year in the Spring and Fall
- clearing trees from dam embankments, abutments and spillways
- testing the water inlet pipe gates
- keeping the inlet towers cleared of debris
- monitoring for wet areas on dam structure
- monitoring for rodent burrows
- repairing soil erosion damage to the spillway and dam after heavy storm events



As required by state laws and regulations, PFSWCD performs annual maintenance inspections, in addition to inspections after storm events and coordinates inspections by a licensed engineer.

## Emergency Action Planning

Every flood control dam has an Emergency Action Plan (EAP) that is a part of the requirement for certification from the Department of Conservation and Recreation - Dam Safety. The EAP's are developed and coordinated with Buckingham and Cumberland County Emergency Services.

The EAP contains the following information: amount of rainfall that initiates flood conditions; road and bridges downstream that might be impacted; calling diagram for possible evacuation and a list of downstream landowners, businesses, etc that could be at risk as noted in the Dam Break Inundation Studies, also on file with the County Emergency Services. The EAP is reviewed annually and a 'table-top' exercise with PFSWCD and County Emergency Services is performed in accordance with regulations. In addition to an EAP, each dam has a flood level gauge located in the control section of the emergency spillway, which are monitored during a storm event.

AN ACT

To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water and thereby of preserving and protecting the Nation's land and water resources.

Sec. 2. For the purposes of this Act, the following terms shall mean:

The "Secretary"--the Secretary of Agriculture of the United States.

"Works of improvement"--any undertaking for--

- (1) flood prevention (including structural and land-treatment measures)
- or
- (2) agricultural phases of the conservation, development, utilization, and disposal of water

in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of total capacity. No appropriation shall be made for any plan for works of improvement which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, respectively. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organization"--any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement.

Sec. 3. In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized upon application of local organizations if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility--

- (1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;
- (2) to make such studies as may be necessary for determining the physical and economic soundness of plans for works of improvement, including a determination as to whether benefits exceed costs;
- (3) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: PROVIDED, That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;

(4) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section.

Sec. 4. The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall--

- (1) acquire without cost to the Federal Government such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance;
- (2) assume such proportionate share of the cost of installing any works of improvement involving Federal assistance as may be determined by the Secretary to be equitable in consideration of anticipated benefits from such improvements: PROVIDED, That no part of the construction costs for providing any capacity in structures for purposes other than flood prevention and features related thereto shall be borne by the Federal Government under the provisions of this Act;
- (3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvements, in accordance with regulations presented by the Secretary of Agriculture;
- (4) acquire, or provide assurance that landowners have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement; and
- (5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance.

Sec. 5. At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the Secretary is authorized to assist such local organizations in developing specifications, in preparing contracts for construction, and to participate in the installation of such works of improvement in accordance with the plan: PROVIDED, That, except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure unless there is no local organization authorized by State law to undertake such construction or to enter into such contract, and in no event after July 1, 1956: PROVIDED, That in participating in the installation of such works of improvement the Secretary, as far as practicable and consistent with his responsibilities for administering the overall national agricultural program, shall utilize the authority conferred upon him by the provisions of this Act: PROVIDED FURTHER, That, at least forty-five days (counting only days occurring during any regular or special sessions of the Congress) before such installation involving Federal assistance is commenced, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President: PROVIDED FURTHER, That any such plan (a) which includes reclamation or irrigation works or which affects public or other lands under the jurisdiction of the Secretary of the Interior, or (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least sixty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary of Agriculture prior to the expiration of the above sixty-day period, shall accompany the plan transmitted by the Secretary of Agriculture to the Congress through the President: PROVIDED FURTHER, That, prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work

of other agencies including the Department of the Interior and the Department of the Army.

Sec. 6. The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands.

Sec. 7. The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examinations and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on the watersheds of rivers and other waterways are hereby repealed: PROVIDED, That (a) the authority of that Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorized to be carried out by the Department by the Act of December 22, 1944 (58 Stat. 887), as amended, and (b) the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention authorized to be carried out by section 7 of the Act of June 28, 1938 (52 Stat. 1215), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163), shall not be affected by the provisions of this section.

Sec. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended.

Sec. 9. This Act may be cited as the "Watershed Protection and Flood Prevention Act".

Approved August 4, 1954.



**STAFF REPORT**  
**CUP 15-12**  
**Sutton**  
Conditional Use Permit  
Cumberland County, Virginia  
Board of Supervisors Public Hearing  
November 17, 2015

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**General Information:**

Processing schedule: Staff is asking the Planning Commission to discuss this proposal on November 16, 2015 and forward a recommendation to the Board of Supervisors, so that the Board can conduct a public hearing on November 17, 2015.

**Application Information:**

Applicant: Kellee Sutton  
Requested action: Conditional Use Permit to address lot deficiencies and reduce setbacks on a lot in Cartersville, to allow for construction of a house.  
Location: Tax map parcel 18-1-A  
Voting District: 1  
Zoning: R-3  
Comprehensive Planning Area: Low Intensity Growth area  
Size: 0.860 acres  
Existing uses on the site: vacant

**Surrounding Area Information:**

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Comprehensive Plan Planning Area</u>
North	Residential	R-3	Low Intensity Growth Area
South	Vacant/Forested	R-3	Low Intensity Growth Area
East	Vacant/Forested	R-3	Low Intensity Growth Area
West	Residential	A-2	Low Intensity Growth Area

**Summary of Request and Background Information:**

The area around Cartersville was zoned R-3 in 1991. This lot was created prior to the zoning of the area, and was rendered non-conforming by the R-3 zoning, which requires five acres. Additionally, when the lot was created, it was an acre. Subsequent right-of-way and surveying has decreased that to 0.860 acres, requiring a Conditional Use Permit to allow development of a house.

**Consistency with the Comprehensive Plan:**

Under the land use goals for the Comprehensive Plan, Objective 1 reads, “Through effective zoning, regulate future development to protect existing land use patterns within Cumberland County.” This proposal will allow development of the lot in a way that is consistent with surrounding development.

**Consistency with the Zoning Ordinance:**

**Section 74-786** of the Zoning Ordinance states the grounds for granting a CUP for lot issues. It states, “Preexisting nonconforming lots, parcels, uses or structures that fail to meet the width, area, setback or frontage requirements of this chapter may apply for a conditional use permit to address any such deficiencies, provided the granting of the conditional use permit promotes good zoning practice and will not adversely affect the public health, safety and welfare. The fee for this conditional use permit shall be waived.”

**Conclusion:**

Staff believes the requested action is consistent with the recommendations of the Comprehensive Plan and the Zoning Ordinance.

**Staff Recommendation:**

It is the opinion of staff that the request promotes good zoning practice and allows this lot to be fully utilized and improved.

Staff feels that the location and intended use of the property is consistent with the recommendations of the Zoning Ordinance and Comprehensive Plan. Therefore, staff recommends **approval** of CUP 15-12 with the following setbacks and conditions.

1. The lot shall not be subdivided, nor shall boundary lines be adjusted to cause the lot to become smaller and more non-conforming in the future.
2. Setbacks for this parcel are:
  - Front: 40 feet from the property line
  - Rear: 30 feet
  - Side yards: 30 feet
  - Accessory: Standard setbacks apply

This CUP is granted indefinitely. However, if the underlying zoning is changed in the future that would allow the same, similar, or greater development on the parcel than granted by this CUP, it shall be rescinded at the initiation of the Zoning Administrator, with no further action required by the Planning Commission or Board of Supervisors.

**Suggested Motion:**

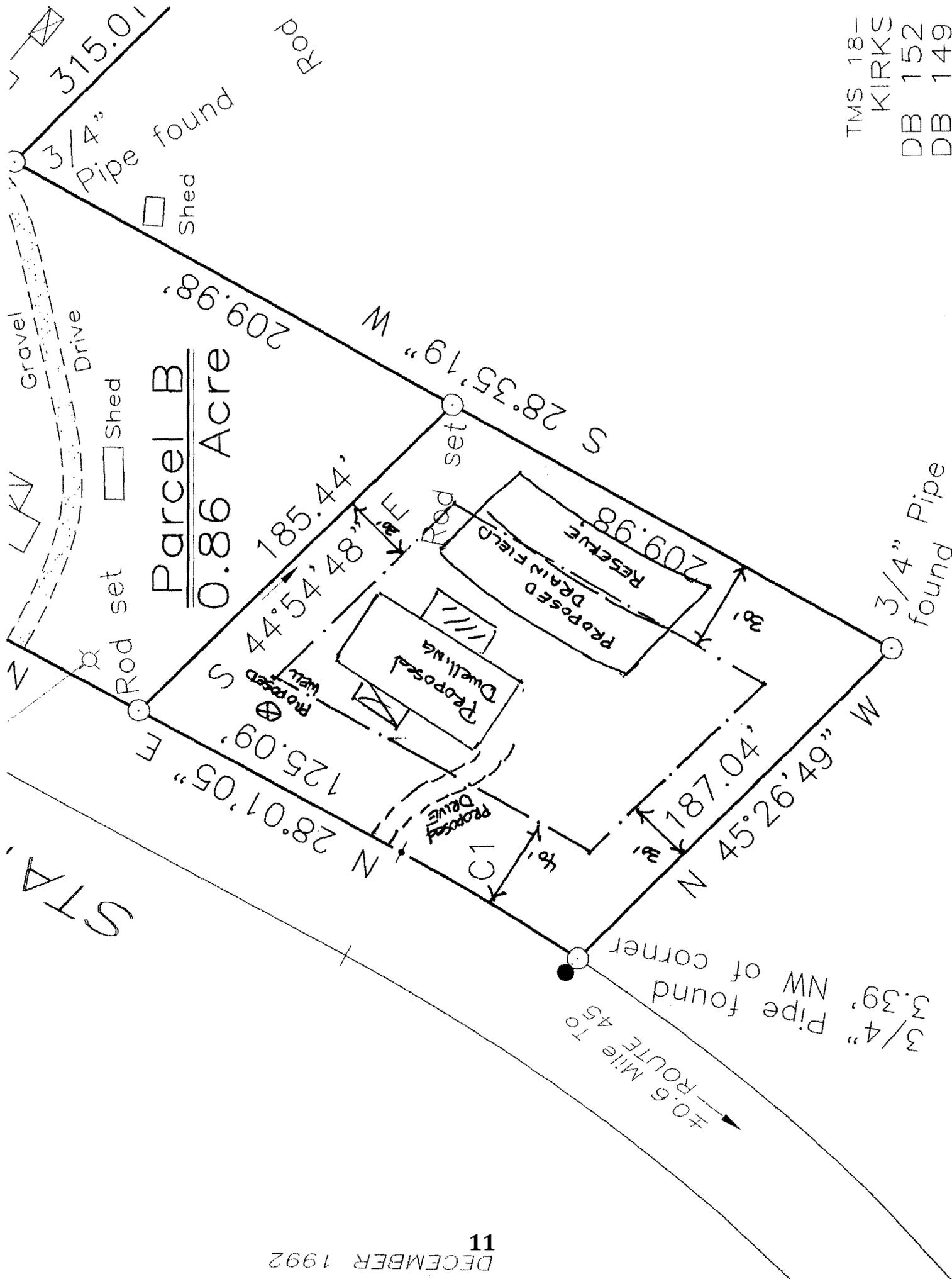
Mr. Chairman, because this request meets the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors approve CUP 15-12, a conditional use permit request in accordance with Sec. 74-786 of the Cumberland County Zoning Ordinance to allow for the correction of lot deficiencies.

Or,

Mr. Chairman, because this request does not meet the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors deny CUP 15-12.

Submitted by:

Sara Carter  
Planning Director



TMS 18-  
 KIRKS  
 DB 152  
 DB 149  
 Plat: DB 1

We are applying for a conditional use permit on 0.86 acre parcel A tax map number 18-1-A, in order to make it a buildable lot. We currently own the adjacent lot 0.86 acre Parcel B that has an existing residence. The property is currently approximately 2/3 open land and 1/3 wooded, along with an existing entrance pipe which will be used to access this property from State Route 602. We plan on keeping the lot as is if possible leaving a wooded buffer between it and the adjoining property we do not own. This lot gentle slopes from front to back which will make it possible for a gravity feed drainfield location in the back with the well placement toward the front of the lot. All parcels located near this lot are currently used as residence and this will not be detrimental to them. We would like to sell this lot to a family friend for them to construct a residence. This lot was originally deeded to our family by deed book 182 page 774 dated May 7, 1991 as a one acre parcel but after a highway take on State Route 602 it was surveyed in 1998 only consisting of 0.86 acre.



COMMONWEALTH OF VIRGINIA  
COUNTY OF CUMBERLAND

Internal Use Only  
FILE # \_\_\_\_\_ STAFF  
RECEIVED 10/30/11  
COMPLETED \_\_\_\_\_  
FEE/Ck. # \_\_\_\_\_  
RECEIPT # \_\_\_\_\_

**Application for Conditional Use Permit**

Last revised 7/07/10

Form must be completed in ink, Pencil will not be accepted.

**IMPORTANT NOTE:** FOR CERTAIN LARGE-SCALE DEVELOPMENTS, STATE LAW NOW REQUIRES A TRAFFIC IMPACT ANALYSIS (T.I.A.) be completed and submitted with a rezoning application **before** the County can deem the application complete.

**\*\*Please see the attached T.I.A. info sheet and checklist to determine if such a study shall be required as part of the application. Please contact the zoning administrator for any questions.**

Project Name (how should we refer to this application?): Sutton Parcel A

Proposal: make a buildable lot

Location: Amphill Road

Tax Map Parcel(s): 18-1-A

Zoning: R-3 Comprehensive Plan Area: Low Intensity Growth Area

Election District: Hamilton

# of Acres to be Covered by Conditional Use Permit (if a portion of a parcel or parcels it must be delineated on a plat): 0.86

Is this an amendment to an existing conditional use permit? If Yes, provide CUP # or approval date: \_\_\_\_\_  YES  NO

A Preliminary Site Plan is Required with Application for a CUP. Have you submitted a preliminary site plan?  YES  NO

Is this a proposal for a shopping center or telecommunication tower? If so, additional information is required additional conditions/use restrictions apply. Please see the Planning & Zoning Dept. for more info.  YES  NO

Is an amendment to the subdivision or zoning ordinance also proposed as part of the CUP application? If so, complete and attach the Code Amendment application.  YES  NO

Contact Person (who should we call/write concerning this project?): Kellee Sutton

Address: 17 Sutton Lane City: Cartersville State: VA Zip: 23027

Daytime Phone: (804) 921-6050 Fax #: ( ) Email: Kelleesut@msn.com

**Owner of Record** (who currently owns the property?): Joseph H. Sutton ♦

Kellee A. Sutton

Address: 17 Sutton Lane City: Cartersville State: VA. Zip: 23027

Daytime Phone: (804) 916-0958 Fax #: ( ) Email: \_\_\_\_\_

**Applicant** (who is the contact person representing?): Husband ♦ WIFE

Address: Same City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

Does the owner of this property own (or have any ownership interest) in any abutting property? If yes, please list those tax map parcel numbers. 18-1-B

Section 74-702 of the Cumberland County Zoning Ordinance provides guidelines for conditional use permit applications.

Please address the following standards which will be reviewed by the staff in analysis of your request. If you need assistance filling out these items, staff is available.

Provide a written statement demonstrating that:

1. The establishment, maintenance or operation of the CUP will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
2. The CUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. The establishment of the CUP will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;
5. Adequate utilities, access roads, drainage or necessary facilities have been or are being provided;

- 6. Ingress and egress to property and structures on the property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access of fire or catastrophe are adequately provided for;
- 7. Off-street parking and loading areas where required with particular attention to the items in # 1. above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district are adequately provided for;
- 8. Refuse and service areas, with particular reference to the items in #s 1. and 2. above are adequately provided for;
- 9. Appropriate screening and buffering with reference to type, dimensions and character of the use are adequately provided for;
- 10. Any signs and exterior lighting are compatible and in harmony with properties in the district with reference to aesthetics, glare, traffic safety and economic effect;
- 11. Required building setbacks and other open spaces are adequately provided for;
- 12. The proposed use is compatible with adjacent properties and other property in the zoning district;
- 13. An adequate supply of light and air to adjacent property is adequately provided for; and
- 14. The CUP shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may, in each instance, be modified by the Board of Supervisors.

Describe your request in detail and include all pertinent information such as the number of persons involved in the use, operating hours, and any unique features of the proposed use: \_\_\_\_\_

Single family residence  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Describe briefly the improvements proposed. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used or additions made to existing buildings or structures. Give dimensions of the buildings that are to be constructed and the dimensions of any existing buildings on the property (attach any necessary information). double wide

with foundation  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Attachments Required – provide two (2) copies of each**

1. *Recorded plat or boundary survey of the property requested for the permit.* If there is no recorded plat or boundary survey, please provide legal description of the property and the Deed Book and page number or Plat Book and page number.

Note: If you are requesting a permit for a portion of the property, it needs to be described or delineation on a copy of the plat or surveyed drawing.

2. *Ownership information* – If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, the name of a corporation, partnership or association, or in the name of a trust, or in a fictitious name, a document acceptable to the County must be submitted certifying that the person signing below has the authority to do so.

**If the applicant is a contract purchaser or an agent of the owner, an owner/agent agreement must be attached (ask staff for form if needed).**

**Owner/ Applicant Must Read and Sign**

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge.

Kellee Sutton

Print Name of Owner/ Applicant

10/30/15

Date

Kellee Sutton

Signature of Owner/ Applicant

804-375-3541

Daytime Phone # of Signatory



**STAFF REPORT**  
**CUP 15-10**  
**Fleming**  
 Conditional Use Permit  
 Cumberland County, Virginia  
 Board of Supervisors Meeting  
 November 17, 2015

**General Information:**

Processing schedule: The Planning Commission considered this proposal on October 19, 2015. The Commission recommends approval to the Board of Supervisors unanimously, 5-0. The Board of Supervisors public hearing is set for November 17, 2015.

**Application Information:**

Applicant: Olander and Minerva Fleming  
 Requested action: Conditional Use Permit to address lot issues on two lots in Cartersville, so that a home can be constructed.  
 Location: Tax map parcel 29-A-85 and 29-A-84  
 Voting District: 1  
 Zoning: A-2  
 Comprehensive Planning Area: Not in a growth area  
 Size: 29-A-85 is 0.33 acres  
 29-A-84 is 2.0 acres  
 Existing uses on the site: 29-A-85 is vacant; 29-A-84 is currently used as a chapel.

**Surrounding Area Information:**

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Comprehensive Plan Planning Area</u>
North	Residential	A-2	Not in a Growth Area
South	Residential	A-2	Not in a Growth Area
East	Vacant	A-2	Not in a Growth Area
West	Vacant	A-2	Not in a Growth Area

### **Summary of Request and Background Information:**

Olander and Minerva Fleming have owned the two lots in question for several years. They seek to build a home on either 29-A-85 or on 29-A-84. 29-A-85 is non-conforming as to size, consisting of only 0.33 acres. 29-A-84 is 2.0 acres, but has a pre-existing chapel.

The Flemings are willing to combine the two lots, but even so, the lots would not be conforming to the Ordinance, due to the presence of an existing structure. The existing structure is currently used as a chapel, however it was originally constructed as a Rosenwald school, and served the nearby community. There is local interest in preserving the school, and the Flemings are open to the addition of a condition to require its preservation.

The chapel is small, and has no provision for water or septic. The Flemings would need to add a well and septic tank for a home, but do not intend to add water and septic service to the chapel.

### **Consistency with the Comprehensive Plan:**

Under the land use goals for the Comprehensive Plan, Objective 1 reads, “Through effective zoning, regulate future development to protect existing land use patterns within Cumberland County.” This proposal will allow the existing homes to be development of this property in a way that is consistent with surrounding development.

### **Consistency with the Zoning Ordinance:**

**Section 74-786** of the Zoning Ordinance states the grounds for granting a CUP for lot issues. It states, “Preexisting nonconforming lots, parcels, uses or structures that fail to meet the width, area, setback or frontage requirements of this chapter may apply for a conditional use permit to address any such deficiencies, provided the granting of the conditional use permit promotes good zoning practice and will not adversely affect the public health, safety and welfare. The fee for this conditional use permit shall be waived.”

### **Conclusion:**

The Planning Commission recommends approval of the proposal unanimously, on a 5-0 vote, and finds the requested action is consistent with the recommendations of the Comprehensive Plan and the Zoning Ordinance.

### **Staff Recommendation:**

The location and intended use of the property is consistent with the recommendations of the Zoning Ordinance and Comprehensive Plan. Therefore, the Commission recommends **approval** of CUP 15-10 with three conditions. An additional condition (#2) was added

after the Planning Commission meeting, based upon feedback from neighbors, and with the consent of the applicant.

1. The two lots shall be combined to create one 2.33 acre lot.
2. The existing chapel is a Rosenwald school, and as such, must be preserved.
3. The existing chapel shall not be used as a dwelling unit.
4. The existing chapel shall not have water or septic capacity added to the structure.

This CUP is granted indefinitely. However, if the underlying zoning is changed in the future that would allow the same, similar, or greater development on the parcel than granted by this CUP, it shall be rescinded at the initiation of the Zoning Administrator, with no further action required by the Planning Commission or Board of Supervisors.

**Suggested Motion:**

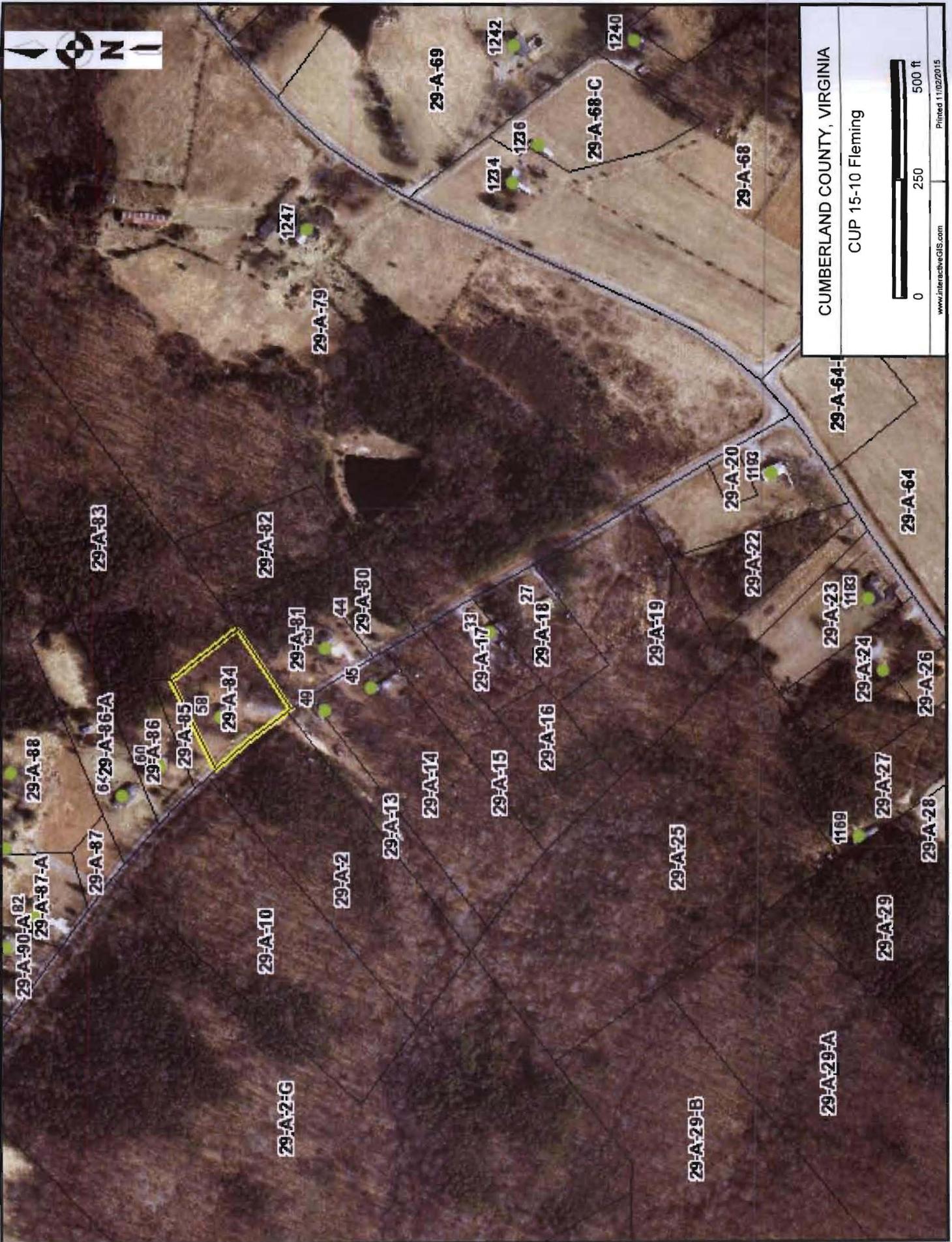
Mr. Chairman, because this request meets the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors approve CUP 15-10, a conditional use permit request in accordance with Sec. 74-786 of the Cumberland County Zoning Ordinance to allow for the correction of lot deficiencies.

Or,

Mr. Chairman, because this request does not meet the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors deny CUP 15-10.

Submitted by:

Sara Carter  
Planning Director



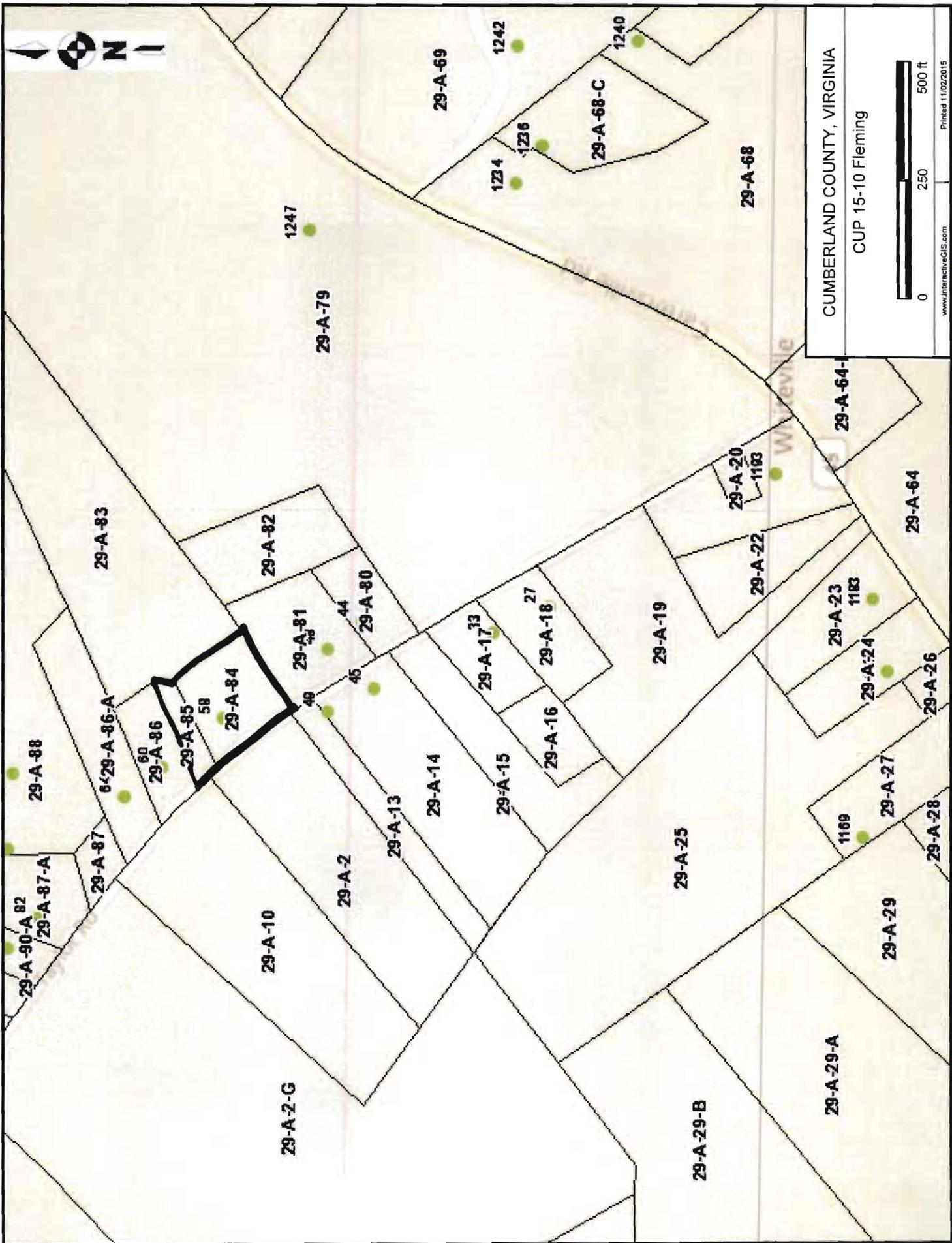
CUMBERLAND COUNTY, VIRGINIA

CUP 15-10 Fleming



www.interactiveGIS.com

Printed 11/02/2015



CUMBERLAND COUNTY, VIRGINIA  
 CUP 15-10 Fleming

0 250 500 ft

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COMMONWEALTH OF VIRGINIA  
COUNTY OF CUMBERLAND

Internal Use Only	
FILE # _____	STAFF _____
RECEIVED _____	
COMPLETED _____	
FEE/ck # _____	
RECEIPT # _____	

### Application for Conditional Use Permit

Last revised 7/07/10

Form must be completed in ink, Pencil will not be accepted.

**IMPORTANT NOTE:** FOR CERTAIN LARGE-SCALE DEVELOPMENTS, STATE LAW NOW REQUIRES A TRAFFIC IMPACT ANALYSIS (T.I.A.) be completed and submitted with a rezoning application **before** the County can deem the application complete.

*\*\*Please see the attached T.I.A. info sheet and checklist to determine if such a study shall be required as part of the application. Please contact the zoning administrator for any questions.*

Project Name (how should we refer to this application?): Fleming CUP

Proposal: Use a 0.33 acre parcel for a home

Location: Address TBD Taylor Road

Tax Map Parcel(s): 29-A-85 + possibly 29-A-84

Zoning: A-2 Comprehensive Plan Area: Not in a growth area

Election District: 1

# of Acres to be Covered by Conditional Use Permit (if a portion of a parcel or parcels it must be delineated on a plat): 0.33 or 2.33

Is this an amendment to an existing conditional use permit? If Yes, provide CUP # or approval date: \_\_\_\_\_  YES  NO

A Preliminary Site Plan is Required with Application for a CUP. Have you submitted a preliminary site plan?  YES  NO

Is this a proposal for a shopping center or telecommunication tower? If so, additional information is required additional conditions/use restrictions apply. Please see the Planning & Zoning Dept. for more info.  YES  NO

Is an amendment to the subdivision or zoning ordinance also proposed as part of the CUP application? If so, complete and attach the Code Amendment application.  YES  NO

\* **Contact Person** (who should we call/write concerning this project?): \_\_\_\_\_

Mrs. Virginia E. Fleming

Address: 3818 Cedarstone Road State: Va. Zip: 23235

Daytime Phone: 804 337-6239 Fax #: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

**Owner of Record** (who currently owns the property?): \_\_\_\_\_

*Same*

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant** (who is the contact person representing?): \_\_\_\_\_

*Same*

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Does the owner of this property own (or have any ownership interest) in any abutting property? If yes, please list those tax map parcel numbers. \_\_\_\_\_

Section 74-702 of the Cumberland County Zoning Ordinance provides guidelines for conditional use permit applications.

Please address the following standards which will be reviewed by the staff in analysis of your request. If you need assistance filling out these items, staff is available.

Provide a written statement demonstrating that:

1. The establishment, maintenance or operation of the CUP will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
2. The CUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. The establishment of the CUP will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;
5. Adequate utilities, access roads, drainage or necessary facilities have been or are being provided;

- 6. Ingress and egress to property and structures on the property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access of fire or catastrophe are adequately provided for;
- 7. Off-street parking and loading areas where required with particular attention to the items in # 1. above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district are adequately provided for;
- 8. Refuse and service areas, with particular reference to the items in #s 1. and 2. above are adequately provided for;
- 9. Appropriate screening and buffering with reference to type, dimensions and character of the use are adequately provided for;
- 10. Any signs and exterior lighting are compatible and in harmony with properties in the district with reference to aesthetics, glare, traffic safety and economic effect;
- 11. Required building setbacks and other open spaces are adequately provided for;
- 12. The proposed use is compatible with adjacent properties and other property in the zoning district;
- 13. An adequate supply of light and air to adjacent property is adequately provided for; and
- 14. The CUP shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may, in each instance, be modified by the Board of Supervisors.

Describe your request in detail and include all pertinent information such as the number of persons involved in the use, operating hours, and any unique features of the proposed use:

Use an existing lot (29-A-85) that is 0.33 acre for a home. Applicant is willing to vacate line between 29-A-85 and 29-A-84. 29-A-84 is two acres & has a one room church with no well and septic.

Describe briefly the improvements proposed. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used or additions made to existing buildings or structures. Give dimensions of the buildings that are to be constructed and the dimensions of any existing buildings on the property (attach any necessary information).

Well & septic  
new home

**Attachments Required** – provide two (2) copies of each

1. *Recorded plat or boundary survey of the property requested for the permit.* If there is no recorded plat or boundary survey, please provide legal description of the property and the Deed Book and page number or Plat Book and page number.

Note: If you are requesting a permit for a portion of the property, it needs to be described or delineation on a copy of the plat or surveyed drawing.

2. *Ownership information* – If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, the name of a corporation, partnership or association, or in the name of a trust, or in a fictitious name, a document acceptable to the County must be submitted certifying that the person signing below has the authority to do so.

**If the applicant is a contract purchaser or an agent of the owner, an owner/agent agreement must be attached (ask staff for form if needed).**

**Owner/ Applicant Must Read and Sign**

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge.

Olander J. Fleming & Minerva E. Fleming  
Print Name of Owner/ Applicant

10-13-2015  
Date

Olander J. Fleming & Minerva E. Fleming  
Signature of Owner/ Applicant

804-337-6239  
Daytime Phone # of Signatory

\* Olander Fleming is a Korean War  
veteran - blind and disabled. His home  
would be accessible for him.



**STAFF REPORT**  
**REZ 15-01**  
**Kevin Dunn**  
Rezoning  
Cumberland County, Virginia  
Board of Supervisors Public Hearing  
November 17, 2015

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**General Information:**

Processing schedule: The Planning Commission considered this proposal on October 19, 2015 with a public hearing. The Commission recommends approval to the Board of Supervisors unanimously 5-0. The Board of Supervisors public hearing is set for November 17, 2015.

**Application Information:**

Applicant/Owner: Kevin Dunn  
Requested Action: To grant a rezoning for retail uses  
Location: Tax Parcel 104-A-29  
Address: 1671 Cumberland Road  
Voting District: 5  
Existing Zoning: R-2, Residential with CUP for automotive garage  
Proposed Zoning: B-1, Business  
Size: Proposal is for four acres of frontage, total parcel acreage is 65.81 acres  
Existing land uses: Automotive garage  
Comp. plan area: High Intensity Growth area  
Overlay districts: None  
Proffers: No

**Surrounding Area Information:**

<u>Direction</u>	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Comp. Plan Area (2013)</u>
North	Residential	R-2	High intensity growth area
South	Residential	R-2	High intensity growth area
East	Residential	R-2	High intensity growth area
West	Agricultural/Residential	A-2 and R-1	Moderate intensity growth area

### **Summary of Request and Background Information:**

Kevin Dunn received a CUP for an automotive garage in 2014. He would like to expand the retail uses on the site, and is now applying for B-1 zoning on the front of the property. He intends to continue the automotive garage, and the new zoning will not cover the section of the property that is used for that purpose. The approximate area of the proposal is 4 acres, and the dimensions of the area are 220 feet x 800 feet.

When Mr. Dunn received the CUP, he made improvements to his entrance to satisfy VDOT requirements. VDOT has stated that the size and shape of the current entrance is appropriate for the existing uses. However, the entrance will need to be re-evaluated at the time of any commercial site plan and turn lane warrants will be reviewed at that time.

Gravity sewer is available in this location and the property could be served by county sewer.

### **Consistency with the 2013 Comprehensive Plan:**

The proposed use falls within the designated growth area of the 2013 Comprehensive Plan.

The following goals, objectives and policies of the 2013 Comprehensive Plan would be achieved by the proposed rezoning:

*Goal 5:* It is the goal of this plan to encourage the creation of appropriate economic opportunity for current and future citizens of Cumberland County.

*Objective 1:* Encourage the overall strengthening and diversification of the economic base of Cumberland County to provide a sound tax base and to support the provision of needed public services.

The proposed use helps meet an important need of the county by providing economic development opportunities.

### **Consistency with the Zoning Ordinance:**

The proposed use of the subject property is compatible with the above intent.

### **Allowed Uses in the B-1 District:**

Use regulations in a B-1 district are as follows:

- (1) Antique shops.
- (2) Auto/truck sales.
- (3) Bakeries.
- (4) Banks.
- (5) Barbershops and beauty shops, massage therapy.
- (6) Business offices.
- (7) Cabinet-making furniture and upholstery shops.

- (8) Car dealerships.
- (9) Carwashes.
- (10) Childcare centers.
- (11) Clubs and lodges.
- (12) Drugstores.
- (13) Dry cleaners/laundries.
- (14) Farm supply stores, equipment and machinery sales and service.
- (15) Financial services.
- (16) Florists.
- (17) Funeral homes.
- (18) Gift shops.
- (19) Government offices/post offices.
- (20) Health clinic.
- (21) Home appliance/hardware store.
- (22) Hospitals, general.
- (23) Hotels, motels, restaurants.
- (24) Kennels, commercial (no outdoor confinement).
- (25) Laundromats.
- (26) Liquor store.
- (27) Lumber and building supply (storage under cover).
- (28) Machinery sales and service.
- (29) Medical facilities.
- (30) Newspaper offices.
- (31) Off-street parking (as required by this chapter).
- (32) Office buildings.
- (33) Plumbing/electrical supply (storage under cover).
- (34) Printing presses.
- (35) Professional offices.
- (36) Recreation centers.
- (37) Repair shops: bicycle, shoes, locks, guns, etc.
- (38) Restaurants and drive-in restaurants.
- (39) Retail food store or supermarket.
- (40) Retail stores, shops and building supply store.
- (41) Service stations (major repair under cover).
- (42) Taverns.
- (43) Theatres and assembly halls.
- (44) Vehicle painting, upholstery, repairing, rebuilding and reconditioning.
- (45) Veterinary hospital (no outdoor confinement).
- (46) Wearing apparel stores.
- (47) Wholesale businesses.

Permitted uses with conditional use permit in a B-1 district are as follows:

- (1) Auction barn.
- (2) Billiard parlor, poolrooms, bowling alleys, dance halls, skating rinks.
- (3) Childcare.
- (4) Kennels, commercial (with any outdoor confinement).

- (5) Mobile home/trailer sales lot.
- (6) Oil storage, bulk.
- (7) Public utilities.
- (8) Radio stations, television stations and cable TV facilities, communication station an/or tower or related facilities; subject to provisions of [section 74-731](#) et seq.
- (9) Shopping center, subject to provisions of [section 74-711](#) et seq.
- (10) Veterinary hospital (with any outdoor confinement).

**Public Notification:**

Notice was published in the Farmville Herald on October 30 and November 6, 2105.

Adjacent notice for both Planning Commission and Board of Supervisors public hearings was sent by certified mail to adjacent property owners.

**Public Input:**

Multiple adjacent neighbors have called to seek additional information regarding the proposal, and any impacts on their real estate taxes. None had any complaints or concerns about the proposal.

**Conclusion:**

The requested action is consistent with the Comprehensive Plan goals and the Zoning Ordinance and is supportive of the county's plans to provide for and encourage economic development opportunities that are consistent with the agricultural nature of the county.

**Recommendation:**

The Planning Commission recommends approval of the rezoning unanimously 5-0 to allow expansion of retail uses in this location.

**Suggested Motion:**

Mr. Chairman, because this request meets the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors approve REZ 15-01, a rezoning to B-1, Business to allow retail uses at 1671 Cumberland Road.

Or,

Mr. Chairman, because this request does not meet the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors deny REZ 15-01.

Respectfully submitted by:  
Sara Carter  
Planning Director





COMMONWEALTH OF VIRGINIA  
COUNTY OF CUMBERLAND

Internal Use Only  
FILE # 15-01 STAFF SC  
RECEIVED 9/14/15  
COMPLETED  
FEE/Ck. #  
RECEIPT # 536467

**Application for Change in Zoning**  
(A.K.A. Rezoning/Zoning Map Amendment)  
Last revised 07/07/10

Form must be completed in ink, Pencil will not be accepted.

**NOTES:** REZONINGS MAY REQUIRE A TRAFFIC IMPACT ANALYSIS IN COMPLIANCE WITH STATE LAW. If required, the subdivision application will not be deemed complete until such analysis has been prepared and submitted. For more information, please obtain an information packet prepared by county staff and available in the Planning Dept. entitled, "Traffic Impact Analysis Information." Please contact the Planning Dept. with any questions.

The application fee associated with a rezoning application is directly associated with meeting the specific legal advertisement and public notification requirements required by state law. Such application fee has been the same amount for over 10 years.

Project/Development Name (how should we refer to this application?):

Kevin Dunn

Describe the change of zoning being requested (i.e. how are proposing to amend the zoning map?):

R-2 + ~~A-2~~ w/ CUP to B-1 / 4 acres along Rt 45

Address/ Location: 1671 Cumberland Rd

Current Zoning: R-2 ~~A-2~~ w/ CUP + ~~R-2~~

Tax Map Parcel(s): 104-A-29

Election District: 5

Are you submitting proffers with this application? If so, attach proffer(s).	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is this an amendment to an existing zoning application or to any existing zoning conditions? If so, provide copy of items to be amended.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Are you proffering a site/design plan with this application? If so, attach plan(s).	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is a Traffic Impact Analysis (TIA) required for this request? If so, attach TIA. See TIA info sheet and checklist for more information.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is an amendment to the subdivision or zoning ordinance also proposed as part of the rezoning application? If so, complete and attach the Code Amendment application.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Contact Person (who should we call/write concerning this project?): Kevin Dunn

Address: 1671 Cumberland Rd. City: Farmville State: VA Zip: 23901

Daytime Phone: (434) 547-6402 Fax #: (434) 392-8242 Email: tandkrepair@gmail.com

Owner of Record (who currently owns the property?): Kevin Dunn

Address: same as above City: State: Zip:

Daytime Phone: ( ) Fax #: ( ) Email:

Applicant (who is the contact person representing?): Kevin Dunn

same as above

Address: City: State: Zip:

Daytime Phone: ( ) Fax #: ( ) Email:

Does the owner of this property own (or have any ownership interest) in any abutting property? If yes, please list those tax map parcel numbers.

Section 15.2-2284 of the Code of Virginia states that, "Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality."

The items that follow will be reviewed by the staff in their analysis of your request. Please complete this form and provide additional information which will assist the County in its review of you request. If you need assistance filling out these items, staff is available.

What public need or benefit does this rezoning serve?

B-1  
new business development

Are public water, sewer and roads available to serve this site? Will there be any impact on these facilities? Sewer is on front of property

Hwy 45, Cumberland Road

Explain the present unavailability of land in the community or adjacent communities zoned to permit proper location of the proposed use.

No inventory available in area

What impact will there be on the County's natural, scenic and historic resources?

none

Do you have plans to develop the property if the rezoning is approved? If so please describe including land uses, maximum number of lots or maximum business square feet. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used or additions made to existing buildings or structures:

- Sell sheds and metal carports

- Potential future development for retail

Describe your request in detail including why you are requesting this particular zoning district and it's compliance with the comprehensive plan: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you would like to proffer any restrictions on the development of the property, please list these proffers on an attachment in a form acceptable to the County. Proffers are voluntary offers to use property in a more restrictive way than the overall zoning district classification would allow. By State Code, proffers must have a reasonable relationship to the rezoning and are not mandatory. The rezoning must give rise to the need for the proffers; the proffers must be related to the physical development or physical operation of the property; and the proffers must be in conformity with the Comprehensive Plan.

The County has developed cash proffer computations. **The maximum net residential cash proffer is currently \$5,242 per residential unit.** This amount should serve as an indicator to prospective rezoning applicants of the net cost per housing unit that the County will incur to provide the capital facilities serving the development subsequent to the rezoning. Contact staff for more information concerning the County's cash proffer policy.

Are there any liens against the property?  YES  NO (If Yes, please list them below:)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attachments Required** – provide two (2) copies of each:

1. *Recorded plat or boundary survey of the property requested for the rezoning.* If there is no recorded plat or boundary survey, please provide legal description of the property and the Deed Book and page number or Plat Book and page number.  
 Note: If you are requesting a rezoning for a portion of the property, it needs to be described or delineation on a copy of the plat or surveyed drawing.
2. *Ownership information* – If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, the name of a corporation, partnership or association, or in the name of a trust, or in a fictitious name, a document acceptable to the County must be submitted certifying that the person signing below has the authority to do so.

**If the applicant is a contract purchaser or an agent of the owner, an owner/agent agreement must be attached (ask staff for form if needed).**

**Owner/ Applicant Must Read and Sign**

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge.

Kevin Dunn

10 April 2015

Print Name of Owner/ Applicant

Date

Kevin B. Dunn

434-547-6402

Signature of Owner/ Applicant

Daytime Phone # of Signatory

**The below is to only be completed by County staff.**

**Rezoning Package Completeness Review:** I have reviewed the rezoning package and find it to complete. If the scope of the rezoning request is such that a traffic impact analysis is required, such rezoning package shall include a completed TIA and applicable fee. A complete rezoning package will contain this completed application, proffers (if proposed), TIA (if required), plan of development, county application fee (\$550.00) and VDOT TIA fee (if TIA required).

By signing the below, County staff is stating the rezoning package is complete; it does not and should not imply any approval or denial of the request.

[Signature]

4/14/2015

Signature of Zoning Administrator

Date



**DATE:** November 9, 2015  
**TO:** Cumberland County Board of Supervisors  
**FROM:** Vivian Seay Giles  
**RE:** November 17, 2015 Board Agenda Item  
**The Cumberland County Museum Board Appointments**

**Recommendation**

Appoint or re-appoint the following individuals to serve on the Cumberland County Museum Board:

District 1: Sue Rowden  
Freddie Gamage  
District 2: Cliff White  
Pat Allard  
District 3: Joanne Petty  
Barbara Gamage  
District 4: David Meinhard  
Jim Tilden  
District 5: Elizabeth Jamerson  
Susan Oertel  
At Large: Betty Sears  
Lauraetta Jones-Yates

**Information**

Upon its formation, appointments were made by the Cumberland County Board of Supervisors for the initial directors to serve on the Board of Directors of the Cumberland County Museum Board. According to the By-Laws of the Cumberland County Museum Board, that Board was to appoint subsequent directors. Those appointments were not made, and according to Museum Board records, the terms of all Board members have now expired. The individuals who remain active with the Cumberland County Museum Board now ask the Cumberland County Board of Supervisors to appoint the individuals identified above to serve on a re-constituted Board of Directors of the Cumberland County Museum. The appointments are in accordance with the By-Laws of the Cumberland County Museum.



**DATE:** November 8, 2015  
**TO:** Cumberland County Board of Supervisors  
**FROM:** Vivian Seay Giles  
**RE:** November 17, 2015 Board Agenda Item  
Amend Lease Agreement for Old DSS Building

**Recommendation**

Amend the lease agreement with David Daniel for the real property located at 1550 Anderson Highway to provide relief from the rent escalation provision contained in the “Rent” paragraph of the agreement.

**Information**

In September of 2014, David Daniel entered into a lease agreement with the County for the property located at 1550 Anderson Highway. In that contract, effective December 1, 2014, the rent provision contains an escalation clause which provides for periodic increases in the rent amount. The first rent increase is scheduled to take place on December 1, 2015. Mr. Daniel is asking for relief from the rent increase. He indicates that, while business is steady, his gross receipts are not sufficient to allow the absorption of an increase in rent. He indicates that he would very much like to keep his business open in Cumberland County, but fears that he may not be able to do so with an increase in rent. The County realizes a net gain at the current rent level.

**THIS LEASE AGREEMENT**, made and effective as of the 1<sup>st</sup> day of December, 2014, by and between **COUNTY OF CUMBERLAND, VIRGINIA**, Grantor, herein referred to as "Landlord," and **DAVID DANIEL**, Grantee, herein referred to as "Tenant."

**WITNESSETH:**

**WHEREAS**, Landlord is the owner of certain real property adjoining Virginia Highway 60 and located in Cumberland County, Virginia and containing in total approximately one (1) acre and known as 1550 Anderson Highway, Cumberland, Virginia; and

**WHEREAS**, Tenant desires to lease the said real property containing approximately one acre in order operate a retail food store.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein the parties hereby agree as follows:

**DESCRIPTION OF THE PREMISES**

Landlord agrees to lease and Tenant agrees to rent that certain parcel of real property described as follows:

The building and curtilage known as 1550 Anderson Highway, Cumberland, Virginia 23040 located on that certain parcel of land in Madison Magisterial District of Cumberland County, Virginia containing one acre, more or less, bounded on the northwest and southeast by lands now or formerly of Smith, on the northeast by the Presbyterian Church property, and on the southeast by other lands of the County of Cumberland, this parcel being the northwestern half of a two-acre parcel conveyed to the County of Cumberland by deed dated July 13, 1982 from George L. Dowdy, Jr., *et als*, recorded in the Circuit Court Clerk's Office of Cumberland County, Virginia in Deed Book 153 at Page 467. This lease is for the building identified as 1550 Anderson Highway and expressly does not include the building and curtilage currently occupied by the Virginia Tech Extension Office, known as 1548 Anderson Highway, Cumberland, Virginia.

**TERM OF LEASE**

Tenant agrees to lease the above described premises for a period of sixty (60) months commencing on the 1<sup>st</sup> day of December, 2014 and ending at midnight on the 30<sup>th</sup> day of November, 2019.

## **IMPROVEMENTS**

All structural improvements must have the prior approval of the County Administrator of Cumberland County and shall be at the expense of the Tenant.

## **RENT**

Tenant agrees to pay to Landlord at Post Office Box 110, Cumberland, Virginia 23040, the sum of Five Hundred Dollars (\$500.00) per month for the period December 1, 2014 through November 30, 2015; Eight Hundred Dollars (\$800.00) per month for the period December 1, 2015 through November 1, 2016; and of Nine Hundred Dollars (\$900.00) per month for the period December 1, 2016 through November 30, 2019 for the lease of the premises. All lease payments are due and payable on or before the 1<sup>st</sup> day of each month beginning on the 1<sup>st</sup> day of December, 2014 and continuing through the term of this Lease.

## **USE OF PREMISES**

The parties expressly agree that this Lease is executed in order that Tenant may allow the occupancy of the premises for retail foods sales and that the demised premises shall not be put to any other use without the prior written consent of Landlord.

## **UTILITY SERVICES**

During the term of this Lease, Tenant shall be responsible for providing all utilities, including heating oil, to the demised premises at Tenant's expense.

## **ASSIGNMENT AND SUBLEASE**

This Lease may be assigned or transferred, and the premises may be sublet, either in whole or in part, by Tenant only with Landlord's prior written consent. However, once assigned, transferred, or sublet, the premises may not again be sublet or the Lease may not again be transferred or assigned by any sublessee, assignee, or transferee.

## **REPAIRS AND MAINTENANCE**

Landlord hereby agrees that during the term of this Lease, it shall, in the matter of keeping the building and demised premises in good repair, do only the following: keep the exterior walls and roof of the building in proper and substantial repair, and maintain the electrical wiring and HVAC equipment in proper working order. Landlord will also be responsible for grass mowing and for parking lot snow removal.

Tenant hereby agrees to maintain the premises in an orderly, safe, and clean condition and shall be solely responsible for such maintenance. The responsibility of Tenant shall include, but shall not be limited to, the following: general cleaning and maintenance and sidewalk or walkway snow removal.

### **RIGHT OF ENTRY TO REPAIR**

Landlord reserves the right for itself, its agents and employees, to enter upon the premises at any reasonable time to make repairs, alterations or improvements; provided, however, that such repairs, alterations, or improvements shall not unreasonably interfere with Tenant's business operations. Such right to enter shall also include the right to enter upon the premises for the purposes of inspection.

### **INSURANCE**

Landlord shall adequately insure the building and all public or common areas for fire, casualty, hazard, and liability. Tenant shall maintain the demised premises in a hazard-free condition. Tenant shall be responsible for insuring its personal property, including all contents of the building to be occupied by Tenant, and Tenant shall be responsible solely for liability within the demised premises.

### **BANKRUPTCY OR INSOLVENCY**

It is expressly agreed that if at any time during the term of this lease, Tenant or any assignee, sublessee, or transferee shall be adjudged bankrupt or insolvent by any Federal or State Court of competent jurisdiction, Landlord may, at its option, declare this lease to be terminated and canceled, and may take possession of the demised premises.

### **DAMAGE OR DESTRUCTION BY FIRE OR NATURAL CAUSES**

If, during the term of this lease, the building on the demised premises is destroyed by fire, natural causes, or other casualty, or so damaged thereby that it cannot be repaired with reasonable diligence within sixty (60) days, this lease shall terminate as of the date of such damage or destruction. However, if said buildings can with reasonable diligence be repaired within 60 days, said buildings shall be, by Landlord, repaired as quickly as is reasonably possible, and this lease shall remain in full force and effect; provided, however, rent shall be abated for any part of said building which is rendered unfit for occupancy for the period that such unfitness continues.

**DEFAULT ON PAYMENT OF RENT**

If any monthly installment of rent as herein called for remains overdue and unpaid for ten (10) days, Landlord shall impose a penalty of five (5) percent of the monthly rental amount for each month overdue. If any monthly installment of rent and interest as herein called for remain overdue and unpaid for thirty (30) days, Landlord may, at its option, at any time during such default, declare this lease terminated and take possession of the demised premises.

**SIGNS**

Tenant may display signs and shingles advertising his place of business with the prior written consent of the Landlord so long as all signs are in full compliance with all local laws and ordinances, which consent shall not be unreasonably withheld.

The parties, having read and understood the provisions of this lease, agree for themselves, their heirs, administrators, personal representatives, executors, and assigns to be bound thereby.

IN WITNESS WHEREOF, the parties have executed this lease on the 11<sup>th</sup> day of September, 2014.

**CUMBERLAND COUNTY, VIRGINIA**

By  (SEAL)  
County Administrator

 (SEAL)  
David Daniels

## \*\* GENERAL FUND REVENUES\*\*

## Monthly Financial Report To Council For November 2015

	Estimated 2015/2016 Budget to Date -----	Actual 2015/2016 Budget to Date -----	(Over) or Under Budget to Date -----
<b>Revenue</b>			
Balance Forward		5,300,476.12	
Fund Revenue	38,308,393.75	12,426,764.21	25,881,629.54
<b>Total Revenue</b>	<b>38,308,393.75</b>	<b>17,727,240.33</b>	<b>20,581,153.42</b>
<b>Expenditures</b>			
* Board of Supervisors *	41,638.00	18,432.68	23,205.32
* County Administrator *	285,404.00	96,756.72	188,647.28
* Legal Services *		56,562.60	(56,562.60)
* Independent Auditor *	34,500.00	10,278.60	24,221.40
* Commissioner of Revenue *	232,850.00	83,304.15	149,545.85
* Treasurer *	271,986.00	105,862.71	166,123.29
* Accounting *	130,418.00	51,001.85	79,416.15
* Data Processing *	173,196.00	61,823.64	111,372.36
* Electoral Board *	25,141.00	4,335.22	20,805.78
* Registrar *	84,412.00	33,110.02	51,301.98
* Circuit Court *	25,810.00	422.53	25,387.47
* General District Court *	14,210.00	1,057.97	13,152.03
* Magistrate *	2,125.00	400.08	1,724.92
* Clerk of Circuit Court *	213,029.00	74,524.48	138,504.52
* Law Library *	1,000.00	287.31	712.69
* Commonwealth's Attorney *	204,060.00	77,997.08	126,062.92
* Sheriff *	1,465,012.00	565,022.89	899,989.11
* School Resource Officer *	62,028.00	23,295.15	38,732.85
* E911 *	23,100.00	2,053.47	21,046.53
*Cumberland Vol.FIRE DEPT*	39,500.00	19,750.00	19,750.00
*Cartersville Volun.*	26,075.00	13,037.50	13,037.50
*Cumberland Vol. Rescue Squad*	20,000.00	20,000.00	
*Prince Edward Vol. Rescue Squad*	8,000.00	4,000.00	4,000.00
*Randolph Fire Dept.*	41,000.00	20,500.00	20,500.00
*Cartersville Vol. Rescue Squad*	37,970.00	18,985.00	18,985.00
* Forestry Service *	8,705.00	8,705.34	(.34)
* Emergency Services *	3,000.00	1,500.00	1,500.00
* Probation Office *	1,644.00	321.43	1,322.57
* Correction & Detention *	235,000.00	114,625.16	120,374.84
* Building Inspections *	110,823.00	47,333.06	63,489.94
* Animal Control *	100,253.00	41,041.85	59,211.15
* Medical Examiner *	200.00	40.00	160.00
* Refuse Disposal *	619,131.00	240,334.62	378,796.38
* General Properties *	729,489.00	219,235.30	510,253.70
* Supplement of Local Health Dept *	94,543.00	47,271.50	47,271.50
* Chapter 10 Board - Crossroads *	34,000.00	17,000.00	17,000.00
* CSA Management *	32,377.00	12,056.67	20,320.33
* Community Colleges *	5,181.00	3,081.00	2,100.00
* Recreation *	88,793.00	21,571.97	67,221.03
* Local Library *	115,450.00	57,725.00	57,725.00
* Planning Commission *	7,650.00	3,027.75	4,622.25
* Planning/Zoning Dept. *	86,926.00	47,637.31	39,288.69

## \*\* GENERAL FUND REVENUES\*\*

## Monthly Financial Report To Council For November 2015

	Estimated 2015/2016 Budget to Date -----	Actual 2015/2016 Budget to Date -----	(Over) or Under Budget to Date -----
<b>Expenditures</b>			
* Community & Economic Developmnt *	12,052.00	10,052.00	2,000.00
* Board of Zoning Appeals *	550.00	254.50	295.50
*Clothes Closet*	610.00	200.05	409.95
* Buckingham Cattlemans Assoc *	1,500.00		1,500.00
* Farmville Area Chamber of Commerc	1,500.00	750.00	750.00
* Longwood Small Bus. Dev. Ctr. *	3,000.00	1,500.00	1,500.00
* Southside Violence Prevention *	5,000.00	2,500.00	2,500.00
*Peter Francisco SWD*	7,100.00	3,550.00	3,550.00
* Extension Agents *	49,871.00	1,186.92	48,684.08
* NONDEPARTMENTAL *	12,600.00	1,246.80	11,353.20
**TRANSFERS**	8,213,522.19	2,181,069.22	6,032,452.97
COMMONWEALTH'S ATTORNEY		1,086.24	(1,086.24)
SHERIFF	25,000.00	1,944.95	23,055.05
HEALTH INSURANCE	1,807,700.00	857,953.03	949,746.97
DENTAL INSURANCE	259,700.00	41,204.16	218,495.84
PATIENT CENTERED OUTCOME FEE(PCOR)		802.66	(802.66)
* Administration *	1,251,786.00	399,274.03	852,511.97
	14,903,258.00	3,777,837.26	11,125,420.74
**TRANSFERS**		67,443.89	(67,443.89)
	1,045,913.37	304,707.17	741,206.20
*Randolph Community Center*	11,820.00		11,820.00
** COURTHOUSE **			
**ELEMENTARY SCHOOL**		140,645.60	(140,645.60)
* Elementary School - Lit Loan *	226,667.00		226,667.00
* COPS97 Loan *	369,666.00	347,353.12	22,312.88
* High/Middle School - VPSA Loan *	938,201.00	744,873.35	193,327.65
PUBLIC FACILITY NOTE 2009	389,184.00	261,547.88	127,636.12
* AMERESCO *		141,908.00	(141,908.00)
* SunTrust Loan-HS/MS *	1,485,632.00		1,485,632.00
* Suntrust Loan - Courthouse *	248,582.00	229,997.90	18,584.10
	450,000.00	161,228.69	288,771.31
* SEWER FUND - Enterprise Fund *	577,976.19	142,297.50	435,678.69
* WATER FUND - ENTERPRISE FUND *	129,060.00	50,812.76	78,247.24
COMMUNITY CENTER PURCHASE	125,314.00	41,103.96	84,210.04
MADISON INDUSTRIAL PARK			
	20,000.00	5,167.86	14,832.14
<b>Total Expenditure</b>	<b>38,308,393.75</b>	<b>12,166,809.11</b>	<b>26,141,584.64</b>
<b>Total Revenues</b>			
Less Total Expenditures		5,560,431.22	(5,560,431.22)



ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
1101	** Real Estate Taxes **	5,530,000.00	5,530,000.00	1,601,753.46	1,804,947.43	3,725,052.57
1102	* Real/Personal Public Service *	710,000.00	710,000.00	325,863.08	325,863.08	384,136.92
1103	* Personal Property Taxes *	1,794,500.00	1,794,500.00	452,882.71	815,686.07	978,813.93
1104	* Machinery & Tools *	85,000.00	85,000.00	21,250.31	42,200.90	42,799.10
1106	* Penalties & Interest *	264,000.00	264,000.00	15,070.06	60,619.55	203,380.45
1201	* Local Sales & Use Taxes *	375,000.00	375,000.00	68,657.97	283,313.03	91,686.97
1202	* Consumer Utility Taxes *	172,000.00	172,000.00	14,106.32	61,784.36	110,215.64
1203	* Business License Taxes *	107,000.00	107,000.00	3,979.52	16,063.66	90,936.34
1204	* Franchise License Taxes *	16,000.00	16,000.00	.00	.00	16,000.00
1205	* Motor Vehicle License Tax *	233,000.00	233,000.00	54,167.04	98,558.43	134,441.57
1207	* Taxes On Recordation & Wills *	45,000.00	45,000.00	7,486.24	20,845.08	24,154.92
1301	* Animal Licenses *	8,328.00	8,328.00	150.00	370.00	7,958.00
1303	* Permits & Other Licenses *	51,000.00	51,000.00	5,665.44	18,555.56	32,444.44
1401	* Court Fines & Forfeitures *	145,000.00	145,000.00	19,109.63	28,781.62	116,218.38
1501	* Revenue From Use Of Money *	31,000.00	31,000.00	.00	4,212.13	26,787.87
1502	* Revenue From Use Of Property *	17,000.00	17,000.00	1,425.20	5,433.80	11,566.20
1601	* Court Costs *	47,360.00	47,360.00	9,051.86	19,713.56	27,646.44
1602	* Commonwealth's Attorney Fees *	800.00	800.00	154.04	314.09	485.91
1603	* Charges For Law Enforcement *	40,000.00	40,000.00	6,071.46	12,745.76	27,254.24
1606	* Charges For Other Protection *	100.00	100.00	.00	.00	100.00
1608	* Charges Sanitation & Removal *	370,166.00	370,166.00	47.00	266.00	369,900.00
1612	* REC DEPT - ADULT LEAGUE FEES *	3,500.00	3,500.00	.00	.00	3,500.00
1613	* Charges For Parks & Recreation *	11,600.00	11,600.00	4,164.00	8,890.61	2,709.39
1616	* Charges For Planning / Com Dev *	1,300.00	1,300.00	425.00	1,330.00	30.00
1899	* Miscellaneous *	1,146,400.00	1,477,414.19	4,095.57	1,161,777.07	315,637.12
2101	* Service Charges *	40,000.00	40,000.00	.00	60,798.09	20,798.09
2201	**NON-CATEGORICAL AID**	1,311,135.00	1,311,135.00	10,636.85	63,162.23	1,247,972.77
2301	* Commonwealth Attorney *	156,000.00	156,000.00	14,221.25	57,131.04	98,868.96
2302	* Sheriff *	561,533.00	561,533.00	50,135.72	183,333.72	378,199.28
2303	* Commissioner Of Revenue *	76,000.00	76,000.00	6,347.86	25,217.93	50,782.07
2304	* Treasurer *	93,000.00	93,000.00	8,667.27	30,607.79	62,392.21
2306	* Registrar/Electoral Boards *	38,199.00	38,199.00	.00	.00	38,199.00
2307	* Clerk Of The Circuit Court *	144,000.00	144,000.00	12,639.50	48,327.55	95,672.45
2308	* DMV License Agent *	18,000.00	18,000.00	1,545.66	6,301.73	11,698.27
2404	**GRANT FUNDS**	40,000.00	40,000.00	10,556.97	29,902.10	10,097.90
3301	**GRANT FUNDS**	29,000.00	29,000.00	.00	.00	29,000.00
--FUND TOTAL--		13,711,921.00	14,042,935.19	2,730,326.99	5,297,053.97	8,745,881.22

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
<b>FUND # -170</b>						
1902	HEALTH INSURANCE CONTRIBUTIONS	1,957,000.00	1,957,000.00	298,574.72	687,611.76	1,269,388.24
2000	DENTAL INSURANCE CONTRIBUTIONS	110,400.00	110,400.00	16,899.26	38,152.67	72,247.33
	--FUND TOTAL--	2,067,400.00	2,067,400.00	315,473.98	725,764.43	1,341,635.57
<b>FUND # -201</b>						
1899	* Miscellaneous Revenue *	.00	.00	33.69	5,233.59	5,233.59- 100.00-
2401	* Welfare *	153,318.00	153,318.00	32,654.84	125,264.54	28,053.46 18.29
3105	* Social Services *	785,624.00	785,624.00	56,238.36	221,824.73	563,799.27 71.76
4105	* Fund Transfers *	312,844.00	312,844.00	.00	29,194.44	283,649.56 90.66
	--FUND TOTAL--	1,251,786.00	1,251,786.00	88,926.89	381,517.30	870,268.70 69.52
<b>FUND # -203</b>						
4105	**TRANSFERS**	.00	.00	.00	67,443.89	67,443.89- 100.00-
	--FUND TOTAL--	.00	.00	.00	67,443.89	67,443.89- 100.00-
<b>FUND # -205</b>						
1803	* Expenditure Refunds *	.00	.00	16,699.50	76,939.70	76,939.70- 100.00-
1899	* Miscellaneous Revenue *	290,743.00	341,943.00	.00	237.14	341,705.86 99.93
2402	* State Education *	8,793,858.00	8,828,858.00	669,405.38	2,592,961.40	6,235,896.60 70.63
2403	ACADEMIC REVIEWS (I-READY)	.00	67,897.00	.00	.00	67,897.00 100.00
2404	ALTERNATIVE ASSESSMENT ASSIST	.00	13,000.00	.00	.00	13,000.00 100.00
3302	* Education *	1,727,141.00	1,877,141.00	98,863.75	425,195.91	1,451,945.09 77.34
4105	* Fund Transfers *	3,774,419.00	3,774,419.00	.00	368,623.25	3,405,795.75 90.23
	--FUND TOTAL--	14,586,161.00	14,903,258.00	784,968.63	3,463,957.40	11,439,300.60 76.75
<b>FUND # -207</b>						
1501	* INTEREST ON BANK DEPOSITS *	.00	.00	.00	159.94	159.94- 100.00-
1899	** MISC REVENUE **	.00	.00	190.00	191.04	191.04- 100.00-
1901	** LOCAL CONTRIBUTIONS **	.00	464,560.37	.00	260,969.04	203,591.33 43.82
2404	** STATE FUNDS **	.00	581,353.00	.00	.00	581,353.00 100.00
	--FUND TOTAL--	.00	1,045,913.37	190.00	261,320.02	784,593.35 75.01
<b>FUND # -302</b>						
1501	* Interest On Bank Deposits *	.00	.00	.00	320.45	320.45- 100.00-
4105	* Fund Transfers *	.00	11,820.00	.00	.00	11,820.00 100.00
	--FUND TOTAL--	.00	11,820.00	.00	320.45	11,499.55 97.28

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE	UNCOLLECTED
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FUND #-401

1501	**INTEREST**	24,000.00	24,000.00	.00	12,173.38	11,826.62	49.27
4105	** Transfers **	3,633,931.00	3,633,931.00	.00	1,501,937.53	2,131,993.47	58.66
	-- FUND TOTAL--	3,657,931.00	3,657,931.00	.00	1,514,110.91	2,143,820.09	58.60

FUND #-500

1899	*MISCELLANEOUS REVENUE*	.00	.00	.00	990.00	990.00	100.00-
2404	*REVENUE FROM STATE*	350,000.00	350,000.00	114,051.76	163,740.21	186,259.79	53.21
4105	*TRANSFERS*	100,000.00	100,000.00	.00	200,000.00	100,000.00	100.00-
	-- FUND TOTAL--	450,000.00	450,000.00	114,051.76	364,730.21	85,269.79	18.94

FUND #-501

1619	**CHARGES & FEES**	384,642.00	384,642.00	53,093.50	138,396.89	246,245.11	64.01
1620	SEWER LATE PAYMENT PENALTY	8,000.00	8,000.00	436.40	2,687.29	5,312.71	66.40
1630	**ADMIN FEES/CHARGES**	15,200.00	15,200.00	2,620.87	6,507.37	8,692.63	57.18
1803	MISCELLANEOUS	.00	.00	308.00	1,107.80	1,107.80	100.00-
4105	**TRANSFERS**	.00	299,194.19	.00	.00	299,194.19	100.00
	-- FUND TOTAL--	407,842.00	707,036.19	56,458.77	148,699.35	558,336.84	78.96

FUND #-515

1501	INTEREST SEWER RESERVE	.00	.00	.00	64.42	64.42	100.00-
	-- FUND TOTAL--	.00	.00	.00	64.42	64.42	100.00-

FUND #-540

1501	INTEREST WATER RESERVE	.00	.00	.00	9.40	9.40	100.00-
	-- FUND TOTAL--	.00	.00	.00	9.40	9.40	100.00-

FUND #-545

1501	INTEREST	.00	.00	.00	.71	.71	100.00-
	-- FUND TOTAL--	.00	.00	.00	.71	.71	100.00-

FUND #-550

1501	**INTEREST REVENUE**	.00	.00	.00	10.44	10.44	100.00-
	-- FUND TOTAL--	.00	.00	.00	10.44	10.44	100.00-

ACCT#

DESCRIPTION

BUDGET AMOUNT

APPR. AMOUNT

CURRENT AMOUNT

Y-T-D AMOUNT

1501 INTEREST REVENUE

1.07

.00

.00

1.07

1.07-100.00-

1.07-100.00-

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FUND #-580

1899 Rent of General Property

2404 \*\*GRANT FUNDS\*\*

4105 Transfer from General Fund

125,314.00

44,000.00

81,314.00

81,314.00

14,483.05

100,000.00

81,314.00

125,314.00

3,313.05

3,313.05

14,483.05

100,000.00

81,314.00

70,483.05

56.24-

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FUND #-733

1899 \* Miscellaneous Revenue \*

3305 \*FEDERAL FUNDS\*

20,000.00

20,000.00

20,000.00

1,275.00

1,275.00

2,914.97

1,750.00

1,750.00

17,085.03

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8:29

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	TIME	UNENCUMBERED BALANCE	REMAINING
11010	* Board of Supervisors *	41,638.00	41,638.00	4,851.41	18,432.68	.00	.00	23,205.32	55.73
12100	* County Administrator *	285,404.00	285,404.00	30,718.57	96,756.72	.00	.00	188,647.28	66.09
12210	* Legal Services *	.00	.00	27,672.95	56,562.60	.00	.00	56,562.60	100.00
12240	* Independent Auditor *	34,500.00	34,500.00	8,912.40	10,278.60	.00	.00	24,221.40	70.20
12310	* Commissioner of Revenue *	232,850.00	232,850.00	27,622.90	83,304.15	.00	.00	149,545.85	64.22
12410	* Treasurer *	271,986.00	271,986.00	171,885.95	105,862.71	.00	.00	166,123.29	61.07
12430	* Accounting *	130,418.00	130,418.00	16,849.43	51,001.85	.00	.00	79,416.15	60.89
12510	* Data Processing *	173,196.00	173,196.00	8,798.54	61,823.64	.00	.00	111,372.36	64.30
13100	* Electoral Board *	25,141.00	25,141.00	850.14	4,335.22	.00	.00	20,805.78	82.75
13200	* Registrar *	84,412.00	84,412.00	11,328.98	33,110.02	.00	.00	51,301.98	60.77
21100	* Circuit Court *	25,810.00	25,810.00	258.20	422.53	.00	.00	25,387.47	98.36
21200	* General District Court *	14,210.00	14,210.00	189.51	1,057.97	.00	.00	13,152.03	92.55
21300	* Magistrate *	2,125.00	2,125.00	95.90	400.08	.00	.00	1,724.92	81.17
21600	* Clerk of Circuit Court *	213,029.00	213,029.00	24,356.21	74,524.48	.00	.00	138,504.52	65.01
21800	* Law Library *	1,000.00	1,000.00	287.31	287.31	.00	.00	712.69	71.26
22100	* Commonwealth's Attorney *	204,060.00	204,060.00	27,025.64	77,997.08	.00	.00	126,062.92	61.77
31200	* Sheriff *	1,465,012.00	1,465,012.00	176,550.04	565,022.89	.00	.00	899,989.11	61.43
31250	* School Resource Officer *	62,028.00	62,028.00	7,761.93	23,295.15	.00	.00	38,732.85	62.44
31400	* E911 *	23,100.00	23,100.00	689.25	2,053.47	.00	.00	21,046.53	91.11
32221	*Cumberland Vol. FIRE DEPT*	39,500.00	39,500.00	.00	19,750.00	.00	.00	19,750.00	50.00
32222	*Cartersville Volun. *	26,075.00	26,075.00	.00	13,037.50	.00	.00	13,037.50	50.00
32301	*Cumberland Vol. Rescue Squad*	.00	20,000.00	.00	20,000.00	.00	.00	.00	.00
32302	*Prince Edward Vol. Rescue Squad*	8,000.00	8,000.00	.00	4,000.00	.00	.00	4,000.00	50.00
32303	*Randolph Fire Dept.*	41,000.00	41,000.00	.00	20,500.00	.00	.00	20,500.00	50.00
32304	*Cartersville Vol. Rescue Squad*	37,970.00	37,970.00	.00	18,985.00	.00	.00	18,985.00	50.00
32400	* Forestry Service *	8,705.00	8,705.00	8,705.34	8,705.34	.00	.00	.34	.00
32500	* Emergency Services *	3,000.00	3,000.00	.00	1,500.00	.00	.00	1,500.00	50.00
33300	* Probation Office *	1,644.00	1,644.00	78.29	321.43	.00	.00	1,322.57	80.44
33400	* Correction & Detention *	235,000.00	235,000.00	56,042.35	114,625.16	.00	.00	120,374.84	51.22
34100	* Building Inspections *	110,823.00	110,823.00	15,244.02	47,333.06	.00	.00	63,489.94	57.28
35100	* Animal Control *	100,253.00	100,253.00	12,815.41	41,041.85	.00	.00	59,211.15	59.06
35300	* Medical Examiner *	200.00	200.00	20.00	40.00	.00	.00	160.00	80.00
42400	* Refuse Disposal *	619,131.00	619,131.00	100,115.47	240,334.62	.00	.00	378,796.38	61.18
43200	* General Properties *	729,489.00	729,489.00	61,749.69	219,235.30	.00	.00	510,253.70	69.94
51200	* Supplement of Local Health Dept *	94,543.00	94,543.00	.00	47,271.50	.00	.00	47,271.50	50.00
52500	* Chapter 10 Board - Crossroads *	34,000.00	34,000.00	.00	17,000.00	.00	.00	17,000.00	50.00
61230	* CSA Management *	32,377.00	32,377.00	4,367.60	12,056.67	.00	.00	20,320.33	62.76
68000	* Community Colleges *	5,181.00	5,181.00	.00	3,081.00	.00	.00	2,100.00	40.53
71500	* Recreation *	88,793.00	88,793.00	6,160.80	21,571.97	.00	.00	67,221.03	75.70
81100	* Local Library *	115,450.00	115,450.00	.00	57,725.00	.00	.00	57,725.00	50.00
81100	* Planning Commission *	7,650.00	7,650.00	.00	3,027.75	.00	.00	4,622.25	60.42
81110	* Planning/Zoning Dept. *	86,926.00	86,926.00	14,236.53	47,637.31	.00	.00	39,288.69	45.19
81200	* Community & Economic Development *	12,052.00	12,052.00	.00	10,052.00	.00	.00	2,000.00	16.59
81400	* Board of Zoning Appeals *	550.00	550.00	12.00	254.50	.00	.00	295.50	53.72
81513	*Clothes Closet*	610.00	610.00	47.95	200.05	.00	.00	409.95	67.20
81523	* Buckingham Cattlemans Assoc *	1,500.00	1,500.00	.00	750.00	.00	.00	1,500.00	100.00
81535	* Farmville Area Chamber of Commerc	1,500.00	1,500.00	.00	750.00	.00	.00	750.00	50.00

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING
81541	* Longwood Small Bus. Dev. Ctr. *	3,000.00	3,000.00	.00	1,500.00	.00	1,500.00	50.00
81542	* Southside Violence Prevention *	5,000.00	5,000.00	.00	2,500.00	.00	2,500.00	50.00
82401	*Peter Francisco SMD*	7,100.00	7,100.00	.00	3,550.00	.00	3,550.00	50.00
83500	* Extension Agents *	49,871.00	49,871.00	370.02	1,186.92	.00	48,684.08	97.62
90000	* NONDEPARTMENTAL *	12,600.00	12,600.00	335.66	1,246.80	.00	11,353.20	90.10
93100	**TRANSFERS**	7,902,508.00	8,213,522.19	.00	2,181,069.22	.00	6,032,452.97	73.44
	--FUND TOTAL--	13,711,920.00	14,042,934.19	686,906.39	4,447,619.10	.00	9,595,315.09	68.32
FUND # -150								
22100	COMMONWEALTH'S ATTORNEY	.00	.00	.00	1,086.24	.00	1,086.24	100.00-
31200	SHERIFF	25,000.00	25,000.00	.00	1,944.95	.00	23,055.05	92.22
	--FUND TOTAL--	25,000.00	25,000.00	.00	3,031.19	.00	21,968.81	87.87
FUND # -170								
62100	HEALTH INSURANCE	1,807,700.00	1,807,700.00	196,296.83	857,953.03	.00	949,746.97	52.53
63100	DENTAL INSURANCE	259,700.00	259,700.00	11,089.44	41,204.16	.00	218,495.84	84.13
64100	PATIENT CENTERED OUTCOME FEE (PCOR)	.00	.00	.00	802.66	.00	802.66	100.00-
	--FUND TOTAL--	2,067,400.00	2,067,400.00	207,386.27	899,959.85	.00	1,167,440.15	56.46
FUND # -201								
53100	* Administration *	1,251,786.00	1,251,786.00	106,683.62	399,274.03	.00	852,511.97	68.10
	--FUND TOTAL--	1,251,786.00	1,251,786.00	106,683.62	399,274.03	.00	852,511.97	68.10
FUND # -205								
61100	**TRANSFERS**	14,586,161.00	14,903,258.00	1,166,292.38	3,777,837.26	.00	11,125,420.74	74.65
93100		.00	.00	.00	67,443.89	.00	67,443.89	100.00-
	--FUND TOTAL--	14,586,161.00	14,903,258.00	1,166,292.38	3,845,281.15	.00	11,057,976.85	74.19
FUND # -207								
61100	GOVERNOR'S SCHOOL EXPENDITURES	.00	1,045,913.37	84,956.12	304,707.17	.00	741,206.20	70.86
	--FUND TOTAL--	.00	1,045,913.37	84,956.12	304,707.17	.00	741,206.20	70.86
FUND # -302								
94380	*Randolph Community Center*	.00	11,820.00	.00	.00	.00	11,820.00	100.00
95101	**ELEMENTARY SCHOOL**	.00	.00	140,645.60	140,645.60	.00	140,645.60	100.00-
	--FUND TOTAL--	.00	11,820.00	140,645.60	140,645.60	.00	128,825.60	89.89-



11/10/2015

\*GL0600A\*

CUMBERLAND CO  
EXPENDITURE SUMMARY  
7/01/2015 - 11/10/2015

PAGE 9  
TIME 8:29

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING
		.00	.00	.00	.00	.00	.00	.00
	--FINAL TOTAL--	.00	.00	.00	.00	.00	.00	.00



**MEMO**

**To:** Cumberland County Board of Supervisors  
Vivian Seay Giles, County Administrator/County Attorney

**From:** Tracie Wright, Finance Director

**RE:** Appropriation Request

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At previous meetings of the Board of Supervisors, Ms. Giles discussed the purchase of a parcel of land adjacent to the Piedmont Regional Jail for possible expansion of the facility. Ms. Giles explained that five of the six Piedmont Regional Jail member counties had agreed to purchase the real property using funds on deposit with the Piedmont Juvenile Detention Center. This Board adopted a resolution to authorize and confirm such purchase.

Recently, Cumberland County received a check from Piedmont Juvenile Detention Center in the amount of \$20,000. In order to finalize the purchase of the real property located in Prince Edward County adjacent to the Piedmont Regional Jail, the following appropriation is needed to pay Cumberland County's one-fifth portion of the payment for the parcel of real estate:

3-100-001899-0018 (Refunds & Reimbursements)	\$19,193.70-
4-100-012210-3150 (Legal Services)	\$19,193.70+

The balance of the \$20,000, or \$806.30, will remain on deposit with Cumberland County to be used as the County deems appropriate.

**Planning Projects:  
November 2015**

<b>Zoning:</b>		
<b><i>Pending Zoning Questions and Requests</i></b>		
<b><i>CUP's and Rezoning Requests</i></b>		
Kevin Dunn	1671 Cumberland Road	Kevin Dunn is requesting rezoning from R-2 to B-1 on the frontage of his property. The Planning Commission held the public hearing for this proposal at their October meeting. They recommend approval of this proposal unanimously and the Board's public hearing is scheduled for November 17, 2015.
Blue Door Mini Storage	Address TBD Plank Road	Approved.
Mitchell's Market	2487 Cumberland Road	Jason Sanchez is requesting a CUP for a restaurant/brewpub/brewery. The Planning Commission is exploring a code amendment to address these uses in the A-2 district. The Planning Commission public hearing was held on September 21, 2015. The Planning Commission has deferred action on this request, awaiting additional information from the applicant.
Howard Bales	Address TBD Stoney Point Road	Howard Bales is requesting rezoning of his property from R-2 to A-2. The Planning Commission held a public hearing on this request on October 19, 2015. The Planning Commission has deferred action on this request and will reconsider it at their November meeting.
Olander and Minerva Fleming	Address TBD Taylor Road	Olander and Minerva Fleming own two adjacent lots on Taylor Road. One lot is two acres, and has an old one room school on the property. The structure is currently used as a chapel. The other lot is 0.33 acres. The Flemings would like to combine the lots and build a house. They require a CUP, due to the existing structure on the two acre lot. The Planning Commission will consider the request at their November 16, 2015 meeting a public hearing is requested with the Board for December 8, 2015.
Kellee Sutton	Address TBD Amphill Road	Kellee Sutton is requesting a CUP for a non-conforming lot of less than one acre. The Planning Commission is considering this request on November 16, and the Board has a public hearing scheduled for November 17.
Robert Wise/ Cumberland County Planning Commission	Intersection of Routes 13 and 60	The Planning Commission has initiated a rezoning for the property owned by Robert Wise at the intersection of Routes 13 and 60. Currently, these properties are zoned B-3; the request is for B-1. The Planning Commission public hearing is scheduled for November 16, 2015, and a Board public hearing is requested for December 8, 2015.
Cartersville Volunteer Fire Department	Intersection of Cartersville and Jennings Roads	The Cartersville Volunteer Fire Department has purchased four acres at the intersection of Jennings and Cartersville Roads. The property is zoned A-2, and requires a Conditional Use Permit for use as a fire station. The Department will also need a waiver to the front setback, in order to meet VDOT entrance criteria. The Planning

		Commission will hold a public hearing on the CUP and consider the waiver on November 16, 2015. The Board of Supervisors is requested to schedule a public hearing for December 8, 2015. Finally, the Board of Supervisors will also need to consider a resolution for VDOT surety for work in the R-O-W at their November 17 meeting.
<b>Other Zoning Issues-</b> Three cases under legal review.		
<b>Subdivisions:</b>		
<b>Approved Subdivisions</b>		
Delana Glenn	Holman Mill Road	Family division of two lots.
Catherine Estes	Needham Subdivision	Resubdivision of a portion of Needham subdivision.
Penny Baber	Intersection of Jennings and Cartersville Roads	Division of one lot.
<b>Pending Subdivisions</b>		
Pearl Mayers	Morningside Drive	Subdivision of one lot.
James Grissom	Waterfront Lane	Subdivision of three lots.
Doc Carter	Something Lane, off of Stoney Point Road	Family division of three parcels.
<b>Subdivision Plat Vacation</b>		
Chris Bishop	Address TBD Tarwallet Road	Applicant requests a vacation of plat to eliminate a 0.24 acre dedication for a road on an existing subdivision plat.
<b>Other Subdivision Requests</b>		
Robert V. Wright	498 Davenport Road	Lot line adjustment between two lots.
Lee Harrison	30 Church Street and 39 High Street	Lot line adjustment between two lots.
<b>Other Regulatory Functions:</b>		
<b>Erosion and Sediment Control Applications</b>		
Henrico County	Utility Corridor Clearing Project	Utility corridor being cleared.
Edward Sims	Intersection of Jamestown and Cuffie Roads	Agreement in Lieu of a Plan for a single family home.
Thomas and Sarah Spry	180 Cedar Lane	Agreement in Lieu of a Plan for a single family home.
Randall Daves	Address TBD Jenkins Ridge Road	Agreement in Lieu of a Plan for a single family home.
<b>Code Amendment Questions</b>		
Wineries and Breweries	Countywide	As part of the request for Mitchell's Market, the Planning Commission is considering an amendment to the Zoning Ordinance to allow wineries and breweries as a conditional use in the A-2 district. A public hearing with the Commission was held on September 21, 2015. The Planning Commission has deferred this request.
Sign Ordinance	Countywide	The Planning Commission has review the Ordinance and recommends no changes.
Buffers	Countywide	The Planning Commission will hold a public hearing on a revised buffer ordinance on November 17, 2015.
Cemeteries	Countywide	Approved.

Watershed Protection Ordinance	Cobbs Creek Reservoir Watershed	The Planning Commission will begin work on the Watershed Protection Ordinance this fall, as required by the County's MOU with Henrico County. The Commission held a workshop meeting on September 14, 2015 with Henrico to gain a better understanding of the overall project, recreational opportunities, and requirements for the Ordinance.
Definitions	Countywide	An update should happen as part of mixed use district. Rachel completed first draft during her initial review of the Ordinance for the mixed use district. Deferred until completion of CCR Plan Amendment.
Business uses	Countywide	All business uses should be inclusive as the Ordinance moves from a less intensive to a more intensive business zone. In other words, all uses in the B-3 should be included in B-2, and so on. Deferred until completion of CCR Plan Amendment.
Overlay district standards	Anderson Highway between 45 and 45	Standards to require improved appearance in mixed use district around the Courthouse. Deferred until completion of CCR Plan Amendment.
Mixed Use Zoning District	Cumberland Road and Anderson Highway	Combine uses in B-3 and R-2 for a mixed use district. Deferred until completion of CCR Plan Amendment.



## MEMO

To: Board of Supervisors, Cumberland County  
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: November 3, 2015

Re: **Code Amendment to allow additional animals in the R-2 district**

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This code amendment would allow property owners who meet acreage requirements to keep additional animals on their property. Currently, farm uses in the R-2 district are restricted to pasture land, without a conditional use permit. The Planning Commission plans a public hearing on this change at their November 16, 2015 meeting.

**Staff recommends that the Board set a public hearing for December 8, 2015, to consider amending the Cumberland County Code in Chapter 74-262 and 263.**



## MEMO

To: Board of Supervisors, Cumberland County  
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: November 3, 2015

Re: **REZ #15-06 Wise**  
**Tax Map Parcels 57-A-54A, 57-A-55, 57-A-58**  
**Address: 1293, 1307, 1309, 1311 Anderson Highway and 4 Old**  
**Buckingham Road**  
**Rezoning from B-3 to B-1**

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The Planning Commission has initiated a rezoning of the property owned by the Robert Wise. The proposed rezoning is within the area designated in the Comprehensive Plan as high intensity growth. The Planning Commission will hold their public hearing on this proposal on November 16, 2015. **Staff recommends that the Board set a public hearing for December 8, 2015 for a rezoning of tax map parcels 57-A-54A, 57-A-55, 57-A-58, Addresses 1293, 1307, 1309, 1311 Anderson Highway and 4 Old Buckingham Road from B-3, Limited Business to B-1, Business.**



## MEMO

To: Board of Supervisors, Cumberland County  
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: November 3, 2015

Re: **CUP #15-11 Cartersville Volunteer Fire Department  
Tax Map Parcel 23-A-55C  
Address: Address TBD Cartersville Road (at the SE quadrant of  
Cartersville and Jennings Roads)  
A-2 Agricultural Zoning  
CUP for fire facilities**

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The Cartersville Volunteer Fire Department is requesting a Conditional Use Permit for a fire station at the intersection of Cartersville and Jennings Roads. The station will also require a setback reduction which will be addressed in a separate process. The property is located at the intersection of Cartersville and Jennings Road. The Planning Commission will hold their public hearing on this request on November 16, 2015. **Staff recommends that the Board set a public hearing for December 8, 2015 for a Conditional Use Permit to allow a fire station in an A-2 district on tax map parcel 23-A-55C, Address TBD Cartersville Road.**

LAND USE PERMIT  
RESOLUTION  
August 26, 2014



**“RESOLUTION”**

**WHEREAS**, it becomes necessary from time to time for the County of Cumberland to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

**WHEREAS**, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the County of Cumberland by the Virginia Department of Transportation of said permits for the work aforesaid;

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Supervisors this 17<sup>th</sup> day of November, 2015:

**Section 1:** That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the County of Cumberland does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the County of Cumberland and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation’s agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

**Section 2:** That the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized to execute on behalf of the County of Cumberland all land use permits and related documents of the Virginia Department of Transportation.

**Section 3:** That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

**Section 4:** That the County of Cumberland shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

**BE IT STILL FURTHER RESOLVED** that the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

*The foregoing Resolution was adopted by the County Board of Supervisors at its regular meeting held on 17, November, 2015, in Cumberland, Virginia.*

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Vivian Seay Giles  
County Administrator and Attorney  
Cumberland County, Virginia

# Collection Rates - As of October 31, 2015

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## Real Estate:

	Current Collection		
	%	Prior Year %	Change
Tax Year - 2014	95.82%	95.70%	+ 0.12%
Year 2015 - 1st half	93.12%	92.27%	+ 0.85%

## Personal Property:

	Current Collection		
	%	Prior Year %	Change
Tax Year - 2014	96.96%	96.59%	+ 0.37%
Year 2013	98.42%	98.27%	+ 0.15%

# Treasurer's Office

## Outstanding Collections Report

October 2015

### Real Estate

	<u>As of 9/30/15</u>	<u>As of 10/31/15</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2000-2005	\$ 7,791.42	\$ 7,552.00	\$ 239.42	3.07%	
2006	5,081.11	5,081.11			
2007	8,447.88	8,447.88			
2008	11,439.35	11,439.35			
2009	14,596.71	14,596.71			
2010	31,507.99	30,526.94	981.05	3.11%	
2011	61,510.35	60,017.28	1,493.07	2.42%	
2012	102,007.60	99,636.48	2,371.12	2.32%	
2013	161,116.99	157,081.44	4,035.55	2.50%	
2014	239,202.98	232,359.19	6,843.79	2.86%	\$ 92.14
2015 (First Half)	201,067.13	190,762.79	10,304.34	5.12%	\$ 162.47
<b>Total</b>	<b>\$ 843,769.51</b>	<b>\$ 817,501.17</b>	<b>\$ 26,268.34</b>		

### Personal Property

	<u>As of 9/30/15</u>	<u>As of 10/31/15</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2010	\$ 35,941.21	\$ 35,641.81	299.40	0.83%	\$ 43.58
2011	36,841.39	36,444.10	397.29	1.08%	40.97
2012	37,537.65	36,468.23	1,069.42	2.85%	71.29
2013	46,438.16	44,586.52	1,851.64	3.98%	191.97
2014	94,122.49	84,988.20	9,134.29	9.70%	540.05
<b>Total</b>	<b>\$ 250,880.90</b>	<b>\$ 238,128.86</b>	<b>\$ 12,752.04</b>		

# Transactions for DMV Select

October 2015

	# Transactions	Total \$	# Helped	# Transactions	Total \$	# Helped
1	51	\$1,944.37	9	17		
2	26	\$1,166.62	9	18		
3				19	\$1,480.25	7
4				20	\$1,431.53	8
5	29	\$1,888.28	8	21	\$3,342.71	8
6	23	\$2,495.61	10	22	\$606.16	5
7	23	\$1,048.25	5	23	\$3,817.79	11
8	14	\$773.50	7	24		
9	17	\$771.63	4	25		
10				26	\$1,716.50	13
11				27	\$1,282.11	13
12				28	\$2,134.09	6
13	62	\$2,050.95	9	29	\$2,895.95	5
14	17	\$802.30	4	30	\$4,278.15	8
15	34	\$1,352.37	10	31		
16	34	\$3,661.11	12			
				<b>701</b>	<b>\$40,940.23</b>	<b>171</b>

CUMBERLAND COUNTY

BUILDING INSPECTIONS  
DEPARTMENT



OCTOBER 2015

MONTHLY  
REPORT

# COUNTY of CUMBERLAND VIRGINIA

FOUNDED • 1749

## Building Official's Office

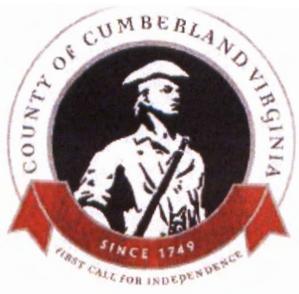
Leland Leeds  
Building Official

[lleeds@cumberlandcounty.virginia.gov](mailto:lleeds@cumberlandcounty.virginia.gov)

Mackenzie Tate  
Building Coordinator /  
Assistant Planning & Zoning  
Administrator

[mtate@cumberlandcounty.virginia.gov](mailto:mtate@cumberlandcounty.virginia.gov)

P.O. Box 110  
Cumberland, VA 23040  
(804) 492-9114 Phone  
(804) 492-9224 Fax



[www.cumberlandcounty.virginia.gov](http://www.cumberlandcounty.virginia.gov)

October	Current Month 2014	YTD 2014	Current Month 2015	YTD 2015
Singlewides	0	4	0	8
Doublewides	0	4	0	7
Modular	0	4	0	1
New Homes	2	14	1	11
Ag & Exempt	2	2	1	3
Garages & Carports	2	20	2	15
Additions & Remodels	4	23	1	21
Misc	10	137	17	128
Commercial	2	21	2	31
<b>Totals</b>	<b>20</b>	<b>226</b>	<b>23</b>	<b>222</b>
Total Fees Collected	\$2,657.75	\$30,354.03	\$1,625.18	\$31,624.58
E-911 Fees Collected	\$0.00	\$166.00	\$12.00	\$192.00
Zoning Fees Collected	\$10.00	\$272.00	\$50.00	\$250.00
S & E Fees Collected	\$0.00	\$351.00	\$100.00	\$550.00
Total Estimated Value	\$1,079,550.00	\$5,429,472.00	\$156,569.00	\$5,426,987.00
Admin. Fees	\$10.00	\$10.00	\$0.00	\$30.00
CO's Issued	8	29	4	26

**MINUTES OF THE CUMBERLAND COUNTY  
PLANNING COMMISSION  
Workshop Meeting  
Cumberland County Community Center Rm. C-8  
Monday, September 14, 2015  
6:30 p.m.**

**PRESENT:** Bill Burger, District 3, Chairman  
Randy Bryant, District 1, Vice-Chairman  
Stephen Donahue, District 2  
Roland Gilliam, District 5  
Irene Wyatt, At-Large  
Larry Atkins At-Large  
David Meinhard, Board of Supervisors member

**ALSO PRESENT:** Sara Carter, Planning Director  
Harley Joseph, VDOT

**ABSENT:** Hubert Allen, District 4  
Vivian Giles, County Attorney/Administrator

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**CALL TO ORDER AND ROLL CALL**

Chairman Burger called the Planning Commission's workshop meeting of Monday, September 14, 2015 to order at 6:32 p.m. and a quorum was established.

**APPROVAL OF AGENDA**

**MOTION:**

Commissioner Gilliam made a motion to approve the agenda. Commissioner Wyatt seconded. The motion carried unanimously with a vote of 6-0.

**DISCUSSION: COBBS CREEK RESERVOIR**

Presentation and Information from Harley Joseph, Transportation and Land Use Director, Lynchburg District, VDOT

Mr. Joseph was invited by Ms. Carter, as he spent the first ten years of his engineering career working on design around Brandermill and Woodlake at Swift Creek Reservoir. Brandermill started in 1974. There were many hard lessons, and he wanted to bring a list of questions and thoughts for the Commission as they consider development around Cobbs Creek Reservoir.

Mr. Joseph showed the road network around Swift Creek at the time of Brandermill's development, and the road network around Cobbs Creek. He stated that at the time of Brandermill's development, there was little knowledge available about how the development would impact the area, and what the county should do. He encouraged the county to review what

has worked in the past, and what has not. All of the zoning categories and information about how it is zoned is available on Chesterfield County's website.

Particular issues that he encouraged the Commission to look at included:

- Public utilities- what utilities should be provided? What would the provision of utilities mean to development? There are many high-tech alternatives available if people want to do higher density. Also, be aware that decisions that are made at the beginning will impact the future. Would we allow a private service authority to serve land around the reservoir? How far?
- Access- how will people get to the reservoir? Where will the public access be? What are the limitations as to how the reservoir be used? Who will enforce the buffer requirement that is being required? Deputies? Will replanting be required? Will there be fines? What will be the rules for docks?
- Road improvements- It is important to not just think about Columbia Road, but also about the intersections with Columbia Road. As development occurs, getting right-of-way dedication is going to be critical. It is important to not just gain that r-o-w along the major roads, but also at intersections. This will keep the VDOT money that is spent for improvements going towards actual improvements, rather than r-o-w acquisition.

Cumberland County has several advantages in terms of the reservoir over Swift Creek. The Cobbs Creek Reservoir is a deeper reservoir, which will prevent some of the hot water and algae that Swift Creek has had. Additionally, the watershed for Cobbs Creek is much smaller, which means that there is a much more limited area that is controlled to protect water quality. Finally, Cobbs Creek is not a direct draw reservoir.

The Commission had an extended conversation about how the buffer will be regulated and who will be responsible for that. What is the fee structure? What is the method for enforcement? Will there be an expectation to regulate noise? Noise travels over water and may cause problems in the future.

In closing, Mr. Joseph encouraged the Commission to continue to ask questions and explore options.

Presentation by Mr. Bill Mawyer, Assistant Director, Public Utilities, Henrico County

Mr. Mawyer reviewed the history of the planning for the reservoir. Following statewide drought and encouragement by the state, Cumberland County found an appropriate site and submitted an application for a reservoir in this location, which was approved in 2007. Henrico and Powhatan got involved in negotiations with Cumberland, and ultimately, Henrico purchased the rights to the permits and developed a Memorandum of Understanding with Cumberland County.

The reservoir will not be a direct draw reservoir. It is a temporary storage facility for the James River. When the river is high, water will be taken to fill the reservoir. It will hold approximately 14.8 billion gallons of water, which Henrico will release when the river is low, to allow them to draw additional water at their site downriver. For the right to draw down 100 million gallons of water/day, Henrico must release 47 million gallons of water/day. The 47 million gpd is the total for all partners (30 mgd for Henrico, 10 mgd for Powhatan, and 7 mgd for Cumberland).

The intakes from the river will have a series of screens to prevent fish and fish eggs from being taken out of the River. It will be pumped out of the river at a rate of up to 150 mgd. The total reservoir pool area will be about 100 acres in size. The average elevation will be 345,' with variation based upon whether water is being added or removed.

Henrico pays Cumberland County \$1.13 million/year for hosting the reservoir. This amount is steady for a total of 50 years, starting in 2010. Henrico County has purchased a total of 1830 acres, with no condemnation. Only one house that exists currently would be in the water.

The watershed is primarily limited by Columbia Road. Cumberland County is required to adopt a watershed protection ordinance as part of the agreement with Henrico. About 20% of the land area that will be covered by water will be left wooded, with standing trees in the reservoir (for fish habitat). In the deeper parts of the reservoir (approximately 140 feet deep), trees will not be seen. However, in the shallower portions, trees will either be visible or close to the surface.

Currently, there is clearing work on the west side of the future reservoir. This is to create a new corridor for Colonial Pipeline (which has two pipelines under the ground in the future location of the reservoir) and Dominion Virginia Power, which has a power line across the future reservoir. As soon as the clearing is done, Colonial Pipeline will build their two new pipes, connect them and move service, and then Virginia Power will follow.

Major features of the dam include a primary dam (about 160 feet high) and the smaller saddle dam. There will be a control tower that sits on top of the pipe between the river and the reservoir. There will also be a pump house and maintenance building. There will also be a large compressor in one of the buildings to keep the river screens clean through the use of compressed air. There will also be a CVEC substation on-site to run the pumps, and a cell tower at the northern end of the property for communication between Henrico and the on-site staff and equipment.

Theoretically, the reservoir could be filled in 100 days. However, the time it takes to fill will depend on several factors, including the amount of water in the River. The total reservoir project is anticipated to cost \$280 million.

There will be one new boat ramp constructed as a partnership between Game and Inland Fisheries and Henrico County as a part of the initial construction of the reservoir. Additional areas for recreation can be added, as Cumberland sees fit.

Commissioner Donahue asked how much fluctuation would occur in the water line. Mr. Mawyer stated that 95% of the time, the water would not be lower than 15 feet less than 345 feet above sea level. He reminded the Commission that the fifteen feet is vertical feet, not horizontal distance. Commissioner Donahue also asked about the recreation areas, and the requirements that would need to be met. Mr. Mawyer replied that recreation is under the purview of Cumberland County. Mr. Peterson also stated that public recreation is an exempt use from many of the regulations that DEQ enacted with the permit.

Commissioner Bryant asked who would set horsepower regulations in the reservoir and asked what they may be. Mr. Mawyer stated that DGIF has suggested that gas powered motors of up to 10 h.p. would be allowed. Commissioner Bryant also asked who would be responsible for repairing roads damaged during construction. Mr. Mawyer stated that a road survey had been completed as part of the project's beginning, but that road maintenance would be under VDOT.

Commissioner Bryant suggested that it would be helpful if Henrico assisted Cumberland with getting additional help from the General Assembly on the road issues in the area. Mr. Mawyer indicated that Henrico would be happy to help.

Mr. Mawyer also stated that Henrico is still determining how they are going to address property maintenance and caretaking once the project is completed. There will be a need for someone to open and close the gate and be available to deal with issues.

Commissioner Gilliam asked that Mr. Mawyer give a little more insight into the funding for the project. Mr. Mawyer stated that Henrico has approximately 95,000 connections to their water and sewer system. This project will be funded through the utility enterprise fund. So far, project costs have been paid out of pocket (\$55 million), but there will be revenue bonds that will be sold to fund the remainder of the project. None of the costs will be paid out of taxes; the costs will be paid by the water and sewer customers. If Powhatan joins in with the reservoir, they will share some of the expenses. Cumberland has no expenses unless they begin using water from the reservoir, at which point they would begin assisting with operating costs.

Chairman Burger asked about development that would be in the watershed. Staff and Henrico responded that development would be limited by the Watershed Protection Ordinance, but that the limitations primarily relate to the buffer area. The rest of the watershed does not prohibit development, but just protects from water polluters, such as fuel storage.

Mr. Meinhard asked whether boat ramps would be allowed. Mr. Mawyer stated that boat ramps are not allowed, outside of public recreation areas. There are no roads that are allowed to be constructed to the reservoir.

A discussion followed about enforcement. Actions to enforce the buffer will be two-fold. Cumberland County will have zoning enforcement capability over the watershed. Henrico County will own the water, plus five feet over the typical full mark (345' above sea level). The buffer is either owned by Henrico County or there is an easement for Henrico, so they would have the ability to enforce the buffer through civil action. There were concerns expressed by the Commission regarding the cost of enforcement. These costs were calculated as part of the money that is given to Cumberland as part of the MOU.

Commissioner Wyatt asked about the county charging for boat stickers, or user fees to help cover costs. Mr. Mawyer stated that Cumberland County can develop recreation and charge for that use. She further asked if jetskis would be allowed. Mr. Mawyer stated that they would not. Additional questions centered on hours of operation (as yet undetermined, but likely limited to day). There were some concerns about water rescue if it were needed.

Mr. Mawyer stated that Henrico hoped that this would be a wonderful amenity for Cumberland County when it is completed. Mr. Overmann offered tours for Commission members.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**



**MINUTES OF THE CUMBERLAND COUNTY  
PLANNING COMMISSION  
Regular Meeting  
Cumberland County Community Center Rm. C-8  
Monday, September 21, 2015  
6:30 p.m.**

**PRESENT:** Randy Bryant, District 1, Vice-Chairman  
Stephen Donahue, District 2  
Bill Burger, District 3, Chairman  
Hubert Allen, District 4  
Roland Gilliam, District 5  
Irene Wyatt, At-Large  
Larry Atkins, At-Large  
David Meinhard, Board of Supervisors member

**ALSO PRESENT:** Sara Carter, Planning Director

**ABSENT:** Vivian Giles, County Administrator/Attorney

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**CALL TO ORDER AND ROLL CALL**

Chairman Burger called the Planning Commission's regular meeting of Monday, September 21, 2015 to order at 6:30 p.m. and a quorum was established.

**APPROVAL OF AGENDA**

**MOTION:**

Commissioner Allen made a motion to approve the agenda with item 9 to be moved to after item 11. Commissioner Gilliam seconded. The motion carried unanimously 7-0.

**APPROVAL OF MINUTES**

**MOTION:**

Commissioner Gilliam made a motion to approve the minutes from August 17, 2015. Commissioner Donahue seconded. The motion carried unanimously 7-0.

**PUBLIC HEARING: CUP 15-07 BLUE DOOR MINI STORAGE**

Staff reviewed the proposal as well as input from VDOT and the Building Official.

Chairman Burger opened the public hearing.

Chairman Burger requested that the applicant give an overview of the proposal and why he wanted to develop the property.

Mr. Michael Yoder stated that he hoped to do this project for his son-in-law, who has medical issues. He stated that most of the local mini-storage units stay pretty full, and that this parcel does not perk.

Commissioner Donahue asked whether the project would include lighting. Mr. Yoder responded that there would be lights above the doors.

Commissioner Donahue asked whether there would be hours of operation or a gate. Mr. Yoder responded that he was not planning on having a gate or fence. There would be 24 hour access to the site.

Commissioner Donahue asked whether there would be any particular restrictions as to what could be stored there. Mr. Yoder stated that he would follow what is normal and customary for other mini-storage facilities. Commissioner Donahue further asked whether there would be outside storage. Mr. Yoder stated that he would not have outside storage.

Commissioner Wyatt asked if the applicant had any problem providing the restroom per the Building Official. Mr. Yoder stated that he did not like it, but if it was required, he would provide it.

Commissioner Gilliam asked how many units there would be. Mr. Yoder stated that there would be two buildings at first, and build up to four buildings, with 30 units per building. Mr. Atkins followed up asking if all units were exterior; Mr. Yoder answered yes.

Vice-Chairman Bryant asked if a restriction on hours of operation would have an adverse impact. Mr. Yoder answered that he did not know what impact that would have.

Mrs. Carol Miller of Cumberland Road stated that she was concerned about the lack of security, with 24-7 access.

Hearing no further comments, Chairman Burger closed the public hearing.

Vice-Chairman Bryant asked how many storage units were in the county. Staff stated that they are unsure how many there are, as these used to be permitted uses. Commissioner Bryant stated that he wasn't sure that a gate or fence was necessary, as you never hear of any trouble on the existing storage units.

Commissioner Donahue stated that he is in favor of people being able to do what they want on their own land as long as it doesn't create a problem for their neighbors. He stated that the business owner is going to be concerned with security. He said it should be sent to the Board for approval.

Commissioner Wyatt stated that there doesn't seem to be any issue with the non-gated mini-storage units and expressed support for the Building Official's requirement for the port-a-john.

Commissioner Allen expressed concern regarding the location of the use. He further stated that he is concerned about ignoring the Comprehensive Plan. Finally, he expressed concern regarding the differential treatment of different applicants before the Commission tonight.

Commissioner Gilliam asked the applicant whether there is a need for the use. The applicant responded that the existing mini-storage units are full.

There was general discussion about the fact that existing units are not required to have restroom facilities, but any new facilities are.

Commissioner Atkins stated that he has two mini-storage locations, one fenced and one not. They have more problems at the unfenced location. He said that the units are full during the summer, but not as much during the school year.

Chairman Burger stated that he is not in support of the proposal, as it does not match the Comprehensive Plan, which was worked on extensively. He asked for a motion.

**MOTION:**

Commissioner Allen moved to recommend denial to the Board of Supervisors. Commissioner Gilliam seconded. Three voted for the motion (Allen, Gilliam, Burger), three voted against (Bryant, Donahue, Wyatt), and one abstained (Atkins).

The Commission discussed the proposal and whether there were any changes to the vote.

Commissioner Donahue made a motion to send the proposal to the Board of Supervisors with the divided recommendation. Vice-Chairman Bryant seconded. The motion passed unanimously 7-0.

**CUP 15-07 HARRISON**

Staff reviewed the proposed conditional use permit, which would allow a boundary line adjustment between two non-conforming lots. Staff explained that the reason this adjustment could not be approved in the office is because one of the lots is becoming more non-conforming. All of Cartersville is zoned R-3, which requires five acres. Everything in Cartersville is thus non-conforming, and if any lot is being made smaller, it is becoming more non-conforming. Mr. Harrison seeks to balance out the acreage between two lots. The conditions include setbacks that would allow the houses to have additions in the future.

Chairman Burger asked if there is something that could be done to fix this in the County Code, for example, as was done for Trice's Lake. Staff responded that there are three ways to handle this concern. First, change the standard for boundary line adjustments. Second, a blanket CUP could be done for Cartersville, as with Trice's Lake. Finally, staff and the Commission could look at language for a "validation plat," which would be an administrative process for property owners to become legal.

Vice-Chairman Bryant had no concerns.

Commissioner Donahue asked the applicant whether he was comfortable with the proposed setbacks. The applicants stated that they were appropriate.

Commissioner Wyatt had no concerns.

Commissioner Allen had no concerns.

Commissioner Gilliam asked why the lots were originally changed. Mr. Harrison stated that it was originally changed to allow grazing for a previous owner's horse.

Commissioner Atkins asked whether there are existing houses on both lots, and whether there would be any additional residences due to this change. No new residences are planned.

Chairman Burger stated that for the future, he would like to see a change to the Code that would allow these things, and asked that staff send the Commission possible language.

**MOTION:**

Commissioner Gilliam Allen made a motion that the proposal be recommended for approval to the Board of Supervisors. Commissioner Allen seconded the motion. The motion passed unanimously 7-0.

**PUBLIC HEARING: CUP 15-08**

Staff reviewed the application for Mitchell's Market. The applicant, Jason Sanchez, seeks to add commercial uses to his existing building and the parcel to the rear. The existing store has two Conditional Use Permits, one for a store and one for an automotive garage. Mr. Sanchez would like to add a brewpub style restaurant and a micro-brewery in the future. The application has been configured as a CUP within the A-2 district, as this would allow greater flexibility for Mr. Sanchez, if he produces agricultural products on-site that are used for the beer. However, a straight rezoning to B-1 would also accomplish the desired outcome for Mr. Sanchez. VDOT did not have any concerns regarding site distance. They will request that entrances on Cumberland Road be closed as improvements are made. The greater problem will be provision of wastewater. The soil is poor in this location, and the Health Department is going to want Mr. Sanchez to hook up to county sewer. From the county point of view, the sewer line going down Route 45 is a force main, and tapping into that line will be expensive and will require engineering services. Staff has advised the applicant that he needs to retain an engineer who will be working for him and will advise him as to his most efficient and cost-effective way to deal with his wastewater. The only citizen comment received on this application was from one adjacent neighbor, concerned about any use that would include on-premises alcohol sales.

The commissioners all agreed that they would like to see the application move forward, and there is general support for the use, however more information is needed regarding water and wastewater provision. There further seemed to be general agreement to change the application to a rezoning.

The applicant stated that he is working to address these issues, and that he is screening engineers now.

Chairman Burger opened the public hearing.

There were no speakers.

Chairman Burger closed the public hearing.

**MOTION:**

Commissioner Allen made a motion that the application be deferred until additional information is received and staff is directed to assist Mr. Sanchez in his endeavor. Commissioner Donahue seconded. The motion passed unanimously 7-0.

### **PUBLIC HEARING: CA 15-10 WINERIES AND BREWERIES IN AN A-2 DISTRICT**

Staff reviewed the proposed language that would allow wineries and breweries to be a conditional use in the A-2 district. Staff has this prepared in case the Commission wanted to move the application and code amendment to the Board of Supervisors.

Chairman Burger opened the public hearing.

There were no speakers.

Chairman Burger closed the public hearing.

### **MOTION:**

Commissioner Allen made a motion that the Commission defer the code amendment until there is a reason to bring it forward. Commissioner Donahue seconded the motion. The motion passed unanimously 7-0.

### **OLD BUSINESS**

Staff updated the Commission on old business. Staff updated the Commission on the Sign Ordinance. The Board of Supervisors has adopted an ordinance. Because of all of the changes, the Board has sent the Ordinance back to the Planning Commission to ensure that there are no conflicts in the Ordinance as changes were made. Commissioner Donahue pointed out that there is a typo in section 74-629, #1. Commissioner Donahue asked about the language used to describe the sign area. Does the language mean aggregate sign area? The answer is yes. Supervisor Meinhard asked whether both sides of a banner sign would count towards area. Mrs. Carter answered that she would not count both sides, as that would not be consistent with how other signs are calculated.

### **NEW BUSINESS**

Mrs. Carter reviewed the results of the last Board of Supervisors meeting.

### **GENERAL CITIZEN COMMENT**

Chairman Burger opened the General Citizen Comment period.

There were no speakers.

Chairman Burger closed the General Citizen Comment period.

### **GENERAL COMMISSIONER COMMENTS**

There were no Commissioner comments.

**ADJOURNMENT**

**MOTION:**

At 7:43p.m., Commissioner Allen moved to adjourn to the next Planning Commission meeting of Monday, October 19, 2015 at 6:30 p.m. or as soon after as may be heard. Commissioner Gilliam seconded. The motion carried unanimously with a vote of 7-0.

Attested:

\_\_\_\_\_  
Bill Burger, Planning Commission Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sara Carter, Planning Director

\_\_\_\_\_  
Date



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

October 7, 2015

TO: County Administrators  
City Managers

COPY: Local Department of Social Service Directors

FROM: Margaret Schultze *for JR Simpson*

SUBJECT: 2015 Annual Financial Statements

**NOTE** -copies have been revised for statewide FAMIS Benefits only. Please keep/use this version labelled FINAL in the top right corner.

The 2004 Virginia General Assembly directed staff from the Joint Legislative Audit Review Commission (JLARC) to conduct a review of the operation and performance of Virginia's social services system. The final JLARC report, issued in October 2005, included a number of recommendations for the Virginia Department of Social Services (VDSS). One of JLARC's recommendations was that VDSS provide an annual financial statement to each local department, local government, and to the public. The tenth annual report for state fiscal year 2015 activity was recently completed.

A copy of your locality's financial statement for fiscal year 2015 is enclosed. The statement represents a synopsis of program and administrative costs for the social services provided to your community. The statement also reflects the share of costs paid by federal, state, and local governments.

A state-wide summary is also enclosed to provide a benchmark for reviewing your locality's data. These statements are intended to provide you with a better view of the total social services system as it exists within the Commonwealth.

To produce this report, VDSS gathered locality data from several VDSS systems, as well as from other state agency systems and websites. Every effort is made to ensure the report is as accurate and useful as possible. We welcome any comments you may have that would assist us in refining and improving the report in the future.

General comments and questions should be directed to David Morrison, VDSS Local Reimbursement Manager at [david.morrison@dss.virginia.gov](mailto:david.morrison@dss.virginia.gov) or 804-726-7266.

MRS/jrs  
Enclosures

OVERALL Statewide Summary

Fiscal Year 2015 Social Services Expenses by Category and Budget Line  
LASER Set of Books Adjusted by Cost Allocation Results

Abbreviation Key for Category:  
 A: Staff, Administrative and Operational Overhead Expenditures  
 B: Income Benefits paid to or on behalf of clients by LDSS  
 PS: Purchased Services by LDSSs on behalf of Clients  
 U: Unspecified Local and Miscellaneous Programs  
 R: Central Service Cost Allocation Expenditures  
 SW: Statewide Benefits-Programs operated by LDSSs but paid primarily at state/federal level

- 1 0033 Non-Reimbursable costs are Local Only costs as reported by the locality in VDSS financial systems. Local records may vary.
- 2 0077 Non-Reimbursable costs Exceed State Allocation as reported by locality in VDSS financial systems. Local records may vary.
- 3 Sections I & II are costs reported in VDSS financial systems and reflect June 1 to May 31 costs. Section III are costs incurred during the state FY.
- 4 CSA Costs are paid at the local level with reimbursement from the State Children's Services Act.
- 5 The SLH program was not funded for SFY15, therefore there were no expenditures.
- 6 For FY15, Child Care provider payments are made by VDSS through VACMS.
- 7 Refugee Assistance payments are made at Local Health Districts and not the LDSS.

NOTE: Percentages calculated against Total Reimbursables YTD

Category BL	Budget Line Description	Federal Funds YTD	Fed %	State Funds YTD	State %	Federal/State YTD	Federal/ State %	Local Funds YTD	Local %	Total Reimbursables YTD	0033 Non Reimbursables YTD 1	0077 Non Reimbursables YTD 2	Grand Total YTD
<b>I Local Department of Social Services</b>													
<b>Staff, Administrative, and Operational Overhead Costs</b>													
A	850 Outstationed Eligibility Staff	1,482,256	74.37%	0	0.00%	1,482,256	74.37%	510,859	25.63%	1,993,115	(3,218.94)	-	1,989,896
A	852 Dedicated Medicaid Local Effort	405,940	74.40%	139,714	25.60%	545,654	100.00%	0	0.00%	545,654	0	0	545,654
A	855 Staff & Operations Base Budget	207,889,851	54.96%	111,708,756	29.54%	319,598,607	84.50%	58,624,289	15.50%	378,222,896	7,385,209	41,311	385,608,117
A	858 Staff & Operations Pass Through	61,456,811	32.64%	0	0.00%	61,456,811	32.64%	126,810,142	67.36%	188,266,953	3,244,658	39,239	191,511,650
<b>Subtotal: Staff, Administrative, and Operational Overhead Costs</b>		<b>\$ 271,234,858</b>	<b>47.67%</b>	<b>\$ 111,848,470</b>	<b>19.66%</b>	<b>\$ 383,083,329</b>	<b>67.32%</b>	<b>\$ 185,945,290</b>	<b>32.68%</b>	<b>\$ 569,028,618</b>	<b>\$ 10,626,649</b>	<b>\$ 80,550</b>	<b>\$ 579,735,817</b>
<b>Benefit Payments to Clients</b>													
B	804 Auxiliary Grant	0	0.00%	21,251,695	80.00%	21,251,695	80.00%	5,312,924	20.00%	26,564,619	(12)	1,599	26,566,206
B	808 TANF - Manual Checks	(116,742)	51.00%	(112,164)	49.00%	(228,907)	100.00%	0	0.00%	(228,907)	1,661	0	-227,246
B	810 TANF - Emergency Assistance	2,111	51.00%	2,028	49.00%	4,139	100.00%	0	0.00%	4,139	1,429	0	5,567
B	811 IV-E - Foster Care	23,647,906	50.00%	23,647,906	50.00%	47,295,812	100.00%	0	0.00%	47,295,812	33,271	997,388	48,326,471
B	812 IV-E Adoption Assistance	40,185,476	50.00%	40,185,476	50.00%	80,370,952	100.00%	0	0.00%	80,370,952	6,278	80,899	80,458,129
B	813 General Relief	0	0.00%	371,422	62.50%	371,422	62.50%	222,854	37.50%	594,276	1,284,722	62,438	1,941,436
B	816 International Home Studies	4,750	50.00%	4,750	50.00%	9,500	100.00%	0	0.00%	9,500	5,000	0	14,500
B	817 Special Needs Adoption	4,258,505	12.25%	30,515,871	87.75%	34,774,376	100.00%	0	0.00%	34,774,376	(1)	0	34,773,375
B	819 Refugee Cash Assistance	944,191	100.00%	0	0.00%	944,191	100.00%	0	0.00%	944,191	0	0	944,191
B	820 Adoption Incentives	57,149	100.00%	0	0.00%	57,149	100.00%	0	0.00%	57,149	320	0	57,469
B	848 TANF-UP - Manual Checks	0	0.00%	(15,685)	100.00%	(15,685)	100.00%	0	0.00%	(15,685)	8,149	0	-7,536
B	867 TANF Competitive Grant	2,917,210	99.95%	1,410	0.05%	2,918,620	100.00%	0	0.00%	2,918,620	334	0	2,919,954
<b>Subtotal: Benefit Payments to Clients</b>		<b>\$ 71,900,556</b>	<b>37.20%</b>	<b>\$ 115,852,709</b>	<b>59.94%</b>	<b>\$ 187,753,266</b>	<b>97.14%</b>	<b>\$ 5,535,777</b>	<b>2.86%</b>	<b>\$ 193,289,043</b>	<b>\$ 1,341,150</b>	<b>\$ 1,142,324</b>	<b>\$ 195,772,817</b>
<b>Client Services Purchased by LDSS</b>													
PS	217 Guardianship Petitions	0	0.00%	9,813	100.00%	9,813	100.00%	0	0.00%	9,813	850	0	10,663
PS	824 Other Purchased Services	(75)	80.00%	0	0.00%	(75)	80.00%	(19)	20.00%	(94)	140,962	0	140,868
PS	825 Strengthening Families	0	0.00%	(1,000)	100.00%	(1,000)	100.00%	0	0.00%	(1,000)	0	0	-1,000
PS	829 Family Preservation (SSBG)	597,136	84.00%	3,555	0.50%	600,691	84.50%	110,186	15.50%	710,877	97	5,110	716,085
PS	833 Adult Services	4,070,651	80.00%	0	0.00%	4,070,651	80.00%	1,017,662	20.00%	5,088,313	1,145,600	2,191,257	8,425,170
PS	844 SNAPEI Purchased Services	287,554	65.84%	81,487	18.66%	369,042	84.50%	67,694	15.50%	436,736	(1)	8	436,743
PS	861 Independent Living Program - E&T Vouchers	279,482	80.00%	69,870	20.00%	349,352	100.00%	0	0.00%	349,352	24	4,494	353,870
PS	862 Independent Living Program - Basic Allocation	609,763	80.00%	152,441	20.00%	762,203	100.00%	0	0.00%	762,203	0	3,602	765,806
PS	864 Respite Care for Foster Families	67,793	35.64%	122,424	64.36%	190,217	100.00%	0	0.00%	190,217	100	751	191,068
PS	866 Family Preservation / Support - Purch Serv	2,549,092	75.00%	322,886	9.50%	2,871,978	84.50%	526,813	15.50%	3,398,791	6,068	3,000	3,407,858
PS	871 TANF/VIEW Working and Trans Child Care	(17,461)	50.00%	(17,461)	50.00%	(34,922)	100.00%	0	0.00%	(34,922)	0	0	-34,921
PS	872 VIEW	2,921,699	22.93%	7,844,698	61.57%	10,766,397	84.50%	1,974,839	15.50%	12,741,236	11,802	280,457	13,033,495
PS	873 IV-E Foster/Adoptive Parent Training (enhanced rate)	256,936	37.20%	0	0.00%	256,936	37.20%	433,752	62.80%	690,688	44,266	0	734,955
PS	875 IV-E Foster/Adoptive Parent Training (admin rate)	7,586	24.80%	0	0.00%	7,586	24.80%	23,002	75.20%	30,588	0	46	30,634
PS	878 Head Start Transition To Work Child Care	(3,532)	100.00%	0	0.00%	(3,532)	100.00%	0	0.00%	(3,532)	0	0	-3,532
PS	881 Free Child Care - Matching	(7,055)	50.00%	(7,055)	50.00%	(14,110)	100.00%	0	0.00%	(14,110)	(256)	0	-14,366
PS	883 Free Child Care - 100% Federal	(62,618)	100.00%	(62,618)	100.00%	(125,236)	100.00%	0	0.00%	(125,236)	0	0	-125,236
PS	888 Non-VIEW Repayment of VACMS	(80,842)	97.36%	(2,357)	2.64%	(83,199)	100.00%	0	0.00%	(83,199)	0	0	-83,199
PS	889 VIEW Repayment of VACMS	(28,911)	50.00%	(28,911)	50.00%	(57,823)	100.00%	0	0.00%	(57,823)	2,911	7,334	-57,823
PS	890 Child Care Quality Initiative Program	591,844	50.00%	408,372	34.50%	1,000,216	84.50%	183,472	15.50%	1,183,687	52,099	10,159	1,193,932
PS	895 Adult Protective Services	732,869	84.50%	732,869	84.50%	1,465,738	100.00%	134,430	15.50%	1,600,168	887,289	10,159	2,487,457
<b>Subtotal: Client Services Purchased by LDSS</b>		<b>\$ 12,775,909</b>	<b>48.75%</b>	<b>\$ 8,958,762</b>	<b>34.19%</b>	<b>\$ 21,734,671</b>	<b>82.94%</b>	<b>\$ 4,471,833</b>	<b>17.06%</b>	<b>\$ 26,206,504</b>	<b>\$ 1,404,524</b>	<b>\$ 2,884,779</b>	<b>\$ 30,295,807</b>
<b>Unspecified Local &amp; Miscellaneous Programs</b>													
U	000 Miscellaneous	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	947,111	0	947,111
<b>Subtotal: Unspecified Local &amp; Miscellaneous Programs</b>		<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 0</b>	<b>\$ 947,111</b>	<b>\$ -</b>	<b>\$ 947,111</b>
<b>Totals: Local Department of Social Services</b>		<b>\$ 355,911,324</b>	<b>45.14%</b>	<b>\$ 236,659,942</b>	<b>30.01%</b>	<b>\$ 592,571,266</b>	<b>75.15%</b>	<b>\$ 195,952,899</b>	<b>24.85%</b>	<b>\$ 788,524,165</b>	<b>\$ 14,319,433</b>	<b>\$ 3,907,653</b>	<b>\$ 806,751,251</b>

OVERALL Statewide Summary

Fiscal Year 2015 Social Services Expenses by Category and Budget Line  
LASER Set of Books Adjusted by Cost Allocation Results

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NOTE: Percentages calculated against Total Reimbursables YTD

Category BL	Budget Line Description	Federal Funds YTD	Fed %	State Funds YTD	State %	Federal/State YTD	Federal/State %	Local Funds YTD	Local %	Total Reimbursables YTD	0033 Non Reimbursables YTD <sup>1</sup>	0077 Non Reimbursables YTD <sup>2</sup>	Grand Total YTD
<b>II Reimbursements to Localities for Non LDSS Expenses<sup>3</sup></b>													
Central Services Cost Allocation													
R	843 Central Service Cost Allocation	15,565,707	50.00%	0	0.00%	15,565,707	50.00%	15,565,707	50.00%	31,131,414	0	31,864,642	62,996,055
	Subtotal: Central Services Cost Allocation	15,565,707	50.00%	0	0.00%	15,565,707	50.00%	15,565,707	50.00%	31,131,414	0	31,864,642	62,996,055
	<b>Grand Totals: To Localities</b>	<b>\$ 371,477,031</b>	<b>45.32%</b>	<b>\$ 236,659,942</b>	<b>28.87%</b>	<b>\$ 608,136,973</b>	<b>74.19%</b>	<b>\$ 211,518,606</b>	<b>25.81%</b>	<b>\$ 819,655,579</b>	<b>\$ 14,319,433</b>	<b>\$ 35,772,294</b>	<b>\$ 869,747,307</b>
<b>III Statewide Benefit Payments<sup>3</sup></b>													
State, Federal & Local Paid Benefits													
SW	Children's Services Act (CSA) <sup>4</sup>	0	0.00%	223,512,032	65.11%	223,512,032	65.11%	119,789,501	34.89%	343,300,533	0	0	343,300,533
SW	Medicaid Benefits	3,651,430,364	50.00%	3,632,240,483	49.74%	7,283,670,847	99.74%	19,189,881	0.26%	7,302,860,728	0	0	7,302,860,728
SW	Supplemental Nutrition Assistance Program (SNAP)	1,247,287,678	100.00%	0	0.00%	1,247,287,678	100.00%	0	0.00%	1,247,287,678	0	0	1,247,287,678
SW	State & Local Health <sup>5</sup>	63,135,621	100.00%	0	0.00%	63,135,621	100.00%	0	0.00%	63,135,621	0	0	63,135,621
SW	Energy Assistance	39,621,021	45.85%	46,786,610	54.15%	86,407,631	100.00%	0	0.00%	86,407,631	0	0	86,407,631
SW	TANF/TANF UP	177,642,646	65.00%	95,653,733	35.00%	273,296,379	100.00%	0	0.00%	273,296,379	0	0	273,296,379
SW	FAMIS (Total Title XXI Expenditures)	103,411,023	79.70%	26,336,628	20.30%	129,747,652	100.00%	0	0.00%	129,747,652	0	0	129,747,652
SW	Child Care (VACMS) <sup>6</sup>												
SW	Refugee Assistance <sup>7</sup>												
	Subtotal: State, Federal & Local Paid Benefits	<b>\$ 5,282,528,354</b>	<b>55.92%</b>	<b>\$ 4,024,529,486</b>	<b>42.61%</b>	<b>\$ 9,307,057,841</b>	<b>98.53%</b>	<b>\$ 138,978,382</b>	<b>1.47%</b>	<b>\$ 9,446,036,223</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 9,446,036,223</b>
	<b>Grand Totals: Social Services System</b>	<b>\$ 5,654,005,385</b>	<b>55.08%</b>	<b>\$ 4,261,189,428</b>	<b>41.51%</b>	<b>\$ 9,915,194,813</b>	<b>96.59%</b>	<b>\$ 350,496,988</b>	<b>3.41%</b>	<b>\$ 10,265,691,802</b>	<b>\$ 14,319,433</b>	<b>\$ 35,772,294</b>	<b>\$ 10,315,783,529</b>

Fiscal Year 2015 Social Services Expenses by Category and Budget Line  
LASER Set of Books Adjusted by Cost Allocation Results

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- <sup>4</sup> CSA Costs are paid at the local level with reimbursement from the State Children's Services Act.
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NOTE: Percentages calculated against Total YTD Reimbursables

Category	BL	Budget Line Description	Federal Funds YTD	Fed %	State Funds YTD	State %	Federal/State YTD	Federal/State %	Local YTD	Local %	Total Reimbursable YTD	0033 Non Reimbursable YTD <sup>1</sup>	0077 Non Reimbursable YTD <sup>2</sup>	Grand Total YTD
<b>I Local Department of Social Services<sup>3</sup></b>														
<b>Staff, Administrative and Operational Overhead Costs</b>														
A	855	Staff & Operations Base Budget	395,061	55.00%	211,922	29.50%	606,983	84.50%	111,338	15.50%	718,321	9,377	0	727,698
A	858	Staff & Operations Pass Through	60,969	33.18%	0	0.00%	60,969	33.18%	122,782	66.82%	183,752	29,747	0	213,499
		<b>Subtotal: Staff, Administrative and Operational Overhead Costs</b>	<b>\$ 456,030</b>	<b>50.55%</b>	<b>\$ 211,922</b>	<b>23.49%</b>	<b>\$ 667,953</b>	<b>74.05%</b>	<b>\$ 234,120</b>	<b>25.95%</b>	<b>\$ 902,073</b>	<b>\$ 39,124</b>	<b>\$ -</b>	<b>\$ 941,196</b>
<b>Benefit Payments to Clients</b>														
B	804	Auxiliary Grant	0	0.00%	62,352	80.00%	62,352	80.00%	15,588	20.00%	77,940	0	0	77,940
B	808	TANF - Manual Checks	(323)	51.00%	(310)	49.00%	(634)	100.00%	0	0.00%	(634)	0	0	(634)
B	811	IV-E - Foster Care	25,564	50.00%	25,564	50.00%	51,128	100.00%	0	0.00%	51,128	0	0	51,128
B	812	IV-E - Adoption Assistance	35,745	50.00%	35,745	50.00%	71,489	100.00%	0	0.00%	71,489	0	0	71,489
B	817	Special Needs Adoption	0	0.00%	8,071	100.00%	8,071	100.00%	0	0.00%	8,071	0	0	8,071
		<b>Subtotal: Benefit Payments to Clients</b>	<b>\$ 60,985</b>	<b>29.32%</b>	<b>\$ 131,421</b>	<b>63.18%</b>	<b>\$ 192,406</b>	<b>92.51%</b>	<b>\$ 15,588</b>	<b>7.49%</b>	<b>\$ 207,994</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 207,994</b>
<b>Client Services Purchased by LDSSs</b>														
PS	829	Family Preservation (SSBG)	704	84.00%	4	0.50%	708	84.50%	130	15.50%	838	0	0	838
PS	833	Adult Services	2,840	80.00%	0	0.00%	2,840	80.00%	710	20.00%	3,550	0	0	3,550
PS	872	VIEW	14,729	20.53%	45,894	63.97%	60,622	84.50%	11,120	15.50%	71,742	0	0	71,742
PS	890	Child Care Quality Initiative Program	4,125	50.00%	2,846	34.50%	6,971	84.50%	1,279	15.50%	8,250	0	0	8,250
PS	895	Adult Protective Services	(42)	84.48%	0	0.00%	(42)	84.48%	(8)	15.54%	(50)	(5)	0	(55)
		<b>Subtotal: Client Services Purchased by LDSSs</b>	<b>\$ 22,355</b>	<b>26.51%</b>	<b>\$ 48,744</b>	<b>57.80%</b>	<b>\$ 71,099</b>	<b>84.31%</b>	<b>\$ 13,230</b>	<b>15.69%</b>	<b>\$ 84,329</b>	<b>\$ (5)</b>	<b>\$ -</b>	<b>\$ 84,324</b>
<b>Unspecified Local &amp; Miscellaneous Programs</b>														
U	000	Miscellaneous	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0	0	0
		<b>Subtotal: Unspecified Local &amp; Miscellaneous Programs</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
		<b>Totals: Local Department of Social Services</b>	<b>\$ 539,370</b>	<b>45.16%</b>	<b>\$ 392,087</b>	<b>32.83%</b>	<b>\$ 931,457</b>	<b>77.99%</b>	<b>\$ 262,939</b>	<b>22.01%</b>	<b>\$ 1,194,396</b>	<b>\$ 39,119</b>	<b>\$ -</b>	<b>\$ 1,233,515</b>
<b>II Reimbursements to Localities for Non LDSS Expenses<sup>3</sup></b>														
<b>Central Services Cost Allocation</b>														
R	843	Central Service Cost Allocation	19,348	50.00%	0	0.00%	19,348	50.00%	19,348	50.00%	38,697	0	36,458	75,155
		<b>Subtotal: Central Services Cost Allocation</b>	<b>\$ 19,348</b>	<b>50.00%</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 19,348</b>	<b>50.00%</b>	<b>\$ 19,348</b>	<b>50.00%</b>	<b>\$ 38,697</b>	<b>\$ -</b>	<b>\$ 36,458</b>	<b>\$ 75,155</b>
		<b>Grand Totals: To Localities</b>	<b>\$ 558,719</b>	<b>45.31%</b>	<b>\$ 392,087</b>	<b>31.80%</b>	<b>\$ 950,806</b>	<b>77.11%</b>	<b>\$ 282,287</b>	<b>22.89%</b>	<b>\$ 1,233,093</b>	<b>\$ 39,119</b>	<b>\$ 36,458</b>	<b>\$ 1,308,670</b>

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<b>State, Federal &amp; Local Paid Benefits</b>														
SW		Children's Services Act (CSA) <sup>4</sup>	0	0.00%	415,966	70.20%	415,966	70.20%	176,613	29.80%	592,579	0	0	592,579
SW		Medicaid Benefits	8,215,906	50.00%	8,198,270	49.89%	16,414,176	99.89%	17,636	0.11%	16,431,812	0	0	16,431,812
SW		Supplemental Nutrition Assistance Program (SNAP)	2,792,222	100.00%	0	0.00%	2,792,222	100.00%	0	0.00%	2,792,222	0	0	2,792,222
SW		State & Local Health <sup>5</sup>	190,940	100.00%	0	0.00%	190,940	100.00%	0	0.00%	190,940	0	0	190,940
SW		Energy Assistance	76,854	45.27%	92,921	54.73%	169,775	100.00%	0	0.00%	169,775	0	0	169,775
SW		TANF	253,260	65.00%	136,371	35.00%	389,631	100.00%	0	0.00%	389,631	0	0	389,631
SW		FAMIS (Total Title XXI Expenditures)	104,102	86.86%	15,743	13.14%	119,845	100.00%	0	0.00%	119,845	0	0	119,845
SW		Child Care (VACMS) <sup>6</sup>												
SW		Refugee Assistance <sup>7</sup>												
<b>Subtotal: State, Federal &amp; Local Paid Benefits</b>			<b>\$ 11,633,284</b>	<b>56.24%</b>	<b>\$ 8,859,271</b>	<b>42.83%</b>	<b>\$ 20,492,555</b>	<b>99.06%</b>	<b>\$ 194,249</b>	<b>0.94%</b>	<b>\$ 20,686,804</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 20,686,804</b>
<b>Grand Totals: Social Services System</b>			<b>\$ 12,192,003</b>	<b>55.62%</b>	<b>\$ 9,251,358</b>	<b>42.21%</b>	<b>\$ 21,443,361</b>	<b>97.83%</b>	<b>\$ 476,536</b>	<b>2.17%</b>	<b>\$ 21,919,897</b>	<b>\$ 39,119</b>	<b>\$ 36,458</b>	<b>\$ 21,995,474</b>

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13<sup>th</sup> day of October, 2015, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1  
Lloyd Banks, Jr., District 2, Chairman  
Kevin Ingle, District 3, Vice-Chairman  
David Meinhard, District 4  
Parker Wheeler, District 5  
Vivian Giles, County Administrator / Attorney  
Sara Carter, Planning Director  
Tracie Wright, Finance Director

Absent: None

**1. Call to Order**

Chairman Banks called the meeting to order.

**2. Welcome and Pledge of Allegiance**

The Pledge of Allegiance was led by the Chairman.

**3. Roll Call**

County Administrator, Vivian Giles, called the roll.

**4. Approval of Agenda**

On a motion by Supervisor Osl and carried, the Board approved the Agenda as amended:

Vote: Mr. Osl – aye                      Mr. Banks – aye

Mr. Ingle – aye  
Mr. Wheeler – aye

Mr. Meinhard – aye

**5. Public Comments**

Mr. Tim Kennell came before the Board to give an update on how far the schools have come since the new school was built in 2009. Ms. Undra Deshazor inquired as to what benefits are the citizens receiving for their tax money other than the School System? Ms. Joanna Vaughan and Ms. Pauline Trent voiced concern with the current state of the county, the tax rate, and the possibility of a tax increase. Ms. Barbara Hinton stated that a tax increase is what will need to happen.

**6. State and Local Department/Agencies**

a) Dr. Amy Griffin Superintendent of Cumberland County Schools

Dr. Amy Griffin, Superintendent of Cumberland County Public Schools, gave the Board the following update on school activities:

- Report Cards will be coming home with students on October 20, 2015
- Parent Teacher conferences will be held on October 22, 2015
- The High School Afterschool Program will host a Light's On Night to showcase the afterschool programs
- Cumberland tops the graduation rate in the area.
- Ms. Griffin provided the Board with a handout regarding the Destiny 21 Strategic Plan
- Team Win are finishing the 3<sup>rd</sup> and 4<sup>th</sup> grade pod painting

- b) VDOT

There were no representatives from VDOT present.

- c) Cumberland Public Library

Jennifer Beach, Librarian, was not present.

- d) Ms. Susanna Blauch, American Red Cross/Relay for Life

Ms. Blauch informed the Board and those in attendance about the services the American Red Cross and Relay for Life provide to the community. She also provided handouts with additional information.

## 7. **Public Hearings**

- a) Workforce Investment Area Consortium Agreement

County Administrator, Vivian Giles, informed the Board that due to changes in some of the legislation, changes to the structure of the Workforce Investment Area Board, and thereby the agreement governing the Board, are needed. Ms. Giles requested that the Board adopt the Ordinance that amends the already-in-force Consortium Agreement. Because these changes require adoption by Ordinance, they also then require a public hearing.

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the Workforce Investment Area Consortium Agreement:

## **SOUTH CENTRAL WORKFORCE INNOVATION AND OPPORTUNITY ACT CONSORTIUM AGREEMENT**

This agreement is executed by the duly authorized elected officials from the Counties of Amelia, Brunswick, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway and Prince Edward (the “Member Jurisdictions”) and shall be effective on the latter of July 1, 2015 , or on the day that the last Member Jurisdiction enters into this agreement.

**WHEREAS**, the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128), hereinafter the “Act”), provides federal funding to states for the delivery of workforce training and other services; and

**WHEREAS**, the Act requires the Governor of the Commonwealth of Virginia to designate local workforce development areas for the delivery of such services within the state; and

**WHEREAS**, the Act requires that the Governor approve a local workforce development area designation request from local areas that existed as such under the Workforce Investment Act of 1998 when the member jurisdictions have each made known their desire for such designation; and

**WHEREAS**, the Act requires that the Governor consider and approve requests for Workforce Innovation and Opportunity Act funds made by a combination of local government units; and

**WHEREAS**, the Member Jurisdictions wish to jointly perform the responsibilities prescribed under the Act; and

**WHEREAS**, Va. Code §15.2-1300 provides that local governments may enter into agreements for the joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually; and

**WHEREAS**, the Member Jurisdictions desire to form a joint entity under Va. Code §15.2-1300 to be designated as the South Central Workforce Development Area Consortium (the “Consortium”) and to be recognized as Virginia’s Area VIII Local Workforce Development Area; and

**WHEREAS**, each Member Jurisdiction by ordinance approved the establishment of the Consortium as a joint entity empowered to exercise the responsibilities of the Chief Local Elected Officials as set forth in this Agreement; and

**WHEREAS**, creation of the Consortium will permit the delivery and oversight of workforce services in a manner that will ensure accountability to local elected officials of the Member Jurisdictions.

**NOW, THEREFORE**, the parties do mutually covenant and agree as follows:

### **Article I – Entity**

Section 1. **Formation of Consortium.** The Member Jurisdictions acting pursuant to authority granted to them under Va. Code §15.2-1300 hereby create the South Central Workforce Development Area Consortium as an entity to exercise the powers set forth in this Agreement.

Section 2. **Consortium Membership.** The Member Jurisdictions of the Consortium shall be the Counties of Amelia, Brunswick, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway and Prince Edward.

Section 3. **Consortium as Workforce Development Area.** Subject to the approval of the Governor of Virginia, the ten Member Jurisdictions shall also comprise the boundaries of Virginia's Area VIII Local the Workforce Development Area (the "Area") required by the Act pursuant to 29 U.S.C. § 2831(a)(1).

### **Article II – Consortium Board Membership**

Section 1. **Consortium Board Membership.** The Member Jurisdictions shall establish a Consortium Board comprised of one Representative from each Member Jurisdiction (the "Representative"). The Consortium Board shall have in addition to the powers set forth herein all the powers, duties, and responsibilities of the Chief Local Elected Official as set forth in the Act.

Section 2. **Representative of Member Jurisdictions and Term.** The Representative to the Consortium Board shall be a member of the governing body of the Member Jurisdiction. A Member Jurisdiction may appoint the chief administrative officer to serve as an Alternate for the member of the governing body. Such Alternate shall only serve when the member of the governing body cannot attend a meeting. When the Alternate so serves, the Alternate shall have the same powers and responsibilities as those possessed by the member of the governing body including the right to vote on all matters and shall be counted when determining a quorum. No person shall serve as a Representative if such person is no longer a member of the governing body or its chief administrative officer. Each Member Jurisdiction shall determine the length of term for its Representative and be responsible for filling the vacancy of its Representative who is no longer qualified to serve.

Section 3. **Policy Making Authority.** Every Consortium Board Member shall have the authority to speak affirmatively for the Member Jurisdiction and, in conformity with this Agreement, to commit the Consortium to a course of action.

Section 4. **Removal of Representative.** Under the bylaws and governing rules of the Member Jurisdiction, the Member Jurisdiction may remove its Representative from office.

### **Article III – Consortium Powers (Chief Local Elected Official)**

Section 1. **Powers under the Act.** The Consortium Board shall engage in all activities necessary and proper for the execution of its responsibilities that are assigned or reserved by law to the Chief Local Elected Official, including:

A. Collectively perform the functions of the chief local elected officials of the Member Jurisdictions as permitted in the Act.. For purposes of the Act, the Member Jurisdictions shall act through the Consortium Board.

B. Apply to the Governor of Virginia for Area designation.

C. Appoint the members of the Local Workforce Development Area Board as provided in Article VI of this Agreement.

D. Execute an agreement with the Local Workforce Development Area Board for the operation and functions of the Local Workforce Development Area Board set out in the Act. .

E. Continually establish the vision and priorities of the Consortium in conjunction with the Local Workforce Development Area Board.

F. Develop the region’s strategic plan as the Local Plan under the Act in partnership with the Local Workforce Development Area Board. The plan shall be submitted to the Virginia Board of Workforce Development (hereinafter, the “Workforce Board”) in the manner prescribed by the Workforce Board.

G. Provide input into and approve the budget of the Local Workforce Development Area Board and provide continuing fiscal oversight of all funds received and expended.

H. Work with the Local Workforce Development Area Board and Governor of Virginia to establish local performance measures.

I. Approve the Local Workforce Development Board’s selection and designation of one-stop operator(s), its evaluation of the performance of one-stop operator(s), and its termination of their eligibility for cause as provided in the Act. .

J. From among the Member Jurisdictions, identify annually the local government to serve as Grant Recipient of all funds received under the Workforce Innovation and Opportunity Act.

Section 2. **General Powers.** The Consortium Board shall engage in all things necessary or convenient to carry out the business and affairs of the entity, including, without limitation, the authority to:

A. To sue, be sued, complain and defend in its name.

B. To adopt and amend bylaws, not inconsistent with this Agreement or with the laws of the Commonwealth, for managing the business and regulating the affairs of the Consortium.

C. To purchase, receive, lease, or otherwise acquire, and own, hold, improve, use and otherwise deal with in its own name, real or personal property, or any legal or equitable interest in property, wherever located.

D. To sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property.

E. To make contracts,, borrow, and secure any of its obligations by mortgage or pledge of any of its property, franchises, or income; provided that no such liability or obligation to be paid beyond the current fiscal year shall be binding on any Member Jurisdiction without the specific approval of such Member Jurisdiction's governing body, and any such contract, liability or obligation undertaken that contemplates payment from funds received from any Member Jurisdiction(s) shall contain language expressly making it subject to annual appropriation of the required amount by each affected governing body.

F. To elect officers and define their duties.

G. To hire, discharge, establish the terms and conditions of employment, and pay salaries and benefits to employees who provide staffing services to the Consortium Board, the Local Workforce Development Area Board, and Youth Committee. Such benefits may include retirement and deferred compensation plans, health and life insurance, and other leave and pay benefits as the Consortium Board determines are consistent with the practices within the Member Jurisdictions. The Executive Director shall report directly to the Consortium Board.

H. To pay compensation, or to pay additional compensation, to any or all employees on account of services previously rendered to the Consortium, whether or not an agreement to pay such compensation was made before such services were rendered.

I. To obtain indemnity insurance for the Consortium, its Board, the Local Workforce Development Area Board, and the Youth Committee and any of its officers or employees for any cause of action or claim asserted against them for acts engaged in their official capacity.

J. To employ legal counsel, accountants, and other advisors as the Consortium Board deems necessary as may be permitted under the Act.

K. To have and exercise all powers necessary or convenient to affect any or all of the purposes for which the corporation is organized.

Section 3. **Consortium Board's Oversight and Control.** The Consortium Board shall perform the following functions:

- A. Oversee the local workforce development services in the Consortium Area.
- B. Oversee the youth and other programs and fund sources which may from time to time fall under the purview of the Local Workforce Development Area Board.
- C. Consult on appointments to the Local Workforce Development Area Board's Youth Committee.
- D. Assist in the development of the Local Plan and Plan modification, review and approval for the Act's programs and other programs for which the Local Workforce Development Area Board is given responsibility.
- E. Adopt a budget for the Workforce Development Area including the operating budget developed by the Local Workforce Development Area Board.
- F. To the extent feasible, align all activities in workforce development in the Area under the policy umbrella of the Consortium Board.
- G. When applicable, ensure that the workforce development policies of the Local Workforce Development Area Board become integrated into county overall policies for economic development, education and workforce investment.
- H. Any and all powers necessary and proper to carry out the Consortium's oversight and financial control of the Act's funds and programs.

#### **Article IV – Governance**

Section 1. **Consortium Board Meetings and Officers.** The Consortium Board shall meet as determined by its members. The Consortium Board shall elect from its membership a chairperson, a vice-chairperson and other officers as provided in the bylaws to serve for a term of one year or until a successor is elected and qualified. The Consortium Board shall fill any vacancies in officer positions by election for the remainder of the unexpired term. The chairperson shall appoint a board clerk. Election shall be by a majority of the members of the Consortium Board.

Section 2. **Consortium Board By-Laws.** The Consortium Board may adopt operational and procedural bylaws consistent with this Agreement, applicable federal and state laws, and rules and regulations pursuant thereto. Such bylaws shall be adopted or amended by a majority of the members of the Consortium Board.

Section 3. **Procedural Rules.** Roberts Rules of Order (revised) or other procedural rules shall govern the proceedings of the Consortium Board insofar as they do not conflict with applicable law or the bylaws duly adopted by the Consortium Board.

Section 4. **Quorum.** A simple majority of the Representatives of the Member Jurisdictions (six jurisdictions out of ten) shall constitute a quorum.

Section 5. **Voting.** Except as provided below or required by state or federal law, all votes shall be approved by a simple majority vote. An affirmative vote of at least six (6) Representatives is required to approve the following actions:

A. Issuance of long-term debt obligations (i.e., obligations with maturities exceeding one (1) year, such as lease purchase and borrowings).

B. Sale, conveyance, mortgage, pledge, lease, exchanges and otherwise disposing of all or any part of its real property.

C. Grants or other contractual obligations which require local matching funding from the Member Jurisdictions subject to the appropriation of matching funds by each Member Jurisdiction.

D. Hiring and discharging the Executive Director.

E. Designation of a Fiscal Agent.

Section 6. **Minutes.** Written minutes shall be kept on all meetings. Such minutes shall state the substance of the matters considered and all votes taken.

## **Article V – Operational Provisions**

Section 1. **Allocation of Funds.**

A. Funds allocated under the Act shall be expended for the mutual benefit of the residents of the Member Jurisdictions without regard to place of residence or as required by applicable law, regulation or in the approved Local Plan.

B. The chief administrative officers or their designees may execute an Operational Agreement to specify the use of general funds that each Member Jurisdiction may provide for services and administration under the Act.

Section 2. **Designation of Fiscal Agent.** The Consortium Board shall select a local government to be the fiscal agent for all funds awarded by the federal government, the Commonwealth of Virginia, the local jurisdictions, or other funding sources for workforce development activities, including Title I funds provided by the Act. The Grant Recipient and the Fiscal Agent can be the same member jurisdiction.

Section 3. **Responsibility for Funds.** The Member Jurisdictions collectively and individually shall be financially responsible for the expenditure of funds.

Section 4. **Allocation of Financial Responsibility.** Disallowed costs shall be allocated to the Member Jurisdiction(s) on a pro-rata share for the services provided in their jurisdiction(s) in the prior fiscal year under the program(s) for which such costs were disallowed.

Section 5. **Return of Local Funds.** If Member Jurisdictions contribute funds, assets or resources to the programs of the Consortium other than funds obtained under the Act, each shall be entitled to the return of the pro rata portion of any remaining funds, assets and resources under the control of the Consortium Board in the event of the termination or expiration of this Agreement.

Section 6. **Liability Insurance.**

A. The Consortium Board shall provide from eligible funds liability insurance policies for itself and its affiliate entities, the Local Workforce Development Area Board and the Youth Committee and their representatives and their officers, members, employees, volunteers, and Member Jurisdictions (“the covered persons”) as it deems appropriate and shall provide legal defense of claims in accordance with the terms of the policies of insurance.

B. The liability insurance should be in such amounts as are sufficient to cover any and all claims resulting from the performance of the official duties and responsibilities of the covered person. The Consortium Board, or its authorized representatives, shall retain legal counsel to represent the covered persons to the extent deemed necessary to supplement legal counsel provided under said liability insurance policies.

C. Nothing contained in this Agreement shall be construed to abrogate or waive any defense of governmental or sovereign immunity on behalf of the Representatives, Alternates, covered persons, boards or entities.

**Article VI – Local Workforce Development Area Board**

Section 1. **Membership.**

A. The Consortium Board shall appoint the members of the Local Workforce Development Area Board in accordance with the criteria in the Act. . The Consortium Board shall make every effort to appoint creative and visionary individuals to the Local Workforce Development Area Board. Each Member Jurisdiction shall recommend to the Consortium Board nominees for the Local Workforce Development Area Board. The Consortium Board shall coordinate and consult with the Member Jurisdictions when necessary to ensure appropriate representation of the Member Jurisdictions, the regional labor market, the adult education providers, economic development leaders and the mandatory partner programs prescribed by the Act.

B. In making appointments, the Consortium Board shall ensure that resources and programs, although regional in nature, will address the critical workforce needs, present and future, of each Member Jurisdiction.

Section 2. **Membership Composition**

A. The membership of the Local Workforce Development Area Board shall be determined as follows:

1. There shall be two representatives from each Member Jurisdiction who are owners of a private business or chief executive officers of private businesses, or other business executives or employers with optimum policymaking or hiring authority; who represent businesses, including small businesses, or organizations representing businesses described here that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and employment in in-demand industry sectors or occupations in the local area; and who are appointed from among individuals nominated by local business organizations and business trade associations. Business representatives shall at all times comprise at least 51% of the Local Workforce Development Area Board's membership. The business representatives must represent a broad range of in-demand occupations available in the local labor market.

2. There shall be one representative from a local community college providing WIOA training services.

3. Not less than 20% of the members of the local Board must be made up of representatives of labor organizations. This includes representatives who have been nominated by local labor federations and representatives from apprenticeship programs. Community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities , and “out of school” youth can be included in the 20% with a minimum of at least two labor organization representatives. .

4. There shall be at least one representative from the Virginia Employment Commission who administers WIOA Title III activities for the local area.

5. There shall be at least one representative from a local economic and community development entity.

6. There shall be at least one representative of an eligible provider administering WIOA Title II Adult Education and Literacy activities locally.

7. There shall be at least one representative from a secondary public school’s Career and Technical Education program.

8. There shall be at least one representative from the Department for Aging and Rehabilitative Services who administers WIOA Title IV activities for the local area.

9. There may be other individuals or representatives of entities as the Consortium Board may determine to be appropriate to develop a comprehensive workforce policy within the region.

B. The Chair and Vice-Chair of the Local Workforce Investment Area Board shall be from among the representatives appointed under Subsection A(1) above.

C. The Executive Director shall notify the Consortium Board at the beginning of each fiscal year of the members serving on the Local Workforce Development Board.

Section 3. **Duties under the Act.** The Local Workforce Development Area Board shall do the following:

A. Enter into an agreement with the Consortium Board clearly detailing the partnership between the two entities for the governance and oversight of activities under the Act..

B. Establish the vision and priorities of the Local Workforce Development Area in conjunction with the Consortium Board.

C. Develop the Local Plan for the Local Workforce Development Area in partnership with the Consortium Board for submission to the Virginia Board of Workforce Development..

D. Develop a budget to meet its functions and responsibilities under the Act to present to the Consortium Board for its approval.

E. Work with the Consortium Board and Governor of Virginia to reach agreement on local performance measures.

F. Designate and certify one-stop operators as described in the Act with the agreement of the Consortium Board.

G. Evaluate and oversee the performance and operations of the one-stop operators, including termination of the eligibility of such operators for cause, with the agreement of the Consortium Board.

H. On the recommendations of the Local Youth Committee, competitively procure the services of youth service providers and recommend the awarding of contract(s) to the successful providers.

I. Direct the disbursement of funds for workforce development activities pursuant to the Act. .

J. As requested, assist the Governor of Virginia in developing a statewide employment statistics system.

K. Coordinate workforce activities authorized under the Act with local economic development strategies and develop employer linkages.

L. Promote participation of private sector employers in the statewide workforce system.

M. Conduct business in an open manner and make its activities and information known to the public on a regular and continuous basis.

Section 4. **Collaboration.** In partnership with the Consortium Board, the Local Workforce Development Area Board shall perform the following functions to fulfill the requirements of the Act:

- A. Develop a five (5) year strategic plan that connects all activities in workforce development.
- B. Conduct strategic oversight to the workforce delivery system.
- C. Oversee the One Stop Delivery System.
- D. Develop and enter into a Memorandum of Understanding (MOU) with workforce development system partners for the implementation and operation of the service delivery system in the local area.
- E. Certify one-stop operators and affiliate sites.
- F. Promote quality in customer services.
- G. Provide continuous accountability and evaluation through customer satisfaction surveys and other performance outcomes.
- H. “In partnership” is defined as keeping the Consortium Board informed of how these responsibilities are exercised.

## **Article VII – Youth Committee**

Section 1. **Local Youth Committee Membership.** The Local Workforce Development Area Board shall appoint the members of the Local Youth Committee as described in the Act and notify the Consortium Board at the beginning of each fiscal year of the members so serving. The Local Youth Committee Members may include:

- A. Members of the Local Workforce Development Area Board with special interest or experience in youth policy. Members of the Local Workforce Development Area Board must serve as Chair and Vice-Chair of the Youth Committee.
- B. Representatives of youth service agencies, including juvenile justice and local law enforcement agencies.
- C. Representatives of local public housing authorities.
- D. Individuals, including former participants, and representatives of organizations, that have experience relating to youth activities, including faith-based organizations.
- E. Representatives of Job Corps, as appropriate.
- F. Representatives of K-12 education, post-secondary education and adult education.
- G. Representatives of vocational rehabilitation services.

H. Other individuals as the Local Workforce Development Area Board and the Consortium Board determine to be appropriate.

Section 2. **Duties of the Local Youth Committee.** The Local Youth Committee shall perform the duties and responsibilities described in the Act, which shall be included in the by-laws of the Local Workforce Development Area Board.

### **Article VIII – Conflict of Interest**

Section 1. **Certain Votes Prohibited.** No individual member of the Consortium Board, the Local Workforce Development Area Board or the Youth Committee may:

A. Vote on a matter under consideration by the respective Board

1. Regarding the provision of services by such member (or by an entity that such member represents); or

2. That would provide direct financial benefit to such member or the immediate family of such member.

B. Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

Section 2. **Virginia Conflict of Interest Act.** The provisions of the Virginia Conflict of Interest Act, Virginia Code § 2.2-3100 *et seq.* shall apply to the officers, members and employees of the Consortium, the Local Workforce Development Area Board and the Youth Committee.

### **Article IX – Withdrawal and Removal of Member Jurisdiction**

Section 1. **Without Long Term Indebtedness.**

A. Subject to the limits in this Section 1 any Member Jurisdiction may withdraw from participation in this Agreement, provided that it has given notice of its intent to withdraw at least 120 days in advance of the effective withdrawal date. Notice of the intent to withdraw shall be given in writing and delivered to all Member Jurisdictions.

B. Once notice of the notice of withdrawal is received, each Member Jurisdiction shall provide the public with notice that the Joint Powers Agreement will be amended to reflect the removal of the Member Jurisdiction from the Joint Powers Agreement. The vote of each Member Jurisdiction may be done by resolution recorded in the Minutes of the governing body.

C. Prior to any vote on the withdrawal of a Member Jurisdiction, the Member Jurisdiction so withdrawing must provide by written agreement how its share of the financial obligations (including the annual appropriation of funds) of the Consortium for the current fiscal year will be met; such agreement shall be signed by the Chair of the Consortium and the County Administrator or Board Chair of the withdrawing jurisdiction.

D. An affirmative vote of the majority of the Member Jurisdictions is required.

Section 2. **Long Term Indebtedness.** If the Consortium has incurred any outstanding indebtedness that obligates the Member Jurisdictions to payments beyond the present fiscal year, in addition to the steps in Section 1 of this Article, the following steps must be taken before a Member Jurisdiction can withdraw:

A. A written agreement must be entered into to which each Member Jurisdiction is a party setting forth how the withdrawing Member Jurisdiction's share of all existing short and long term financial obligations will be met.

B. An affirmative vote of sixty percent (60%) of the Member Jurisdictions is required for the withdrawal of the Member Jurisdiction.

C. If there are any bonds that have been issued in the name of the Consortium, the consent of the bondholders shall be obtained.

### **Article X – Dissolution**

Section 1. **Dissolution of Consortium.** This Agreement may be terminated and the Consortium dissolved upon the occurrence of any of the following events:

A. The Governor's re-designation of the Area that excludes any of the Member Jurisdictions, or includes any localities that are not Member Jurisdictions.

B. The cessation of funding under the Act and approval by ordinance of each Member Jurisdiction for the dissolution of the Consortium.

C. Approval by ordinance of each Member Jurisdiction of a Consortium Agreement which supersedes or rescinds this Agreement. If the new agreement alters the boundaries of the Area, it shall not become effective prior to approval by the Governor of Virginia.

### **Article XI – Miscellaneous**

Section 1. **Effective Date of Agreement.** This agreement shall be effective upon approval by ordinance by the governing bodies of all of the Member Jurisdictions and execution by the chief elected officials thereof.

Section 2. **Amendments.** The Member Jurisdictions may amend this Agreement by ordinance upon approval of a written amendment by the governing body of each Member Jurisdiction and execution by the chief elected officials thereof.

Section 3. **Repeal of Prior Agreements.** This agreement shall repeal and supersede any and all prior written or oral agreements including, but not limited to, the Charter Chief Local Elected Officials-Workforce Investment Board Agreement dated November 12, 2004, and agreements under P.L. 102-367 (the Job Training Partnership Act) and P. L. 105-220 (the Workforce Investment Act). On the effective date of this Agreement, all the duties and responsibilities of any Board or Council operating under such prior agreements shall immediately and

simultaneously cease operating and the responsibilities under the Act shall vest in the Consortium Board created in this Agreement.

Section 4. **Implementation of Agreement.** This Agreement shall be implemented to ensure that the Consortium Board, Local Workforce Development Area Board and Local Youth Committee are in place and the designation of one-stop operators is complete as soon as possible but no later than two months following the effective date.

Section 5. **Severability.** Should any part of this Agreement be invalidated or otherwise rendered null and void, the remainder of this Agreement shall remain in full force and effect.

Section 6. **Amendments by Operation of Law.** References to all federal and state statutes and/or regulations shall include amendments thereto.

Section 7. **Duplicate Originals.** This Agreement may be entered into by each Member Jurisdiction as an original document. The signature on each Agreement shall bind the Member Organization.

**IN WITNESS WHEREOF**, the Chief Elected Officials of the Member Jurisdictions execute this Agreement pursuant to an ordinance enacted by each of the Member Jurisdictions.

Vote:            Mr. Osl – aye                      Mr. Banks – aye  
                      Mr. Ingle – aye                     Mr. Meinhard – aye  
                      Mr. Wheeler – aye

b)     Code Amendment 15-08 Cemeteries

                      Planning Director, Sara Carter, informed the Board that, currently, cemeteries are a conditional use in the A-2 district and a permitted use in the R-2 and R-3 districts. The Planning Commission has reviewed the language in the Zoning Ordinance and recommends to the Board that family and church cemeteries be a permitted use in the A-2 district. Cemeteries that are private, for-profit cemeteries or cemetery associations would still require a conditional use permit.

                      The Chairman opened the public hearing for Conditional Use Permit 15-08 Cemeteries.

Ms. Rose McClinton requested additional information in regard to the required survey. Ms. Carter stated that the bounds of a new family cemetery would be required to be surveyed. With no additional citizens wishing to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl and carried unanimously, the Board approved Code Amendment 15-08 Cemeteries:

**Sec. 74-132. - Permitted uses and structures.**

Permitted uses and structures in the A-2 district are as follows:

- (1) Minor subdivisions, conventional;
- (2) Major subdivisions, cluster;
- (3) Single-family detached dwellings;
- (4) Two-family dwellings;
- (5) Manufactured homes;
- (6) Accessory uses and structures.
- (7) Agriculture, general farming and forestry.
- (8) Boarding, rooming or lodging houses and bed and breakfast inns.
- (9) Boat landings and piers.
- (10) Cabinet-making, furniture and upholstery shops (home-based).
- (11) Cemeteries, family or church (Subject to Virginia Code §57-26)
- (112) Childcare (home-based).
- (13) Churches (less than 100,000 square feet)
- (124) Farm-based equipment sales/service.
- (135) Foster care and adult family care (home-based).
- (146) Garden shops, greenhouses, nurseries.
- (157) Home-based service business.
- (168) Home occupations (Refer to [section 74-2](#)).
- (179) Hunting lodges and clubs and boat clubs.
- (1820) Kennels, private.
- (1921) Off-street parking for permitted uses.
- (2022) Poultry processing facilities (Refer to article 74-XXIII)
- (2123) Preserves and conservation areas.
- (2224) Riding schools, horse breeding establishments, riding stables.
- (2325) Sawmills (portable).

(~~24~~26) Special events.

(~~25~~27) Wayside stands (temporary, seasonable or sale of on-site farm products).

**Sec. 74-133. - Permitted uses with conditional use permit.**

The following uses are permitted in the A-2 district with a conditional use permit:

(1) Airstrips.

(2) Animal research facility.

(3) Antique shops.

(4) Borrow, extraction, excavation and stockpiling of soil, gravel, or sand, consistent with the provisions of section 74-150.

(5) Churches (of over 100,000 square feet) and cemeteries, private cemetery association or for-profit.

(6) Convenience and general stores.

(7) Fire and rescue facilities.

(8) Golf courses, country clubs, golf driving ranges and mini-golf.

(9) Group home.

(10) Guesthouse.

(11) Gun clubs with or without indoor or outdoor shooting ranges, skeet shooting ranges and ball clubs.

(12) Kennels, commercial.

(13) Landfill (CDD) (including inert waste).

(14) Livestock markets.

(15) Nursery schools and private kindergartens.

(16) Nursing home, convalescent home and rest home.

(17) Parks and playgrounds.

(18) Porta-John business[es].

(19) Public utilities.

(20) Public utility generating plants, public utility booster or relay stations, transformer substations, meters and other facilities, including railroads and facilities, and water and sewerage facilities.

(21) Racetracks (auto, motorcycle, and horse).

(22) Radio stations, television stations and cable TV facilities, communication station and/or tower or related facilities; subject to provisions of [section 74-731](#) et seq.

(23) Special recreational events.

(24) Transitional home.

(25) Veterinary hospital.

(26) Wood products (processing and assemblage of), as defined in [section 74-2](#)

**Sec. 74-2. - Definitions.**

Cemetery, family or church, means a family, individual, or church owned place for the final disposition of human remains. A survey of the bounds of the cemetery, with confirmation of State Code requirements being met, and showing a five foot setback from any adjacent properties and a 100 foot setback from any active wells must be recorded with the Circuit Court Clerk prior to establishment of the cemetery.

Cemetery, private, cemetery association or for-profit, means a privately owned and/or operated place for storage of human remains where lots or storage places may be sold and perpetual care is furnished.

**BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 15-08:  
“AN ORDINANCE AMENDING CHAPTER 74-132 OF THE  
CUMBERLAND COUNTY CODE TO ALLOW CEMETERIES  
AS PERMITTED USES IN THE A-2 DISTRICT”**

**October 13, 2015**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, held at the Circuit Courtroom of the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., October 13, 2015, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Osl, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-132 Zoning relating to permitting family or church cemeteries as a by-right use in the A-2 district;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

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<u>Present:</u>	<u>Vote:</u>
Lloyd Banks, Jr., Chairman	Aye
Kevin Ingle, Vice-Chairman	Aye
William F. Osl	Aye
David Meinhard	Aye
Parker Wheeler	Aye

-----

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on October 13, 2015; and

**WHEREAS**, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

**WHEREAS**, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County; and

**WHEREAS**, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

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

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the foregoing, the Board of Supervisors considers it appropriate to amend the Code of Cumberland County in accordance with the specific text and provisions of the Code Amendment as attached hereto and incorporated herein by this reference.
- c. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and Zoning Ordinance.
- d. Upon consideration of the foregoing, the proposed Code Amendment text, testimony, staff remarks, and public comment, the Cumberland County Board of Supervisors adopts, as set forth in the specific ordinance text as attached hereto, and requests county staff to do and perform such acts necessary and as consistent with this Resolution for recommendation of adoption of the ordinance.
- e. This Resolution is effective immediately.

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

c) Code Amendment 15-09 Buffers

Planning Director, Sara Carter, informed the Board that the Planning Commission had some citizens voice concern regarding expansion or redevelopment of existing commercial uses adjacent to residential neighborhoods. The Planning Commission is recommending a provision to allow the Zoning Administrator to address buffers at the time of Zoning Permit issuance.

The Board discussed the proposed language and the definition of the term “reasonable buffer”. Ms. Carter informed the Board that the Planning Commission struggled with the language as they considered several more specific recommendations, but concluded that language that both gives latitude to address the issue and a means to seek a waiver if necessary was the best course.

The Chairman opened the public hearing. Ms. Patty Pedrick stated that this proposed ordinance would be consistent with the requirements for new business. With no other citizens signed up to speak, the Chairman then closed the public hearing.

- **Sec. 74-5. - Zoning permits.**

(a) Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the administrator.

(b) The commission may request a review of the zoning permit approved by the administrator in order to

determine if the contemplated use is in accordance with the district in which the construction lies.

(c) Each application for a zoning permit shall be accompanied by ~~three~~ one copys of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of the parcel of land and to the right-of-way of any street or highway adjoining the parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this chapter, a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

(d) Where a zoning permit is for expansion (over 50% of building area) or redevelopment (tear down and rebuilding) of a commercial use, the scale drawing shall show how vegetation, landscaping, fencing, or other means shall provide for a reasonable buffer to any adjacent residential properties. If the property owner is unable to provide a buffer, a waiver may be sought pursuant to Section 74-14.

A motion was made by Supervisor Meinhard to pass Code Amendment 15-09 Buffers, which failed by the following vote:

Vote:	Mr. Osl – aye	Mr. Banks – nay
	Mr. Ingle – nay	Mr. Meinhard – aye
	Mr. Wheeler – nay	

It was the consensus of the Board to send the matter back to the Planning Commission for a more precise definition of required buffers.

d) Conditional Use Permit 15-07 Blue Door Mini Storage

Planning Director, Sara Carter, informed the Board that the property owner, Michael Yoder, previously purchased the property and states that it will not perk. He would like to build mini-storage units on the property, which do not require a septic system. The Planning Commission sends this item to the Board on a divided vote as to the recommendation to the Board. Should the Board wish to approve the use, staff recommends consideration of a few conditions which include, but may not be limited to, lighting, hours of operation, and the possibility of outside storage.

The Chairman opened the public hearing. Ms. Joanne Vaughan asked whether the land was already cleared. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved Conditional Use Permit 15-07 for Blue Door Mini Storage with the conditions recommended by staff with-out requiring fencing:

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

e) Conditional Use Permit 15-09 Harrison Diversified, LLC

Planning Director, Sara Carter, informed the Board that the applicant owns two contiguous lots in Cartersville, neither of which are conforming to current zoning standards. The current zoning Ordinance requires that any adjustments not yield any con-conforming lot more non-

conforming. This request seeks to make at least one of the two lots closer to conforming, though still nonconforming, in configuration and total acreage.

The Chairman opened the public hearing. Ms. Rose McClinton asked the Board why an Ordinance would have been passed if all the parcels in Cartersville would be considered non-conforming. With no additional citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl and carried unanimously, the Board approved Conditional Use Permit 15-09 for Harrison Diversified, LLC with the condition that there be no multi-family housing or duplexes on the property:

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

**8. County Attorney/County Administrator Report**

- a) Consent Agenda
  - 1) Approval of Bills for September 2015 and October 2015. Approved bills for October 13, 2015 total \$157216.92. Ratified bills for September 9, 2015 through October 12, 2015 warrants total \$565,443.31 with check numbers ranging from 71312 to 71562. Direct Deposits total \$156,634.37.
  - 2) Approval of Minutes (September 8, 2015)

On a motion by Supervisor Osl and carried by the following vote, the Board approved the consent agenda:

Vote: Mr. Osl – aye                      Mr. Banks – aye

Mr. Ingle – aye  
Mr. Wheeler – aye

Mr. Meinhard – aye

b) Stormwater Resolution

County Administrator, Vivian Giles, informed the Board that in 2014, legislation passed in the General Assembly (HB 1173, Hodges, and SB 423, Hangar) which allowed localities to opt-out of administering their own Stormwater Management Plans, and instead requiring the Virginia Department of Environmental Quality (DEQ) administer these plans. Fifty out of Virginia's ninety-five localities in the State of Virginia, Cumberland included, made this election, along with four other localities (cities or towns). There is potential that DEQ, primarily through a recommendation from the Stormwater Advisory Group, may try to reverse the legislation and require the localities to manage their own Stormwater Management Plans. The adopted Resolutions will be presented to the members of the Stormwater Advisory Group (SAG) and members of the General Assembly, and Ms. Giles recommended that the Board follow many other counties in adopting the proposed resolution.

Supervisor Osl stated that this is an unfunded mandate that the state is trying to pass on to the localities. Supervisor Osl also stated that this could potentially cost Cumberland hundreds of thousands of dollars.

On a motion by Supervisor Ingle and carried unanimously, the Board approved the Resolution in support of retaining for Virginia's localities the option to "opt-out" of administering a Virginia Department of Environment Quality Stormwater Management Plan:

## **RESOLUTION OF THE BOARD OF**

**SUPERVISORS OF  
CUMBERLAND COUNTY  
IN SUPPORT OF THE OPTION TO  
“OPT OUT”  
OF THE VIRGINIA DEPARTMENT  
OF ENVIRONMENTAL QUALITY STORMWATER  
MANAGEMENT PLAN**

**OCTOBER 13, 2015**

**WHEREAS**, many localities are increasingly concerned over the Commonwealth of Virginia’s expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

**WHEREAS**, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

**WHEREAS**, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth’s expanded Stormwater Management Program and other environmental regulations at the local level; and

**WHEREAS**, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied

through the expanded Stormwater Management Program;  
and

**WHEREAS**, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to “Opt Out”, leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

**WHEREAS**, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

**WHEREAS**, upon enactment, the Commonwealth of Virginia’s lead environmental regulatory agency, the DEQ was established as the Commonwealth’s VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth’s environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

**WHEREAS**, the Board of Supervisors of Cumberland County, along with 54 other localities in Virginia, voted in 2014 to “Opt Out” of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

**WHEREAS**, following the 2014 legislation, a Stormwater Advisory Group was convened and charged

with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

**WHEREAS**, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia's "Opt Out" localities and Chesapeake Bay Act localities; and

**WHEREAS**, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to "Opt Out" provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

**WHEREAS**, a recommendation to repeal the statutory "Opt Out" constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

**WHEREAS**, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to "Opt Out"

receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Board of Supervisors of Cumberland County **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia's counties and cities the statutory right to "Opt Out" of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Cumberland County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to "Opt Out" be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

**BE IT FURTHER RESOLVED THAT:**

The Board of Supervisors of Cumberland County **strongly recommends** that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant "Opt Out" alternatives to all localities equally.

Adopted this 13<sup>th</sup> day of October 2015.

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

- c) Water and Sewer Advisory Committee Appointment of Larry Latham

On a motion by Supervisor Meinhard and carried unanimously, the Board appointed Larry Latham to the Water and Sewer Advisory Committee as an at-large member:

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

- d) Water and Sewer Advisory Committee Recommendations

This item was tabled until the next regular meeting of the Board to be held on November 17, 2015.

- e) HVAC recommendations requested

County Administrator, Vivian Giles, informed the Board that there are three HVAC units from the Cumberland Elementary School that were kept for potential use in the gym at the Cumberland Community Center. It is proposed that staff store two of these units until such time as they can

be used in the gym; the third will be sold at the upcoming County surplus auction.

**9. Finance Director's Report**

a) Monthly budget Report

There was no monthly budget report submitted to the Board this month.

b) FYE16 Utility Fund Loan Appropriation Request

On a motion by Supervisor Osl and carried unanimously, the Board approved and appropriated a Utility Fund Loan in the amount of \$299,194.19:

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

c) Approval and appropriation of grant funds for Cumberland County Public Schools (CCPS) in the amount of \$265,897.00

On a motion by Supervisor Osl and carried unanimously, the Board approved and appropriated \$265,987.00 in grant funds to the Cumberland County Public Schools:

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

d) FY 16-17 Capital Improvements Program Schedule

On a motion by Supervisor Osl and carried  
unanimously, the Board approved the FY 16-17 Capital  
Improvements Program Schedule:

CUMBERLAND COUNTY, VA.  
CALENDAR FOR DEVELOPMENT OF THE  
FY 2017 – 2021 CAPITAL IMPROVEMENTS PLAN

TENTATIVE SCHEDULE

October 16, 2015	CIP package to departments
October 30, 2015	CIP requests returned to Finance Manager
November 13, 2015	Requests and recommendations are sent to CIP Committee for review
November 16-27, 2015	CIP Committee meets to review requests and begin ranking projects
December 7-18, 2015	CIP Committee is available for to meet with requestors
January 4, 2016	CIP Committee presents and recommends proposed CIP to Planning Commission for public hearing
February 15, 2016	Planning Commission holds public hearing on Capital Improvements Plan
April 5, 2016	Board holds public hearing on CIP
April 12, 2016	Adoption of CIP

Vote:           Mr. Osl – aye                           Mr. Banks – aye

Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

e)     FY 16-17 Budget Calendar

**CUMBERLAND COUNTY  
FISCAL YEAR 2016-2017 BUDGET CALENDAR**

December 18, 2015	Finance Manager prepares budget instruction and estimate forms. Instruction and estimate forms are issued to departments and agencies.
January 2016	County Administrator and Treasurer prepare revenue estimates.
January 14, 2016	Deadline for submission of budget requests to the Finance Manager.
January 29, 2016	Finance Manager presents budget requests to County Administrator.
February 17-18, 2016	Departments, agencies and school administration present budget requests to the Board of Supervisors. School Board and Board of Supervisors hold a joint public budget meeting.
March 11, 2016	County Administrator issues recommended budget to the Board of Supervisors.
March 21-	Board of Supervisors budget work sessions. Approval

- April 1, 2016 of budget, tax rates, and capital improvement program for publication.
- March 25, 2016 Advertise proposed budget, tax rates, and capital improvement program and April 1, 2016 for public hearing.
- April 5, 2016 Public Hearing on the proposed budget, tax rates, and capital improvement program.
- April 12, 2016 Adoption of fiscal year 2016-2017 budget, tax rates, and capital improvement program.
- June 2016 Appropriation of funds for the adopted fiscal year 2016-2017 budget.

This calendar is subject to change at any time at the direction of the Board of Supervisors.

On a motion by Supervisor Osl and carried unanimously, the Board approved the FY 16-17 Budget Calendar:

Vote:           Mr. Osl – aye                           Mr. Banks – aye  
                   Mr. Ingle – aye                   Mr. Meinhard – aye  
                   Mr. Wheeler – aye

**10. Planning Director’s Report**

- a) Planning Project update

There was no discussion on the current Planning projects.

- b) Set public hearing for REZ 15-01 Dunn

On a motion by Supervisor Meinhard and carried unanimously, the Board set REZ 15-01 for Kevin Dunn for November 17, 2015:

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

- c) Set public hearing for REZ 15-05 Bales

On a motion by Supervisor Meinhard and carried unanimously, the Board set REZ 15-05 for Howard Bales for November 17, 2015:

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

- d) Set public hearing for CUP 15-10 Fleming

On a motion by Supervisor Meinhard and carried unanimously, the Board set CUP 15-10 for Olander and Minerva Fleming for November 17, 2015:

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
Mr. Wheeler – aye

- e) Vacation of Plat for Christopher Bishop

This item was tabled until the next regular meeting of the Board to be held on November 17, 2015.

**11. Old Business**

N/A

**12. New Business**

N/A

**13. Public Comments (Part 2)**

Mr. Randy Bryant informed the Board that there is a business in his district that has a Conditional Use Permit that is being violated and that the County should enforce the Permit.

Ms. Joanne Vaughan asked what exactly does the Ordinance say about abandoned buildings? How does one start the process to enforce the Zoning Ordinance?

Ms. Orene Hampton informed the Board that her daughter lives on Samuels Drive and has serious health issues. She stated that the dust from the traffic to and from the Hamilton Transfer Station is affecting her health and needs to be addressed.

Ms. Pauline Trent requested that Stoney Point Mill Road be paved into Amelia County.

**14. Board Member Comments**

Supervisor Ingle thanked the County staff for their efforts.

**15. Additional Information**

- a) Treasurer's Report
- b) DMV Report
- c) Monthly Building Inspections Report
- d) Approved Planning Commission meeting minutes – N/A
- e) Approved IDA meeting minutes-N/A

**16. Adjourn into Closed Session**

On a motion by Supervisor Osl and carried, the Board entered into closed meeting pursuant to the Virginia Code Sections below:

Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel

Subject: Community Host Agreement; and

Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel pertaining to actual or probable litigation

Subject: Citizen tax complaint

Vote:	Mr. Osl – aye	Mr. Banks – aye
	Mr. Ingle – aye	Mr. Meinhard – aye
	Mr. Wheeler – aye	

**17. Reconvene in Open Session**

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

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

Mr. Osl - aye  
Mr. Banks - aye  
Mr. Ingle - aye  
Mr. Meinhard - aye  
Mr. Wheeler - 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 regarding the items discussed.

**18. Adjourn -**

On a motion by Supervisor Banks and carried unanimously, the Board adjourned the meeting until the next regular meeting of the Board to be held on November 17, 2015 at 6:00 p.m. in the

Circuit Courtroom of the Cumberland Courthouse, Cumberland,  
Virginia.

Vote:        Mr. Osl – aye                      Mr. Banks – aye  
               Mr. Ingle – aye                 Mr. Meinhard – aye  
               Mr. Wheeler – aye

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Lloyd Banks, Jr., Chairman

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Vivian Giles, County Administrator/County Attorney