

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8<sup>th</sup> day of December, 2015, at the Cumberland County Circuit Court Room:

Present: 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

Absent: William F. Osl, Jr., District 1  
Tracie Wright, Finance Director

**1. Call to Order**

The Chairman called the meeting to order.

**2. Welcome and Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Banks.

**3. Roll Call**

County Administrator, Vivian Giles, called the roll.

**4. Approval of Agenda**

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

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

**5. Public Comments**

Ms. Barbara Gamage informed the Board that the Cumberland Christmas Ornament is on display at the Governor's mansion. Ms. Leah Olivier is the creator of the ornament. The Cumberland Christmas parade is scheduled for Sunday, December 13, 2015 at 2:00 p.m. Ms. Alice Patterson stated that she is opposed to the newly proposed ordinance regarding animals running at large. Ms. Stacey Lewis stated that she opposes dogs running at large. Mr. Carl Thompson asked that the county keep the animal running at large law in effect as it is. Ms. Zoe Worrell is in opposition to the proposed changes in the ordinance regarding animals running at large. Mr. Matt Patterson is opposed to changes in the Animal Control Ordinance.

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

- a) Dr. Amy Griffin Superintendent of Cumberland County Schools

Dr. Amy Griffin, School Superintendent, gave the following report to the Board:

- CCPS participated in the Betty Scales Day of Service.
- The Elementary and Middle Schools held their nights of Excellence.
- Jordan Newman, a Middle School student, was invited to the White House to showcase his project highlighting the importance of Agriculture.
- The December School Board meeting is scheduled for Monday, December 14, 2015, and the retirement reception for Mr. George Reid will be held at 5:00 p.m. immediately prior to the meeting.

- Budget development input is being solicited.
- The Strategic plan is under development.

b) VDOT

Mr. Scot Shippee, Assistant Resident Engineer, informed the Board that the Blenheim Road paving project is complete. The Stoney Point Mill Lane Bridge on Route 620 is now open. Mr. Shippee asked the Board for consideration on abandoning the Route 621 Bridge on Brook Hill Road that leads into Amelia County now that the Route 620 Bridge is back open. This will make Brook Hill Road a dead end road. The Brook Hill Road Bridge is in the Richmond District, where the Stoney point Mill Lane Bridge is in the Lynchburg District. Mr. Shippee informed the Board that the maintenance funds not needed is money that can be spent on other county projects.

Per Ms. Giles' request, Mr. Shippee will further research the possibility of having VDOT install no littering signs in the county.

In November, The Lynchburg District VDOT Office executed a contract with Cumberland County and the Cumberland County Sheriff's Department for the Sheriff's Office to supervise inmate labor for roadside litter pick-up, among other duties. This contract will allow for payment of a deputies' time at an hourly rate for supervision of the inmates.

Mr. Shippee informed the Board that Mr. Kevin Wright has taken another position within the Department, and his last day as Residency Administrator will be December 9, 2015. As of December 10, 2015, Mr. Shippee will be the Acting Residency Administrator until such a time as that position is filled permanently.

One citizen voiced a concern with the direction of the one way traffic on Courthouse Circle. This citizen suggested that the one way traffic should be directed the opposite direction so that the traffic would enter Route 60, Anderson Highway, from Courthouse Circle, instead of Foster Road. Mr. Shippee was unsure as to whether Courthouse Circle is a private road or a VDOT road but indicated that county staff and VDOT staff would look further at this suggestion.

Supervisor Ingle asked for clarification on where the unused funds could be utilized if the Route 621 Bridge was abandoned. Mr. Shippee stated that those funds would go back to the Lynchburg District. Supervisor Ingle also asked whether Amelia County would have a say in the closing of the bridge. Mr. Shippee stated that, to his knowledge, Amelia County did not have a say in whether the Cumberland Supervisors decided to close that bridge.

c) Cumberland Public Library – Ms. Jennifer Beach

Ms. Beach informed the Board that the annual tree lighting was held the previous night. On December 23, 2015 there will be a Polar Express Party at the library. The Sweets in the Stacks event is an annual fundraiser that the Friends of Cumberland Library sponsor. This event will be held in March of 2016.

d) Joe Burton, Crossroads Community Services Crisis Prevention

Mr. Burton was not in attendance.

**7. Public Hearings**

a) Code Amendment 15-13 Animals

County Administrator, Vivian Giles, informed the Board that she was approached by Mr. Willis Meadows, the Animal Control Officer, in 2013 and asked to revise the County Animal Ordinance to bring in more in alignment with the Ordinance in Buckingham County, more specifically, as it relates to animals running at large. The current code allows animals to run at large 4 months out of the year, and the proposed code amendment would allow animals to run at large 9 months out of the year.

The Chairman opened the public hearing. The Board asked for Mr. Meadows input on the matter. Mr. Willis Meadows, informed the Board that the change in the county code would benefit the Animal Control officers as they receive many calls regarding animals running at large which do not relate to animal or citizen safety. By decreasing the at large limitations, this will reduce the length of time during the year when dogs running at large would be an ordinance violation and thereby require staff time. Ms. Giles informed the Board that because the County is not euthanizing as many animals, working more toward the goal of adoption, this has increased the staff work load as, so other means of reducing that work load would be helpful.

Ms. Alice Patterson stated that the proposed changes do not benefit the community. Mr. Carl Thompson is opposed to changing the county code. Ms. Barbara Hinton stated that there should be a penalty for not controlling your animals. Mr. Leo Henderson suggested that the code be changed only allow animals to run at large for 1 month out of the year. Ms. Rose McClinton stated that the more time the animals are able to run free, it will increase the amount of animals in the pound. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Wheeler and carried unanimously, the Board approved Code Amendment 15-13 except the change to section 10-33:

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

Chapter 10 - ANIMALS FOOTNOTE(S):

--- (1) ---

**Cross reference**— Environment, ch. 34; agricultural, intensive district A-1, § 74-131 et seq.; agricultural district A-2, § 74-171 et seq.; poultry facilities, § 74-1021 et seq.

**State Law reference**— Comprehensive animal laws, Code of Virginia, § 3.2-6500 et seq.; offenses involving animals, Code of Virginia, §§ 3.2-6500, 18.2-403.1 et seq.; diseased animals, dead animals, etc., Code of Virginia, §§ 18.2-323, 18.2-510; regulation of hunting and trapping by counties and cities, Code of Virginia, §§ 29.1-526, 29.1-528; hunting near public schools and public parks, Code of Virginia, §29.1-527; control of rabies, Code of Virginia, § 32.1-48.1 et seq.; estrays, Code of Virginia, § 55-202 et seq.

ARTICLE I. - IN GENERAL

Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dangerous dog* means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat; however, when a dog attacks or bites another dog the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite; (ii) if both dogs are owned by the same person; (iii) if such attack occurs on the property of the attaching or biting dog's owner or custodian; or (iv) for other good cause as determined by

the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

*Hearing dog* means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

*Hybrid canine* means any animal that is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family; that at any time has been permitted, registered, licensed, or advertised as such; or that at any time has been described, represented, or reported as such by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

*Run at large* refers to a dog that is roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

*Service dog* means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

*Vicious dog* means a canine or canine crossbreed that has:

- (1) Killed a person;
- (2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or
- (3) Continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by this article that it is a dangerous dog, provided that its owner has been given notice of that finding.

*(Code 1990, §§ 3-10, 3-12A(d), 3-13, 3-15; Ord. of 10-9-1996; Ord. of 9-10-1997; Ord. of 11-12-2003(1))*

**Cross reference**— Definitions generally, § 1-2.

**State law reference**— Similar provisions, Code of Virginia, §§ 3.2-6500, 3.2-6540, 3.2-6540.1.

Sec. 10-2. - Boundary line acts as fence.

The boundary line of each lot or tract of land or any stream in the county shall be a lawful fence to any livestock.

*(Code 1990, § 3-17)*

**State law reference**— What constitutes lawful fence, Code of Virginia, § 55-299 et seq.; trespass in crossing lawful fence, Code of Virginia, § 55-306 et seq.; No-Fence Law, Code of Virginia, § 55-310 et seq.

Sec. 10-3. - Wolf hybrid canine; confinement.

It shall be unlawful for the owner or custodian to allow any hybrid canine to run at large in the county at any time. For the purpose of this section, a hybrid canine shall be deemed to be running at large while outside of any pen or enclosure as provided in subsection (b) of this section; however, any owner or custodian of a hybrid canine may be allowed to remove a hybrid canine from a pen or enclosure for purposes of transportation to another pen or enclosure or for the purpose of obtaining medical attention. In no event shall any hybrid canine be allowed to be set free on any property within the county at any time.

It shall be unlawful to own or possess a hybrid canine unless such hybrid canine is kept and maintained in a pen or enclosure constructed as follows:

1. The pen or enclosure shall contain at least 1,600 square feet of space.
2. Any fencing used in the construction of the pen or enclosure shall be at least eight feet in height, with an additional overhang of fencing or barbed wire angling a minimum of three feet into the pen or enclosure.
3. To prevent digging out along the fence, concrete footers at least one foot wide and six inches deep shall be installed along the perimeter of the pen or enclosure.
4. The pen or enclosure shall be surrounded by a chain link fence at least four feet in height and no closer than six feet to the pen or enclosure.
5. Any fencing used in the construction of the pen or enclosure shall be of 11 gauge wire or its equivalent.

A violation of this section is a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for any subsequent violation. Further, any person violating this section may be required to surrender the hybrid canine to be euthanized in accordance with Va. Code § 3.2-6562. (Code 1990, § 3-12A(a)—(c); Ord. of 2-14-1996)

**State law reference**— Hybrid canines, Code of Virginia, § 3.2-6582 *et seq.*

Secs. 10-4—10-30. - Reserved.

## ARTICLE II. - DOGS

### DIVISION 1. - GENERALLY

Sec. 10-31. - Enforcement of the comprehensive animal laws.

The enforcement of the comprehensive animal laws of the county shall be vested in the animal control officer.

(Code 1990, § 3-8)

**State law reference**— Animal control officer, Code of Virginia, § 3.2-6555

Sec. 10-32. - Code provisions applicable.

All other provisions of Code of Virginia, § 3.2-6555 *et seq.*, shall apply *mutatis mutandis* to the animal control officer of the county.

(Code 1990, § 3-9)

Sec. 10-33. - Running at large prohibited during certain months; penalty.

It shall be unlawful for the owner or custodian to allow any dog to run at large in the county during the period of March 1 to November 1 of each year. Any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up during the period specified shall be deemed to have violated the provisions of this section.

Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.

(Code 1990, §§ 3-10, 3-12, 3-15; Ord. of 3-13-1996)

**State law reference**— Code of Virginia, §§ 3.2-6538, 3.2-6587.

Secs. 10-34—10-50. - Reserved.

### DIVISION 2. - LICENSE

Sec. 10-51. - Amount of license.

- (a) It shall be unlawful for any person to own a dog four months old or older in the County unless such dog is licensed as required by this article. Dog licenses shall run by the calendar year, namely, from January 1 through December 31, and this license tax shall be payable at the office of the treasurer and shall be as follows:
- (1) For any single dog, regardless of sex, \$4.00. For a kennel of one to ten dogs, \$30.00.
  - (2) For a kennel of 11 to 20 dogs, \$40.00.
  - (3) For a kennel of 21 to 50 dogs, \$50.00.
- (b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person.

*(Code 1990, § 3-1)*

**State law reference**— Amount of license tax, Code of Virginia, § 3.2-6528.

Sec. 10-52. - Evidence showing inoculation for rabies prerequisite to obtaining dog license.

No license tag shall be issued for any dog unless there is presented, to the treasurer at the time application for license is made, the amount of license tax and a current certificate of vaccination as required by Code of Virginia, § 3.2-6521. No kennel license shall be issued unless a rabies vaccination certificate is presented for each dog in the kennel.

*(Code 1990, § 3-2)*

**State law reference**— How to obtain license, Code of Virginia, § 3.2-6527

Sec. 10-53. - When license tax payable.

License taxes on dogs shall be due and payable as follows:

- (1) On or before January 1 and not later than January 31 of each year, the owner of any dog four months old or older shall pay a license tax as prescribed in section 10-52.
- (2) If a dog shall become four months of age or come into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid forthwith by the owner.
- (3) If a dog shall become four months of age or come into the possession of any person between October 31 and December 31 of any year, the license for the succeeding calendar year shall be paid forthwith by the owner; and such license shall be valid from the date the license is purchased.

(Code 1990, § 3-3)

**State law reference**— When license tax payable, Code of Virginia, § 3.2-6530.

Sec. 10-54. - Duplicate license tags.

If a dog license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog shall be \$1.00.

*(Code 1990, § 3-4)*

**State law reference**— Duplicate license tags, Code of Virginia, § 3.2-6532. Sec. 10-55. - Sale to begin November 1.

Dog tags for each calendar year shall be sold in serial and numerical order, beginning November 1 of the prior year and shall remain on sale until October 31 of the calendar year covered by such tags.

*(Code 1990, § 3-5)*

Sec. 10-56. - Disposition of funds.

All funds collected by the treasurer pursuant to this division shall be paid into the general revenue fund of the county. All expenses incurred in administering this article shall be paid out of the general revenue fund of the county.

*(Code 1990, § 3-6)*

Sec. 10-57. - Penalties for violation.

Any person violating any of the provisions of this division shall be guilty of a class 4 misdemeanor and shall be subject to punishment as provided in Code of Virginia.

*(Code 1990, § 3-7)*

Secs. 10-58—10-80. - Reserved.

DIVISION 3. - DANGEROUS AND VICIOUS DOGS

FOOTNOTE(S):

--- (2) ---

**Cross reference**— Environment, ch. 34.

**State Law reference**— Authority to control dangerous or vicious dogs, Code of Virginia, §§ 3.2-6540, 3.2-6540.1.

Sec. 10-81. - Regulation.

All dangerous and vicious dogs in the county shall be subject to the following regulations:

- (1) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court of competent jurisdiction at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal control officer or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If after hearing the evidence the court finds that the animal is a dangerous dog, the court may order the owner,

custodian, or harborer thereof to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of.

- (2) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was:
- a. Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
  - b. Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or
  - c. Provoking, tormenting or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times.

No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

- (3) The owner of any animal found to be a dangerous dog shall, within 45 days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of \$150.00 in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall

be renewed annually for a fee of \$85 in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry.

- (4) All certificates or renewals required to be obtained under this division shall only be issued to persons 18 years of age or older who present satisfactory evidence of the animal's current rabies vaccination, that the animal has been neutered or spayed, that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals under this section shall not be issued a certificate or renewal unless they present satisfactory evidence that their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and the animal has been permanently identified by means of electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.
- (5) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (6) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be

responsible for complying with all requirements of this division.

- (7) After an animal has been found to be a dangerous dog, the animal's owner shall immediately,
  - upon learning of the dog's status, notify the animal control officer if the animal:
    - a. Is loose or unconfined;
    - b. Bites a person or attacks another animal;
    - c. Is sold, given away or dies; or
- (8) Any owner of a dangerous who relocates to a new address shall, within 10 days of relocating, provide written notice to the animal control authorities of the old address from which the animal has been moved and the new address to which the animal has been moved.
- (9) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
  - a. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;
  - b. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack. Va. Code Ann. § 3.2-6540.

- (10) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.

Upon conviction, the court may (i) order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562 or (ii) grant the owner up to 45 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

Code of Virginia § 3.2-6540.

- (11) All fees collected pursuant to this article, less the costs incurred by the county in producing and distributing the certificates and tags required by this article and fees due to the State Veterinarian for the maintenance of the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required under Code of Virginia, § 3.2-6556.

*(Code 1990, § 3-14; Ord. of 9-10-1997; Ord. of 11-12-2003(1); Ord. of 1-20-2004(1))*

- b) Conditional Use Permit 15-11 - Cartersville Volunteer Fire Department

Zoning Administrator, Sara Carter, informed the Board that Fire and Rescue Buildings are listed as a conditional use in the Agricultural District. The Cartersville Volunteer Fire

Department has purchased land at the intersection of Cartersville Road and Jennings Road which is zoned A-2, and in order to build a fire department building, a conditional use permit is required. The Planning Commission unanimously recommends approval of the conditional use permit.

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 Wheeler and carried unanimously, the Board approved CUP 15-11:

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

c) Rezoning 15-05 – Bales

Zoning Administrator, Sara Carter, informed the Board that Mr. Bales purchased property in Cumberland County with the intention of having farm animals, and following his purchase he discovered that the property is zoned R-2 where farm animals are not permitted. The Planning Commission suggested that the Bales property remain to be zoned R-2 while the Commission works on a code amendment to allow animals in R-2. Mr. Bales elected to proceed with his rezoning application, and the Commission recommends the rezoning to the Board on a 5-1 vote.

The Chairman opened the public hearing. Supervisors Wheeler and Ingle requested that this matter be referred back to the Planning Commission for further review. With no citizens signed up to speak, the Chairman then closed the public hearing.

A motion was made by Supervisor Banks to approve REZ 15-05 as submitted, which failed by the following vote:

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

The Board discussed the location of the property in question as it relates to other properties in the area and their zoning, and Mrs. Carter provided some clarification to the Board.

On a motion by Supervisor Ingle, and carried by the following vote, the Board approved REZ 15-05 as submitted:

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

d) Rezoning 15-06 – Wise

Zoning Administrator, Sara Carter, informed the Board that Mr. Wise owns three lots at the intersection of Anderson Highway and Old Buckingham Road which are zoned B-3. These lots have been used for a variety of retail uses for many years. There have been requests for new business licenses in the retail area of this intersection in the last year where the requests were outside of what is permitted in the B-3 zoning category. The property owner requested that the Planning Commission initiate the rezoning of the properties from B-3 to B-1. The Planning Commission recommends this proposal for approval to the Board unanimously.

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 Wheeler and carried unanimously, the Board approved REZ 15-06:

Vote: Mr. Osl – absent                      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 November and December 2015. Approved bills for December 8, 2015 total \$55,512.35. Ratified bills for November 18, 2015 to December 7, 2015 of warrants total \$81,380.52 with check numbers ranging from 71820 to 71915. Direct Deposits total \$73,399.19.
  - 2) Approval of Minutes (November 17, 2015)

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the consent agenda:

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

**9. Finance Director's Report**

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

**10. Planning Director's Report**

a) Planning Project update

Zoning Administrator, Sara Carter, informed the Board that there are a few code enforcement issues that are awaiting legal action. One specific property that has code violations has received another notice of violation stating that if the violations are not remedied and the property is not brought into compliance, Ms. Carter will bring a request to the Board at the January meeting to revoke the Conditional Use Permit on the property.

b) Scope of Work – Comprehensive Plan Amendments

Zoning Administrator, Sara Carter, informed the Board that the Planning Commission will be working over the next year on a Comprehensive Plan amendment for the northern end of the county to include the Cobbs Creek Reservoir site. The Commission would like to review land use in the area and determine if there are any changes that need to be made.

c) Set public hearing – Conditional Use Permit 15-13 – Daves

On a motion by Supervisor Wheeler and carried, the Board set CUP 15-13 Daves for public hearing on January 12, 2016:

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

d) Set public hearing – Code Amendment 15-09 – Buffers

On a motion by Supervisor Wheeler and carried, the Board set CA 15-09 Buffers for public hearing on January 12, 2016:

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

**11. Old Business**

N/A

**12. New Business**

N/A

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

Ms. Orene Hampton stated that the road to the Hamilton Transfer Station (Samuels Drive) is too dusty and is adverse to her daughter’s health, and requested that the Board asphalt that road.

**14. Board Member Comments**

Supervisor Meinhard thanked the citizens who attend the Board meetings, and wished them Merry Christmas, and Happy Holidays.

Supervisor Ingle stated that after the closed session at the November Board meeting, the Board approved writing a letter of guarantee for a loan for the Cartersville Fire Department for an

amount not to exceed \$150,000.00. No county funds were appropriated.

**15. Additional Information**

- a) Treasurer’s Report
- b) DMV Report
- c) Monthly Building Inspections Report
- d) Approved Planning Commission meeting minutes
- e) Approved IDA meeting minutes

**16. Adjourn into Closed Session-**

On a motion by Supervisor Ingle 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

Pursuant to Virginia Code § 2.2-3711.A.1: Personnel  
 Pursuant to Virginia Code § 2.2-3711.A.4: The protection of  
 privacy of individuals in personal matters not related to  
 public business;  
 Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with  
 Legal Counsel  
 Subject: Interpretation of the Personnel Manual in  
 regards to Employee Leave

Vote:	Mr. Osl – absent	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 Banks.

A motion was made by Supervisor Banks and adopted by the following vote:

Mr. Osl – absent  
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 2.2-3711 of the code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law; and

**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 Meinhard and carried, unanimously, the Board adjourned the meeting until the next regular meeting of the Board scheduled for January 12, 2016 at 6:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse.

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

---

Lloyd Banks, Jr., Chairman

---

Vivian Giles, County Administrator/County Attorney