



CUMBERLAND COUNTY BOARD OF SUPERVISORS

Regular Monthly Meeting Cumberland County Circuit Courtroom A Cumberland, VA

December 8, 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. Joe Burton, Crossroads Community Services Crisis Prevention **Information**
7. **Public Hearings**
 - a. CA 15-13 Animals (pg. 1-37) **Motion**
 - b. CUP 15-11 Cartersville Fire Department (pg. 38-46) **Motion**
 - c. REZ 15-05 Bales (pg. 47-57) **Motion**
 - d. REZ 15-06 Wise (pg. 58-67) **Motion**
8. **County Attorney/County Administrator Report**
 - a. Consent agenda **Motion**
 - i. Approval of bills
 - ii. Approval of Minutes (June 9, 2015)
9. **Finance Director's Report**
 - a. Monthly Budget Report (pg. 68-77) **Information**
10. **Planning Director's Report**
 - a. Planning Project updates (pg. 78-80) **Information**
 - b. Scope of work – Comprehensive Plan Amendment (pg. 81-82) **Information**

- c. Set public hearing – CUP 15-13 Daves (pg. 83) **Motion**
- d. Set public hearing – Code Amendment 15-09 Buffers (pg. 84-85) **Motion**

11. **Old Business**

12. **New Business**

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

14. **Board Members Comments**

15. **Additional Information – (pg. 86-101)**

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

16. **Adjourn into Closed Session** **Motion**

Pursuant to VA. Code § 2.2-3711.A.7: Consultation with Legal Counsel;
Subject: Host Community Agreement

17. **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 and (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.”

18. **Adjourn – Regular Meeting – January 12, 2016**



DATE: December 1, 2015
TO: Cumberland County Board of Supervisors
FROM: Vivian Seay Giles
RE: December 8, 2015 Board Agenda Item
Amendment of Chapter 10 of the Code of the
County of Cumberland – Animals

Recommendation

Adopt the recommended ordinance to amend and re-enact Chapter 10 of the Code of the County of Cumberland.

Information

Summary of amendments:

The following sections were amended to comport with provisions of the Code of Virginia:

- 10-1. Definitions.
- 10-2. Boundary line acts as fence.
- 10-3. Hybrid canine, confinement. – additional amendment recommended in the title of this section to remove the word “wolf”.
- 10-51. Amount of license.
- 10-53. When license tax payable.
- 10-81. Regulation.

The following section was amended upon the recommendation of the senior animal control officer to change county policy:

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

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, § 3.2-65001-796.66 et seq.; offenses involving animals, Code of Virginia, §§ 3.2-65001-796.128, 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 ~~other~~ dog or cat as a result of the attack or bite; ~~or~~ (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 ~~another~~ 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 ~~which at any time has been or is~~ permitted, registered, licensed, or advertised as such; or that at any time has been or ~~otherwise~~ described, or represented, or reported as such ~~as a hybrid canine, wolf or coyote~~ by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the Department of Health, ~~state department of health~~, or S state Vveterinarian'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.

~~Wolf hybrid includes any hybrid canine and shall mean the offspring resulting from the mating of a domesticated dog and a wolf, coyote or other similar wild animal or their subsequent offspring or any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid wolf or hybrid canine by its owner, former owner, lessee or bailee.~~

(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, §§ ~~3.21-6500796-87~~, ~~3.21-6540796-126-8~~, ~~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~~horse, mule, cattle, hogs, sheep or goats.

(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.

~~(a)~~

~~(b)~~

It shall be unlawful for the owner or custodian to allow any ~~wolf~~-hybrid canine to run at large in the county at any time. ~~during the period of January 1 through December 31 inclusive of each year.~~ For the purpose of this section, a ~~wolf~~-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 ~~wolf~~-hybrid canine may be allowed to remove a ~~wolf~~-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 ~~wolf~~-hybrid canine be allowed to be set free on ~~any~~ property within the county at any time.

~~whether or not the wolf hybrid canine is under its owner's or custodian's immediate control.~~

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

(1)(2)

(3)(4)(5)

1. ¶1. The pen or enclosure shall contain at least 1,600 square feet of space.

— 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.

2.

— 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.

3.

— 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.

4.

5. Any fencing used in the construction of the pen or enclosure shall be of 11 gauge wire or its equivalent.

(e)

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, shall be punishable as a class 1 misdemeanor, and any violation of this section shall be subject to injunctive relief in a court of equity.

(Code 1990, § 3-12A(a)-(c); Ord. of 2-14-1996)

State law -reference— Hybrid canines, Code of Virginia, § 3.~~12-6582796.126:8~~*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.~~21-~~

~~6555796.104.~~

-Sec. 10-32. - Code provisions applicable.

All other provisions of Code of Virginia, § 3.~~21-6555796.66~~*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.

~~(a)~~

~~(b)~~

It shall be unlawful for the owner or custodian to allow any dog to run at large in the county during the period of ~~April~~ March 1 to June 30 ~~November 1~~ inclusive 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, ~~and shall be subject to punishment as provided in Code of Virginia, §§ 3.1-796.93, 3.1-796.128.~~

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

State law reference— ~~Authority for above section,~~ Code of Virginia, §§ 3.2-6538,
3.2-6587 ~~796.93.~~

Secs. 10-34—10-50. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-51. - Amount of license.

(a)

(a) It shall be unlawful for any person to own a dog- four months old or older-over in the eCounty 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, inclusive; and this license tax shall be payable at the office of the treasurer and shall be as follows:

(1) ~~(2)(3)~~

~~(4)~~

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.

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.~~2-65281-796.87~~.

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, § 3.21-6521796.84 et seq. 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, § 3.21-6521796.86.

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

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

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.

(1)

(1) (2)

(3)

~~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.~~

~~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~~

(3) ~~purchased.~~

~~(Code 1990, § 3-3)~~

~~State law reference— When license tax payable, Code of Virginia, § 3.21-~~

~~796.886530.~~

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, § 3.21-~~

~~796.916532.~~ 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, ~~§ 3.1-796.128.~~

(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, §§ ~~3.21-6540796.93;~~ 3.2-6540.11.

Sec. 10-81. - Regulation.

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

~~(1)~~

~~(1)~~

~~(2)~~

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 county 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 harbinger 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: shall order the animal's owner to comply with the provisions of this division. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia, § 3.1-796.119. Notwithstanding the foregoing provisions of this subsection, any animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of this article. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.

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 ~~or other tort~~ 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)

(3)

(4)

(5)

(6) (7)

The owner of any animal found to be a dangerous dog shall, within ~~45~~^{ten} days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of ~~\$150~~²⁰⁰.00 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, ~~the same fee and~~ in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry.

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, if applicable, and~~ 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 a tattoo on the inside

- (4) ~~thigh or by~~ 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.

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

- (5) 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:
- Is loose or unconfined;
 - Bites a person or attacks another animal;
 - Is sold, given away or dies; or

~~d. Has been moved to a different address.~~

~~(8) (9)~~

(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. The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of this division shall be guilty of a class 1 misdemeanor.

- (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.

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, § 3.21-6556796.105.

~~(10) (11) (12)~~

~~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 that the animal has been~~

~~neutered or spayed.~~

~~All certificates or renewals required to be obtained under this division shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000.00, that covers animal bites.~~

~~Notwithstanding the provisions of subsection (1) of this section, the animal control officer, in his discretion, may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of this article. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.~~

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

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION ADOPTING AN ORDINANCE
TO AMEND AND RE-ENACT CHAPTER 10 OF THE
CODE OF THE COUNTY CUMBERLAND
CODE AMENDMENT 15-13:
“AN ORDINANCE TO AMEND AND RE-ENACT
CHAPTER 10 OF THE COUNTY OF CUMBERLAND”**

December 8, 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., December 8, 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 _____, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending and re-enacting Chapter 10 Animals.

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

Present:

Vote:

David Meinhard

Lloyd Banks, Jr., Chairman

William F. Osl

Kevin Ingle, Vice-Chairman

Parker Wheeler

Absent:

None

Dated: December 8, 2015

Attested: _____

Vivian Giles, Clerk to the Board of
Supervisors of Cumberland County

WHEREAS, Chapter 10 of the Code of the County of Cumberland governs the keeping and care of animals in Cumberland County; and

WHEREAS, local governments in the Commonwealth of Virginia under the doctrine of Dillon's Rule are allowed to take only those actions for which authority is expressly granted by the General Assembly; and

WHEREAS, certain of the ordinances in Chapter 10 of the Code of the County of Cumberland are not at this time in full compliance with the Virginia Code; and

WHEREAS, certain of the references to the Code of the Commonwealth of Virginia contained in Chapter 10 of the Code of the County of Cumberland are erroneous, the Virginia Code having been amended several years ago; and

WHEREAS, the senior animal control officer in Cumberland County also recommends certain amendments to the Code of the County of Cumberland.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Cumberland County 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 of Cumberland County deems it appropriate to do so and does hereby amend Chapter 10 of the Code of Cumberland County to read as set forth below.
- c. This Ordinance is effective immediately.

CHAPTER 10 - ANIMALS

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 attacking 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.

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 April 1 to June 30 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.
 - (2) For a kennel of one to ten dogs, \$30.00.
 - (3) For a kennel of 11 to 20 dogs, \$40.00.
 - (4) 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, § .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 harbinger 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))

Code of Virginia § 3.2-6540.



STAFF REPORT CUP 15-11

Conditional Use Permit Request
Cumberland County, Virginia
Board of Supervisors Meeting
December 8, 2015

General Information:

Processing schedule: The Planning Commission held a public hearing on this request on November 16, 2015. Concurrent with this request is a waiver request to address setback issues on the property. The Planning Commission approved the waiver and unanimously recommends approval of the Conditional Use Permit to the Board of Supervisors. The Board of Supervisors will hold a public hearing on this request on December 8, 2015.

Application Information:

Applicant/Owner:	Applicant and Owner: Cartersville Volunteer Fire Department
Requested Action:	To amend the Cumberland County Zoning Map from A-2, Agricultural to A-2, with CUP for fire/rescue facilities.
Location:	Tax Parcel 23-A-55C Address TBD Cartersville Road The parcel is located at the intersection of Jennings and Cartersville Roads, at the southeast quadrant.
Voting District:	1
Existing Zoning:	A-2, Agricultural
Proposed Zoning:	A-2, with CUP for fire/rescue facilities
Size:	4 acres
Existing land uses:	vacant
Comp. plan area:	Not in a 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	Vacant/Residential	A-2	Rural area
South	Vacant/Residential	A-2	Rural area
East	Vacant/Residential	A-2	Rural area
West	Vacant	A-2	Rural area

Summary of Request and Background Information:

The Cartersville Volunteer Fire Department has been looking for a location for a new fire station for several years. They recently purchased this piece of property and are working through the process of permitting a fire station at this location.

The parcel is four acres, at the southeast quadrant of the intersection of Cartersville and Jennings Roads. The CVVFD has completed a soil study and the Health Department has reviewed their application and anticipate no problems on the site for well or septic.

Staff and the applicant held a meeting with VDOT to discuss the two proposed entrances on the site- one on Cartersville Road and one on Jennings Road. The CVVFD had anticipated using an existing construction entrance that enters the property from Cartersville Road as well as the existing smaller driveway on Jennings Road. The Cartersville Road entrance location does not meet VDOT specifications for distance from Jennings Road and needs to be relocated further south on Cartersville Road. The Jennings Road entrance has been deemed acceptable by VDOT with improvements.

Due to the driveway locations that are approvable by VDOT and the already approved septic drainfield location, the building will need to be located closer to Cartersville Road than setbacks for primary roads. The required setback is 130 feet from the centerline of Cartersville Road. The Planning Commission has approved a waiver to this requirement of 65 feet.

At their November meeting, the Planning Commission held a public hearing on the Conditional Use Permit request. They recommend approval of this request to the Board unanimously.

Consistency with the 2013 Comprehensive Plan:

The proposed zoning map amendment is located within a rural area of the Comprehensive Plan. This area is not anticipated for growth.

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

Goal 7: It is the goal of this plan to provide adequate community facilities in support of the needs of the current and future citizens of Cumberland County.

Objective 3: Develop and maintain appropriate emergency services facilities to efficiently and effectively serve the needs of the citizens and industries of Cumberland County including those services relating to police protection, fire protection and emergency medical services.

This location meets a critical safety need for the county. The current location of the fire station is problematic in several ways. There is inadequate access, space to expand, and provision of water and wastewater. Additionally, the building does not have up to date electrical service, and is not owned by the department.

The proposed location is centrally located within the service geography for the CVVFD, and also conveniently located near the Rescue Squad. The site has adequate room for expansion and excellent access.

Consistency with the Zoning Ordinance:

Section 74-702 of the Zoning Ordinance states the intent conditional use permits is:

- 1) *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;*
- 2) *That the conditional use 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) *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
- 4) *That 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) *That adequate utilities, access roads, drainage or necessary facilities have been or are being provided;*
- 6) *That 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) *That off-street parking and loading areas where required with particular attention to the items in subsection (a)(1) of this section 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) *That refuse and service areas, with particular reference to the items in subsections (a)(1) and (2) of this section are adequately provided for;*
- 9) *That appropriate screening and buffering with reference to type, dimensions and character of the use are adequately provided for;*
- 10) *That 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) *That required yards and other open spaces are adequately provided for;*

- (12) *That the proposed use is compatible with adjacent properties and other property in the district;*
- (13) *That an adequate supply of light and air to adjacent property is adequately provided for; and*
- (14) *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board of supervisors.*

Staff finds that the proposed use of the subject property is compatible with the above intent.

Public Input:

None at this time.

Conclusion:

Staff finds that the proposed use is in substantially in accord with the Comprehensive Plan and matches the character and anticipated development pattern of the surrounding area. Further, the request improves public safety for the county and meets a long-term need.

Recommendation:

The Planning Commission unanimously recommends approval of the Conditional Use Permit with no suggested conditions.

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 15-11, a conditional use permit to allow fire/rescue facilities in an A-2 zone.

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 15-11.

Respectfully submitted by:
Sara Carter
Planning Director



COMMONWEALTH OF VIRGINIA
COUNTY OF CUMBERLAND

Internal Use Only
FILE # 15-11 STAFF
RECEIVED 10/21/2015
COMPLETED
FEE/Ck. # waived
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?): Cartersville FD
Proposal: CUP for Fire Dept
Location: Intersection of Cartersville + Jennings Rd
Tax Map Parcel(s): Part of 23-A-55
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): 4.0

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?): _____

Thomas W. Perry Jr.

Address: 2179 Cartersville Rd City: Cartersville State: VA Zip: 23027

Daytime Phone: (804) 350-3946 Fax #: () _____ Email: LHP15@gmail.com

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: CUVFD

proposes a three bay 8,000 sqft Fire Station. The bay area is 4800 sqft with an additional 3200 sqft of living space with a kitchen, meeting, offices, and Bunk area. The building will be handicap accessible, and will have the ability to be operated 24hrs a day if necessary as a public shelter or full time working Fire station.

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). 100'x80' steel building, on a concrete pad, new construction. Private well & sewer system.

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

Cartersville FD

Address: Same as City: contact State: _____ Zip: _____

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

Applicant (who is the contact person representing?): _____

Same as applicant

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;

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.

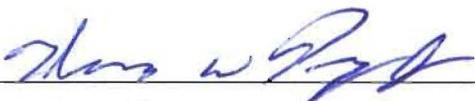
If the applicant is a contract purchaser or an agent of the owner, an owner/agent agreement must be attached (ask staff for form if needed).

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.

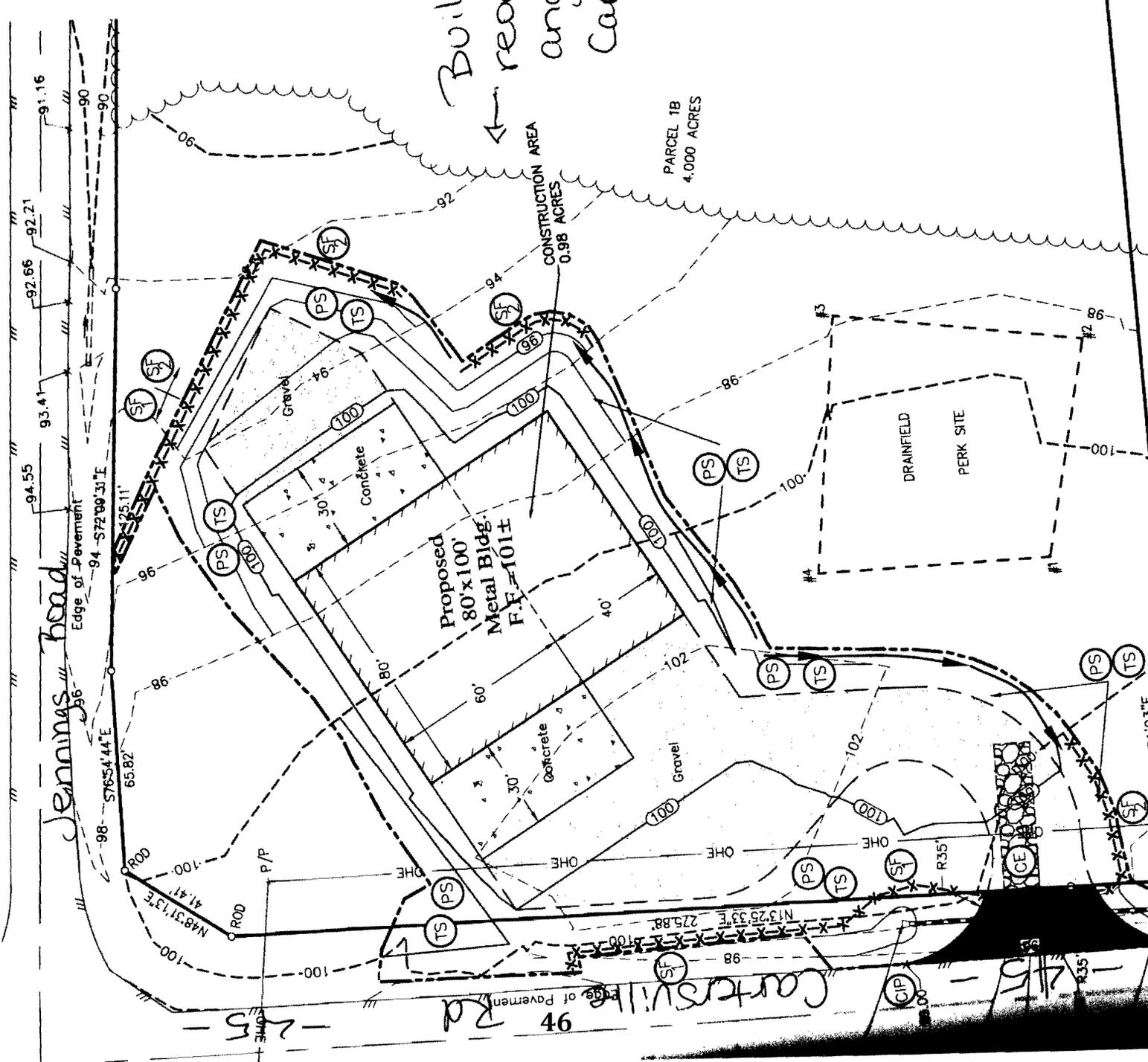
Thomas W. Perry Sr.
Print Name of Owner/ Applicant

10-21-15
Date


Signature of Owner/ Applicant

(804) 350-3946
Daytime Phone # of Signatory

Building to be reoriented from angled to facing Cartersville Road.



PARCEL 1B
4.000 ACRES

CONSTRUCTION AREA
0.98 ACRES

Proposed
80x100
Metal Bldg.
F.F. = 101±

DRAINFIELD
PERK SITE

Jennings Road

Cartersville Rd

46



STAFF REPORT
REZ 15-05
Bales
Rezoning
Cumberland County, Virginia
Board of Supervisors Public Hearing
December 8, 2015

General Information:

Processing schedule: The Planning Commission held a public hearing on this proposal on October 19, 2015. At the Planning Commission's November 16, 2015 meeting, they considered the rezoning and recommend approval to the Board of Supervisors on a divided vote. The Board of Supervisors have a public hearing on December 8, 2015 on the proposal.

Application Information:

Applicant/Owner: Howard Bales
Requested Action: To grant a rezoning for agricultural uses
Location: Tax Parcel 57-A-28A
Address: TBD Stoney Point Road
Voting District: 3
Existing Zoning: R-2, Residential
Proposed Zoning: A-2, Agriculture
Size: Parcel size 13.57 acres
Existing land uses: Vacant
Comp. plan area: Moderate 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	Moderate Intensity Growth Area
South	Residential	R-2	Moderate Intensity Growth Area
East	Residential	R-2	Moderate Intensity Growth Area

West Residential, school and A-2 Not in a growth area
vacant

Summary of Request and Background Information:

Howard Bales recently purchased this property with the intention of building a house and having some farm animals in the future. When he came into the office and discovered that the property was zoned R-2, and does not allow farm animals, he asked for options to seek a change. He is applying for rezoning to A-2, Agriculture. There are no anticipated impacts on any public facilities.

The Planning Commission suggested to Mr. Bales that he could remain R-2, and the Commission worked on an Ordinance Amendment that would allow additional animals in that district with acreage. Mr. Bales decided to proceed with his rezoning application, and the Commission recommends the rezoning to the Board on a 5-1 vote.

Consistency with the 2013 Comprehensive Plan:

The proposed use falls within the area designated for moderate intensity growth area in the 2013 Comprehensive Plan.

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

Goal 2: It is the goal of this comprehensive plan to protect and develop the agricultural interests with Cumberland County.

Objective 2: Encourage the preservation and expansion of the agricultural economy.

Consistency with the Zoning Ordinance:

The proposed use of the subject property is compatible with surrounding zoning and the intent of the district.

Allowed Uses in the A-2 District:

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)
- (12) Childcare (home-based).
- (13) Churches (less than 100,000 square feet)

- (14) Farm-based equipment sales/service.
- (15) Foster care and adult family care (home-based).
- (16) Garden shops, greenhouses, nurseries.
- (17) Home-based service business.
- (18) Home occupations (Refer to [section 74-2](#)).
- (19) Hunting lodges and clubs and boat clubs.
- (20) Kennels, private.
- (21) Off-street parking for permitted uses.
- (22) Poultry processing facilities (Refer to article 74-XXIII)
- (23) Preserves and conservation areas.
- (24) Riding schools, horse breeding establishments, riding stables.
- (25) Sawmills (portable).
- (26) Special events.
- (27) Wayside stands (temporary, seasonable or sale of on-site farm products).

Public Notification:

Notice was published in the Farmville Herald on November 25 and December 2, 2015.

Adjacent notice for both hearings was sent by certified mail to adjacent property owners.

Public Input:

A next door neighbor, who shares the pond with this property, has expressed concerns regarding the intensity of any agricultural uses, as well as potential impacts on the pond. She has requested that a buffer be maintained between any animals and the pond. She opposed the rezoning when initial letters were sent out, but has not expressed any concerns since.

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 agriculture.

Recommendation:

The Planning Commission recommends approval of the rezoning on a divided vote. The vote was 5-1, with Chairman Burger opposed. He expressed concerns regarding the rezoning, when adjacent properties are zoned R-2. His proposal was to allow additional animals in the R-2 to address Mr. Bales concerns.

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 15-05, a rezoning to A-2, Agriculture to allow the parcel to be used for agricultural uses.

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 15-05.

Respectfully submitted by:

Sara Carter

Planning Director



COMMONWEALTH OF VIRGINIA
COUNTY OF CUMBERLAND

Internal Use Only
FILE # 508 STAFF SC
RECEIVED 9-15-15
COMPLETED
FEE/Ck #
RECEIPT # 955225

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?):

Bales

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

Change to A-2

Address/ Location:

Address TBD Stoney Point

Current Zoning:

R-2

Tax Map Parcel(s):

57-A-28A

Election District:

3

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 type="checkbox"/> YES <input checked="" 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?):

Howard W. Bales

Address:

10203 Edgecliff Lane City: Chesterfield State: VA Zip: 23832

Cumberland County Department of Planning & Zoning
♦ Box 110 ♦ Cumberland, VA 23040 ♦ 804-492-3520 ♦ Fax - 804-492-9224

Daytime Phone: (804) 790-1431 Fax #: () Email: bales4home@gmail.com

Owner of Record (who currently owns the property?): Howard W. Bales

Address: 10203 Edgecliff Lane City: Chesterfield State: VA Zip: 23832

Daytime Phone: (804) 790-1431 Fax #: () Email: bales4home@gmail.com
Home Cell 804 363 0036

Applicant (who is the contact person representing?): Howard W. Bales

Address: 10203 Edgecliff Lane City: Chesterfield State: VA Zip: 23832

Daytime Phone: (804) 790-1431 Fax #: () Email: bales4home@gmail.com
Cell 804 363 0036

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. No

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?

Are public water, sewer and roads available to serve this site? Will there be any impact on these facilities? _____

NO water + sewer

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

all zoned R-2 in immediate area

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

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: I don't have any immediate plans, I just want to be able in the future to maybe have a horse or a few chickens if I decide to.

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.

HOWARD WAYNE Bales

9/15/2015

Print Name of Owner/ Applicant

Date

Howard Wayne Bales

804 363-0036

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).

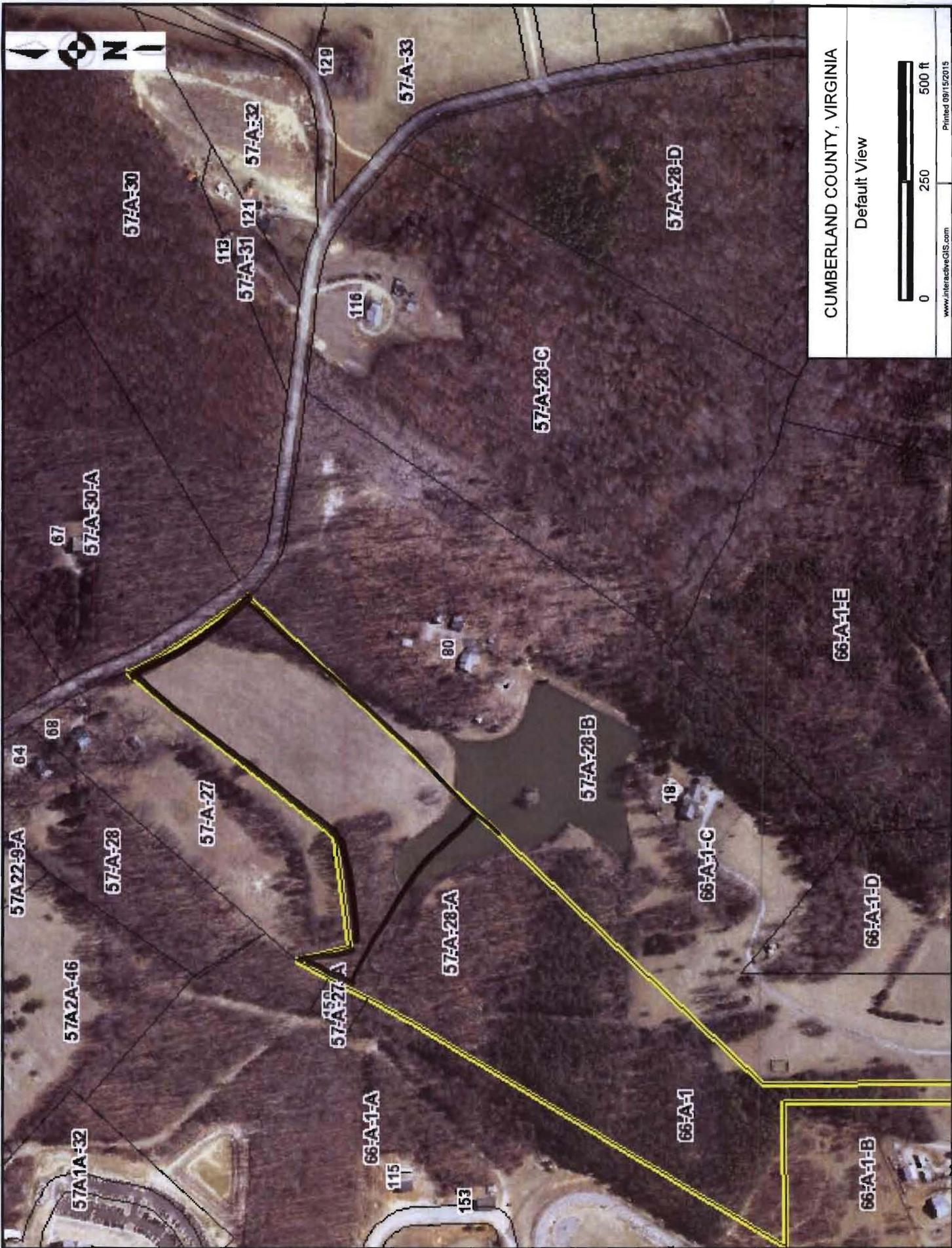
By signing the below, County staff is stating the rezoning package is complete; it does not and should not imply any approval or denial of the request.

[Signature]

9/15/15

Signature of Zoning Administrator

Date



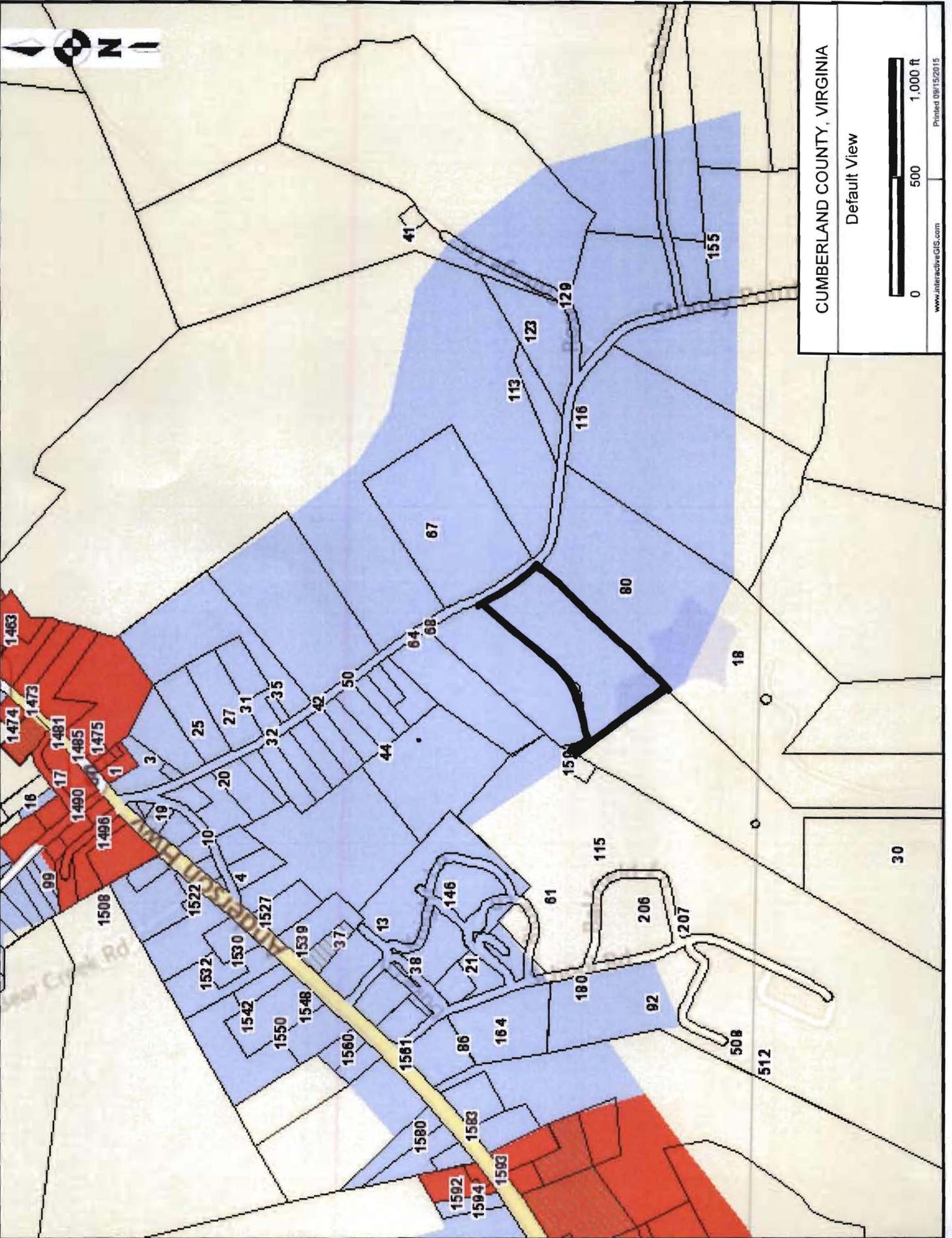
CUMBERLAND COUNTY, VIRGINIA

Default View



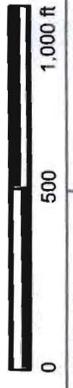
www.interactiveGIS.com

Printed 09/15/2015



CUMBERLAND COUNTY, VIRGINIA

Default View



www.interactiveGIS.com

Printed 09/15/2015



STAFF REPORT
REZ 15-06
Robert Wise/Cumberland County Planning Commission
Rezoning
Cumberland County, Virginia
Board of Supervisors Public Hearing
December 8, 2015

General Information:

Processing schedule: The Planning Commission held a public hearing on this proposal on November 16, 2015. They recommend the rezoning to the Board of Supervisors unanimously. The Board of Supervisors public hearing on the request will be held on December 8, 2015.

Application Information:

Applicant: Cumberland County Planning Commission
Owner: Robert Wise
Requested Action: To grant a rezoning for retail uses
Location: Tax Parcels 57-A-54-A, 57-A-55, 57-A-58
Addresses: 1293, 1307, 1309, 1311 Anderson Highway and 4 Old Buckingham Road
Voting District: 3
Existing Zoning: B-3, Limited Business, with an existing CUP for a used car lot on parcel 57-A-55
Proposed Zoning: B-1, Business
Size: 4.36 acres
Existing land uses: Retail and mini-storage
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	Commercial	R-2 and B-1	High intensity growth area
South	Ballfields	R-2	High intensity growth area
East	Residential	R-2	High intensity growth area

Summary of Request and Background Information:

This property has been used for a variety of retail uses for many years. In 1984, a Conditional Use Permit was granted for parcel number 57-A-55 for a used car lot. The existing retail structures have been in use for many years with a variety of retail uses.

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. Because the Commissioner of the Revenue now requires new businesses to obtain zoning confirmation prior to issuance, and confirmation cannot be given for more intense commercial uses in this zone, these businesses have not been able to locate here. A new retail use would like to operate a store out of one of the spaces, and has pursued rezoning with the owner, Mr. Robert Wise, who requested that the Planning Commission initiate the rezoning.

The Planning Commission held their public hearing on November 16, 2015. There were no speakers on the request, and the Commission recommends this proposal to the Board of Supervisors unanimously.

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 November 25 and December 2, 2015.

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

Public Input:

None, as yet.

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 unanimously recommends approval of the rezoning 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 15-06, a rezoning to B-1, Business to allow retail uses at the intersection of Routes 60 and 13.

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 15-06..

Respectfully submitted by:
Sara Carter
Planning Director



COMMONWEALTH OF VIRGINIA
COUNTY OF CUMBERLAND

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

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?):

Robert Wise

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

B-3 to B-1

Address/ Location: 293, 1307, 1309, 1311 Anderson Hwy + 4 Old Buck Road

Current Zoning: B-3

Tax Map Parcel(s): 57-A-54-A, 57-A-55, 57-A-58

Election District: 3

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 type="checkbox"/> YES <input checked="" 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?): Sara Carter

applicant: Cumberland Co. Planning Commission

Address: P O Box 110 City Cumberland State: VA Zip: 23040

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

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

Robert Wise

Address: 52 Bigger Rd City: Cumberland State: VA Zip: 23040

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

Applicant (who is the contact person representing?): _____

Same as Contact

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. yes 57-A-54

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?
Allow additional retail uses at this location.

Are public water, sewer and roads available to serve this site? Will there be any impact on these facilities? yes

Explain the present unavailability of land in the community or adjacent communities zoned to permit proper location of the proposed use. There is B-1 around the Courthouse area; however, there are very few available locations for rent that are B-1.

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

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:

Property is currently developed for retail. No additional development is planned at this time. This rezoning will allow greater utilization of the existing buildings.

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

Currently, there is one business that is out of compliance with zoning and another that requires B-1 zoning is proposed. There have been no citizen complaints about this property.

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:)

Five horizontal lines for listing liens, all of which are crossed out with a diagonal slash.

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.

Sara Carter

Print Name of Owner/ Applicant

11/21/2015

Date

[Signature]

Signature of Owner/ Applicant

804 492 3520

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]

Signature of Zoning Administrator

11/21/2015

Date

Examined and delivered to
Lee R. Harrison, Atty

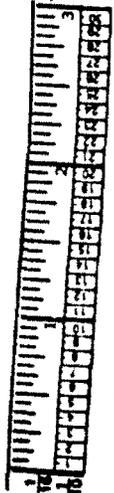
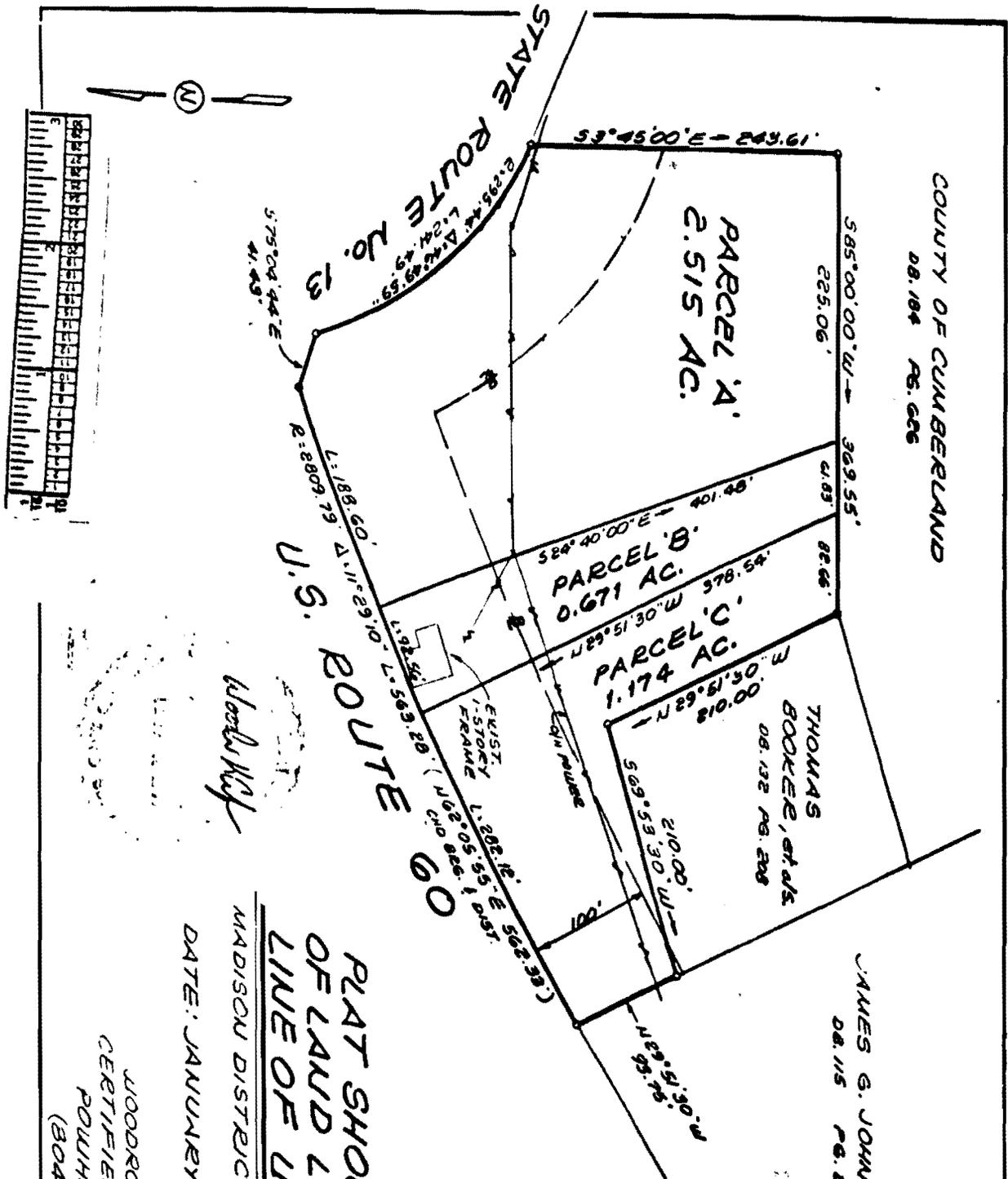
193

ST. R. Tax
Co. R. Tax
Transfer
Chk
Lb. (145)
Grantor Tax
Tech. Tr. (100)
Total \$

16.00	12.00	1.00	3.00	16.00
-------	-------	------	------	-------

at 12:01 P.M. in D.B. 214 Page(s) 145-126
The foregoing instrument with acknowledgment was
admitted to record on February 18, 1997.
Clerk: *Carol O. Henderson*

ORIGINAL CLERK'S OFFICE OF THE CIRCUIT COURT OF CUMBERLAND COUNTY



Woodrow K. Cooper, Jr.

PLAT SHOWING 3 1/4
OF LAUD LYING ON THE
LINE OF U.S. ROUTE
MADISON DISTRICT - CUMBERLAND
DATE: JANUARY 14, 1997

WOODROW K. COOPER, JR.
CERTIFIED LAND SURVEYOR
POUNHATAN, VIRGINIA
(804) 598-2014

NOTE:
THIS PROPERTY
HAD DEFINED
ZONE. (ZONE

APPROVED: *[Signature]*
COUNTY
2/18/

** GENERAL FUND REVENUES**

Monthly Financial Report To Council For December 2015

	Estimated 2015/2016 Budget to Date -----	Actual 2015/2016 Budget to Date -----	(Over) or Under Budget to Date -----
Revenue			
Balance Forward		5,300,476.12	
Fund Revenue	38,308,393.75	14,907,647.68	23,400,746.07
Total Revenue	38,308,393.75	20,208,123.80	18,100,269.95
Expenditures			
* Board of Supervisors *	41,638.00	20,000.75	21,637.25
* County Administrator *	285,404.00	107,088.92	178,315.08
* Legal Services *		59,990.60	(59,990.60)
* Independent Auditor *	34,500.00	13,290.80	21,209.20
* Commissioner of Revenue *	232,850.00	93,184.96	139,665.04
* Treasurer *	271,986.00	116,029.11	155,956.89
* Accounting *	130,418.00	57,455.42	72,962.58
* Data Processing *	173,196.00	83,687.96	89,508.04
* Electoral Board *	25,141.00	13,804.00	11,337.00
* Registrar *	84,412.00	36,973.17	47,438.83
* Circuit Court *	25,810.00	602.77	25,207.23
* General District Court *	14,210.00	1,061.41	13,148.59
* Magistrate *	2,125.00	450.08	1,674.92
* Clerk of Circuit Court *	213,029.00	82,739.95	130,289.05
* Law Library *	1,000.00	287.31	712.69
* Commonwealth's Attorney *	204,060.00	86,369.96	117,690.04
* Sheriff *	1,465,012.00	620,690.56	844,321.44
* School Resource Officer *	62,028.00	25,882.46	36,145.54
* E911 *	23,100.00	17,153.12	5,946.88
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	52,277.67	58,545.33
* Animal Control *	100,253.00	45,364.05	54,888.95
* Medical Examiner *	200.00	60.00	140.00
* Refuse Disposal *	619,131.00	274,721.54	344,409.46
* General Properties *	729,489.00	253,604.73	475,884.27
* 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	13,381.59	18,995.41
* Community Colleges *	5,181.00	3,081.00	2,100.00
* Recreation *	88,793.00	22,527.31	66,265.69
* Local Library *	115,450.00	57,725.00	57,725.00
* Planning Commission *	7,650.00	3,370.75	4,279.25
* Planning/Zoning Dept. *	86,926.00	52,186.81	34,739.19

** GENERAL FUND REVENUES**

Monthly Financial Report To Council For December 2015

	Estimated 2015/2016 Budget to Date -----	Actual 2015/2016 Budget to Date -----	(Over) or Under Budget to Date -----
Expenditures			
* 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	12,393.65	37,477.35
* NONDEPARTMENTAL *	12,600.00	2,671.71	9,928.29
TRANSFERS	8,213,522.19	2,995,260.40	5,218,261.79
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		281,291.20	(281,291.20)
* 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	308,200.03	141,799.97
* SEWER FUND - Enterprise Fund *	577,976.19	198,301.63	379,674.56
* WATER FUND - ENTERPRISE FUND *	129,060.00	54,281.30	74,778.70
COMMUNITY CENTER PURCHASE	125,314.00	41,292.65	84,021.35
MADISON INDUSTRIAL PARK			
	20,000.00	5,167.86	14,832.14
Total Expenditure	38,308,393.75	13,596,340.31	24,712,053.44
Total Revenues			
Less Total Expenditures		6,611,783.49	(6,611,783.49)

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	1,118,131.65	2,568,729.96	2,961,270.04
1102	* Real/Personal Public Service *	710,000.00	710,000.00	107,116.69	395,310.82	314,689.18
1103	* Personal Property Taxes *	1,794,500.00	1,794,500.00	728,981.16	1,356,947.09	437,552.91
1104	* Machinery & Tools *	85,000.00	85,000.00	74,933.22	115,502.12	30,502.12
1106	* Penalties & Interest *	264,000.00	264,000.00	18,738.08	75,961.87	188,038.13
1201	* Local Sales & Use Taxes *	375,000.00	375,000.00	.00	283,313.03	91,686.97
1202	* Consumer' Utility Taxes *	172,000.00	172,000.00	14,863.14	76,647.50	95,352.50
1203	* Business License Taxes *	107,000.00	107,000.00	2,575.40	18,553.90	88,446.10
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	83,858.53	159,656.92	73,343.08
1207	* Taxes On Recordation & Wills *	45,000.00	45,000.00	2,610.62	20,845.08	24,154.92
1301	* Animal Licenses *	8,328.00	8,328.00	210.00	450.00	7,878.00
1303	* Permits & Other Licenses *	51,000.00	51,000.00	6,466.10	22,696.87	28,303.13
1401	* Court Fines & Forfeitures *	145,000.00	145,000.00	7,612.38	28,781.62	116,218.38
1501	* Revenue From Use Of Money *	31,000.00	31,000.00	.00	5,262.57	25,737.43
1502	* Revenue From Use Of Property *	17,000.00	17,000.00	723.60	5,617.40	11,382.60
1601	* Court Costs *	47,360.00	47,360.00	4,599.20	19,713.56	27,646.44
1602	* Commonwealth's Attorney Fees *	800.00	800.00	53.75	314.09	485.91
1603	* Charges For Law Enforcement *	40,000.00	40,000.00	9,688.51	19,269.36	20,730.64
1606	* Charges For Other Protection *	100.00	100.00	.00	.00	100.00
1608	* Charges Sanitation & Removal *	370,166.00	370,166.00	25.00	291.00	369,875.00
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	5,234.00	9,960.61	1,639.39
1616	* Charges For Planning / Com Dev *	1,300.00	1,300.00	250.00	1,480.00	180.00
1999	* Miscellaneous *	1,146,400.00	1,477,414.19	1,890.56	1,162,705.68	314,708.51
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	896.03	63,215.56	1,247,919.44
2301	* Commonwealth Attorney *	156,000.00	156,000.00	.00	57,131.04	98,868.96
2302	* Sheriff *	561,533.00	561,533.00	.00	183,333.72	378,199.28
2303	* Commissioner Of Revenue *	76,000.00	76,000.00	.00	25,217.93	50,782.07
2304	* Treasurer *	93,000.00	93,000.00	.00	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	.00	48,327.55	95,672.45
2308	* DMV License Agent *	18,000.00	18,000.00	.00	6,301.73	11,698.27
2404	**GRANT FUNDS**	40,000.00	40,000.00	.00	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	2,189,457.62	6,852,846.56	7,190,088.63

FUND # -150

1501	INTEREST-STATE	.00	.00	.00	15.76	15.76
2402	ASSET FORFEITURE REVENUE (STATE)	25,000.00	25,000.00	.00	1,282.46	23,717.54
	--FUND TOTAL--	25,000.00	25,000.00	.00	1,298.22	23,701.78

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

FUND # -170

1902	HEALTH INSURANCE CONTRIBUTIONS	1,957,000.00	1,957,000.00	58,881.79	740,882.60	1,216,117.40 62.14
2000	DENTAL INSURANCE CONTRIBUTIONS	110,400.00	110,400.00	3,275.29	41,168.68	69,231.32 62.70
	--FUND TOTAL--	2,067,400.00	2,067,400.00	62,157.08	782,051.28	1,285,348.72 62.17

FUND # -201

1899	* Miscellaneous Revenue *	.00	.00	.00	5,233.59	5,233.59- 100.00-
2401	* Welfare *	153,318.00	153,318.00	.00	125,264.54	28,053.46 18.29
3305	* Social Services *	785,624.00	785,624.00	.00	221,824.73	563,799.27 71.76
4105	* Fund Transfers *	312,844.00	312,844.00	.00	46,951.17	265,892.83 84.99
	--FUND TOTAL--	1,251,786.00	1,251,786.00	.00	399,274.03	852,511.97 68.10

FUND # -203

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-

FUND # -205

1803	* Expenditure Refunds *	.00	.00	11,275.80	83,935.96	83,935.96- 100.00-
1899	* Miscellaneous Revenue *	290,743.00	341,943.00	41.84	278.98	341,664.02 99.91
2402	* State Education *	8,793,858.00	8,828,858.00	.00	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	43,872.00	469,067.91	1,408,073.09 75.01
4105	* Fund Transfers *	3,774,419.00	3,774,419.00	.00	754,226.54	3,020,192.46 80.01
	--FUND TOTAL--	14,586,161.00	14,903,258.00	55,189.64	3,900,470.79	11,002,787.21 73.82

FUND # -207

1501	* INTEREST ON BANK DEPOSITS *	.00	.00	.00	171.91	171.91- 100.00-
1899	** MISC REVENUE **	.00	.00	77.00	268.04	268.04- 100.00-
1901	** LOCAL CONTRIBUTIONS **	.00	464,560.37	.00	203,591.33	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	77.00	261,408.99	784,504.38 75.00

FUND # -302

1501	* Interest On Bank Deposits *	.00	.00	.00	350.95	350.95- 100.00-
4105	* Fund Transfers *	.00	11,820.00	.00	.00	11,820.00 100.00
	--FUND TOTAL--	.00	11,820.00	.00	350.95	11,469.05 97.03

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

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	1,713,574.50	1,920,356.50 52.84
	-- FUND TOTAL--	3,657,931.00	3,657,931.00	.00	1,725,747.88	1,932,183.12 52.82

FUND #500

1899	*MISCELLANEOUS REVENUE*	.00	.00	.00	990.00	990.00- 100.00-
2404	*REVENUE FROM STATE*	350,000.00	350,000.00	.00	163,740.21	186,259.79 53.21
4105	*TRANSFERS*	100,000.00	100,000.00	.00	100,000.00	.00 .00
	-- FUND TOTAL--	450,000.00	450,000.00	.00	264,730.21	185,269.79 41.17

FUND #501

1619	**CHARGES & FEES**	384,642.00	384,642.00	25,711.27	138,396.89	246,245.11 64.01
1620	SEWER LATE PAYMENT PENALTY	8,000.00	8,000.00	744.45	2,687.29	5,312.71 66.40
1630	**ADMIN FEES/CHARGES**	15,200.00	15,200.00	1,295.50	6,517.37	8,682.63 57.12
1803	MISCELLANEOUS	.00	.00	.00	1,107.80	1,107.80- 100.00-
4105	**TRANSFERS**	.00	299,194.19	.00	299,194.19	.00 .00
	-- FUND TOTAL--	407,842.00	707,036.19	27,751.22	447,903.54	259,132.65 36.65

FUND #515

1501	INTEREST SEWER RESERVE	.00	.00	.00	88.57	88.57- 100.00-
	-- FUND TOTAL--	.00	.00	.00	88.57	88.57- 100.00-

FUND #540

1501	INTEREST WATER RESERVE	.00	.00	.00	12.92	12.92- 100.00-
	-- FUND TOTAL--	.00	.00	.00	12.92	12.92- 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-

REVENUE SUMMARY
7/01/2015 - 12/01/2015

TIME 14:51

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE	UNCOLLECTED
FUND # -580							
1501	INTEREST REVENUE	.00	.00	.00	1.07	1.07-	100.00-
	--FUND TOTAL--	.00	.00	.00	1.07	1.07-	100.00-
FUND # -715							
1899	Rent of General Property	44,000.00	44,000.00	2,000.00	16,483.05	27,516.95	62.53
2404	**GRANT FUNDS**	.00	.00	.00	100,000.00	100,000.00-	100.00-
4105	Transfer from General Fund	81,314.00	81,314.00	.00	81,314.00	.00	.00
	--FUND TOTAL--	125,314.00	125,314.00	2,000.00	197,797.05	72,483.05-	57.84-
FUND # -733							
1899	* Miscellaneous Revenue *	20,000.00	20,000.00	1,545.61	4,460.58	15,539.42	77.69
3305	*FEDERAL FUNDS*	.00	.00	.00	1,750.00	1,750.00-	100.00-
	--FUND TOTAL--	20,000.00	20,000.00	1,545.61	6,210.58	13,789.42	68.94
	--FINAL TOTAL--	36,303,355.00	36,308,393.75	2,338,178.17	14,907,647.68	23,400,746.07	61.08

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	11,206.73	12,393.65	.00	37,477.35	75.14
90000	* NONDEPARTMENTAL *	12,600.00	12,600.00	1,424.91	2,671.71	.00	9,928.29	78.79
93100	**TRANSFERS**	7,902,508.00	8,213,522.19	.00	2,995,260.40	.00	5,218,261.79	63.53
	--FUND TOTAL--	13,711,920.00	14,042,934.19	423,401.93	5,529,872.00	.00	8,513,062.19	60.62
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	.00	857,953.03	.00	949,746.97	52.53
63100	DENTAL INSURANCE	259,700.00	259,700.00	.00	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	.00	899,959.85	.00	1,167,440.15	56.46
FUND # -201								
53100	* Administration *	1,251,786.00	1,251,786.00	.00	399,274.03	.00	852,511.97	68.10
	--FUND TOTAL--	1,251,786.00	1,251,786.00	.00	399,274.03	.00	852,511.97	68.10
FUND # -205								
61100	**TRANSFERS**	14,586,161.00	14,903,258.00	.00	3,777,837.26	.00	11,125,420.74	74.65
93100	**TRANSFERS**	.00	.00	.00	67,443.89	.00	67,443.89	100.00-
	--FUND TOTAL--	14,586,161.00	14,903,258.00	.00	3,845,281.15	.00	11,057,976.85	74.19
FUND # -207								
61100	GOVERNOR'S SCHOOL EXPENDITURES	.00	1,045,913.37	.00	304,707.17	.00	741,206.20	70.86
	--FUND TOTAL--	.00	1,045,913.37	.00	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	281,291.20	.00	281,291.20	100.00-
	--FUND TOTAL--	.00	11,820.00	140,645.60	281,291.20	.00	269,471.20	279.79-

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING \$
FUND #401								
67200	* Elementary School - Lit Loan *	226,667.00	226,667.00	.00	.00	.00	226,667.00	100.00
67400	* COPS97 Loan *	369,666.00	369,666.00	.00	347,353.12	.00	22,312.88	6.03
67500	* High/Middle School - VFSA Loan *	938,201.00	938,201.00	.00	744,873.35	.00	193,327.65	20.60
67700	PUBLIC FACILITY NOTE 2009	389,184.00	389,184.00	.00	261,547.88	.00	127,636.12	32.79
67800	* AMERESCO *	.00	.00	.00	141,908.00	.00	141,908.00	100.00
95600	* SunTrust Loan-HS/MS *	1,485,632.00	1,485,632.00	.00	.00	.00	1,485,632.00	100.00
95700	* SunTrust Loan - Courthouse *	248,582.00	248,582.00	.00	229,997.90	.00	18,584.10	7.47
	--FUND TOTAL--	3,657,932.00	3,657,932.00	.00	1,725,680.25	.00	1,932,251.75	52.82
FUND #500								
53900		450,000.00	450,000.00	146,971.34	308,200.03	.00	141,799.97	31.51
	--FUND TOTAL--	450,000.00	450,000.00	146,971.34	308,200.03	.00	141,799.97	31.51
FUND #501								
94900	* SEWER FUND - Enterprise Fund *	278,782.00	577,976.19	58,560.96	198,301.63	.00	379,674.56	65.69
95900	* WATER FUND - ENTERPRISE FUND *	129,060.00	129,060.00	5,888.40	54,281.30	.00	74,778.70	57.94
	--FUND TOTAL--	407,842.00	707,036.19	64,449.36	252,582.93	.00	454,453.26	64.27
FUND #715								
81610	COMMUNITY CENTER PURCHASE	125,314.00	125,314.00	188.69	41,292.65	.00	84,021.35	67.04
	--FUND TOTAL--	125,314.00	125,314.00	188.69	41,292.65	.00	84,021.35	67.04
FUND #733								
53010		20,000.00	20,000.00	.00	5,167.86	.00	14,832.14	74.16
	--FUND TOTAL--	20,000.00	20,000.00	.00	5,167.86	.00	14,832.14	74.16
	--FINAL TOTAL--	36,303,355.00	38,308,393.75	775,656.92	13,596,340.31	.00	24,712,053.44	64.50

12/01/2015

GLO60AA

CUMBERLAND CO
EXPENDITURE SUMMARY
7/01/2015 - 12/01/2015

PAGE 9

TIME 14:51

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--							

**Planning Projects:
December 2015**

Zoning:		
<i>Pending Zoning Questions and Requests</i>		
<i>CUP's and Rezoning Requests</i>		
Kevin Dunn	1671 Cumberland 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 recommended approval of this request on a split vote. A public hearing with the Board of Supervisors will be held on December 8, 2015.
Olander and Minerva Fleming	Address TBD Taylor Road	Approved.
Kellee Sutton	Address TBD Amphill Road	Approved.
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 held a public hearing on November 16, 2015 and recommends approval of the request. The Board public hearing is scheduled 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 held a public hearing on the CUP and approved the waiver on November 16, 2015. The Board of Supervisors has a public hearing scheduled for December 8, 2015. Finally, the Board of Supervisors approved a resolution for VDOT surety for work in the R-O-W at their November 17 meeting, and will need to consider covering the work of the CVVFD prior to their work in the R-O-W.
<i>Other Zoning Issues-</i> Three cases under legal review.		
Subdivisions:		
<i>Pending Subdivisions</i>		
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.
<i>Subdivision Plat Vacation</i>		
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.
<i>Other Subdivision Requests</i>		
Junius Smith and Parrish and Amy Galloway	129 Forest View Road	Lot line adjustment between two lots and boundary line vacation between three lots.
Other Regulatory Functions:		
<i>Erosion and Sediment Control Applications</i>		
Henrico County	Utility Corridor Clearing Project	Utility corridor being cleared.
Gary Thompson	254 Whiteville Road	Agreement in Lieu of a Plan for a single family home.
Sarah Maddox	Address TBD John Randolph Road	Agreement in Lieu of a Plan for a single family home.
Cartersville Vol. Fire Dep't.	Intersection of Cartersville and Jennings Roads	E and S Plans approved. Land Disturbing Permit issued.
<i>Code Amendment Questions</i>		
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.
Buffers	Countywide	The Planning Commission held a public hearing on a revised buffer ordinance on November 17, 2015 and recommend approval of more specific standards. The Board is being requested to schedule a public hearing for the January meeting.
Animals in the R-2 district	Countywide	The Planning Commission is considering amendments to the permitted uses in the R-2 district that would allow a greater number and variety of animals to be kept in this district, if a lot meets acreage standards. The Commission held a public hearing on the proposed amendment on November 16, 2015, and have requested changes that will be considered at their January meeting.
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.

Cobbs Creek Reservoir Area Comprehensive Plan Amendment

Proposed Scope of Work

Summary of Existing Conditions and Review of Upcoming Changes: Staff will provide review, analysis and mapping of the area to determine what needs should be addressed through the process. A report will be compiled to be presented to both the Planning Commission and the Board of Supervisors.

Proposed Process Timeframe- Collection and analysis: December-March

Presentation of Report to the Planning Commission: March workshop meeting

Planning Commission report to the Board of Supervisors at their meeting: TBD

Public Visioning Process: After compilation and review of the existing conditions/upcoming changes report, a series of public meetings will be held in the community to discuss concerns and ideas for the future of the area. Staff recommends one mailout to all property owners in the affected area with a listing of meetings that are available. Further outreach will be accomplished through the county website and emails to interested participants.

Proposed Process Timeframe: Meetings from April-June

Presentation of Vision Statement to the Planning Commission: June workshop meeting

Planning Commission report to the Board of Supervisors at their meeting: TBD

Formulation of Goals and Objectives: Using the public input received through the visioning process, formulate goals and objectives, along with policies that implement the vision in the study area. Follow-up with participants from the visioning portion of the process will occur with email, invitation to the Planning Commission meeting, and an outreach meeting, if needed.

Proposed Process Timeframe: July-August

Presentation of Goals and Objectives to the Planning Commission: September workshop meeting

Planning Commission report to the Board of Supervisors at their meeting: TBD

Creation of Implementation Strategies: If the proposed plan goals and objectives require, at this time, any proposed ordinance amendments or implementation strategies will be determined and researched. The nature of these strategies will be dependent on the vision and goals agreed upon by the Commission.

Proposed Process Timeframe: September-November

Presentation of Strategies to the Planning Commission: December workshop meeting

Planning Commission report to the Board of Supervisors at their meeting: TBD

Final Plan Completion and Review in the Public Process: All portions of the proposed plan will be completed and brought to the Commission. Follow-up with the public will occur in a forum in the area, and the plan will be brought through the public hearing process with the Commission and the Board of Supervisors.



MEMO

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

From: Sara Carter, Planning Director

Date: December 1, 2015

Re: **CUP #15-13 Randall Daves**
Tax Map Parcels 57A1A-16 and 17
Address: 1588 and 1592 Anderson Highway
B-1 Business
CUP for lot deficiencies

Randall Daves is requesting a Conditional Use Permit to address lot deficiencies on two lots on Anderson Highway. He owns the former Dixie Dream and the ABC store lots, and would like to expand the Dixie Dream building. In order to do so, he will need relief from lot size requirements and setbacks. The Planning Commission will review this application at their January 5, 2016 meeting.

Staff recommends that the Board set a public hearing for January 12, 2016 for a Conditional Use Permit to address lot deficiencies on two lots located at 1588 and 1592 Anderson Highway.



MEMO

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

From: Sara Carter, Planning Director

Date: December 1, 2015

Re: **Code Amendment to require buffers for commercial development adjacent to residential uses**

Per the Board of Supervisors request, the Planning Commission has reviewed the proposed language regarding buffers, and has revised the proposed language to make it more specific. The Commission has retained the ability for citizens to seek a waiver in the language, if there are concerns with meeting the requirements. The Commission held a public hearing on this language on November 16, 2015, and forwards this to the Board with a unanimous recommendation.

Staff recommends that the Board set a public hearing for January 12, 2016, to consider amending the Cumberland County Code in Chapter 74-5, Zoning Permits.

Proposed Language (changes from previous proposal shown in red):

- **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 ~~copies~~ 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 a transition between the commercial use and any adjacent residential properties. This transition may be achieved through the retention of established vegetation in the setback of at least 20 feet, the planting of a double staggered row of evergreen trees (ten feet on center and a minimum planting height of five feet), or a six foot board privacy fence with one row of evergreens (ten feet on center and a minimum planting height of three feet) on the side of the fence adjacent to the residential use. A property owner may apply for a waiver to this requirement, pursuant to Section 74-14.

Treasurer's Office

Outstanding Collections Report

November 2015

Real Estate

	<u>As of 10/31/15</u>	<u>As of 11/30/2015</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2000-2005	\$ 7,552.00	\$ 7,313.49	\$ 238.51	3.16%	
2006	5,081.11	5,081.11			
2007	8,447.88	8,295.10	152.78	1.81%	
2008	11,439.35	11,439.35			
2009	14,596.71	14,468.57	128.14	0.88%	
2010	30,526.94	29,824.47	702.47	2.30%	
2011	60,017.28	57,513.79	2,503.49	4.17%	
2012	99,636.48	95,603.48	4,033.00	4.04%	\$ 1,034.90
2013	157,081.44	152,339.02	4,742.42	3.02%	1,034.90
2014	232,359.19	225,316.01	7,043.18	3.03%	965.56
2015	190,762.79	468,930.63	1,102,841.15	70.10%	1,228.26
Total	\$ 817,501.17	\$ 1,076,125.02	\$ 1,122,385.14		

Personal Property

	<u>As of 10/31/15</u>	<u>As of 11/30/2015</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2010	\$ 35,641.81	\$ 35,267.15	\$ 374.66	1.05%	\$ 9.59
2011	36,444.10	36,372.65	71.45	0.20%	9.71
2012	36,468.23	35,721.55	746.68	2.05%	9.87
2013	44,586.52	42,457.43	2,129.09	4.77%	112.43
2014	84,988.20	79,144.79	5,843.41	6.87%	96.22
2015	1,348,807.13	556,743.14	792,063.99	58.72%	2,394.46
Total	\$ 1,586,935.99	\$ 785,706.71	\$ 801,229.28		

Collection Rates - As of November 30, 2015

Real Estate:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	95.94%	95.87%	+ 0.07%
Tax Year - 2015	91.54%	91.21%	+ 0.33%

Personal Property:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	97.17%	97.03%	+ 0.14%
Tax Year - 2015	80.33%	81.59%	- 1.26%

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
100-0000	* TREASURER'S ACCOUNTABILITY *				
	ASSETS				
100-0000	CASH IN OFFICE	1,000.00			1,000.00
100-0105	C&F BANK - CHECKING	650,000.00	3,449,602.78		650,000.00
100-0115	C&F BANK - INVESTMENT ACCT	673,783.43	976,824.83		1,650,608.26
100-0120	C&F BANK - SAVINGS ACCT	18,956.15	4,602.95		23,559.10
100-0121	C&F BANK-IPR ACCOUNT	14,053.65			14,053.65
100-0122	ESSEX BANK - CD	2,212,083.39			2,212,083.39
100-0125	C&F BANK-FAF (JUSTICE)	20,192.38			20,192.38
100-0126	C&F BANK-FAF (TREASURY)	2,708.82			2,708.82
100-0128	NEW HORIZON BANK-MONEY MKT	682,327.97	202.83		682,530.80
100-0129	C&F BANK-MONEY MARKET ACCT	142,208.68			142,208.68
100-0131	FIRST BANK	104,160.98	20.38		104,181.36
100-0137	LOCAL GOV INVESTMENT POOL	5,272.49	.88		5,273.37
100-0140	RIVER COMM BANK - CERT. OF DEPOSIT	364,191.10			364,191.10
100-0141	FIRST BANK/SEWER RESERVE	123,455.04	24.15		123,479.19
100-0142	FIRST BANK/WATER RESERVE	18,012.18	3.52		18,015.70
100-0143	C&F BANK/ASSET FORFEITURE (SAF)	55,259.72	1,282.46		56,542.18
100-0144	C&F BANK-IDA RD OES DSR	53,127.03			53,127.03
100-0145	C&F BANK-GOVERNOR'S SCHOOL FUND	481,251.29	201.97	84,956.12	396,497.14
100-0146	C&F BANK-WATERLINE EXT DSR ACCT	3,542.66			3,542.66
100-0155	RETURNED CHECKS	575.87			575.87
100-0160	E & S CONTROL BOND ESCROW	3,502.27			3,502.27
	ASSETS	5,629,665.10	4,432,766.75	3,534,558.90	6,527,872.95
	TOTAL ASSETS	5,629,665.10	4,432,766.75	3,534,558.90	6,527,872.95
300-0000	**REVENUE FUND BALANCES**				
300-0100	GENERAL FUND BALANCE	3,999,140.21	1,347,762.81	2,098,563.22	4,749,940.62
300-0120	ECONOMIC DEVELOPMENT FUND	38,871.00			38,871.00
300-0150	ASSET FORFEITURE FUND BALANCE	75,554.73		1,282.46	76,837.19
300-0170	HEALTH INSURANCE FUND BALANCE	431,791.97	207,386.27	309,603.75	534,009.45
300-0201	SOCIAL SERVICES FUND BALANCE		106,683.62	106,683.62	
300-0203	NCLB FUND				
300-0204	SCHOOL CONTINGENCY FUND				
300-0205	SCHOOL FUND BALANCE	1,166,292.38		1,166,292.38	
300-0207	GOVERNOR'S SCHOOL FUND (GSSV)	481,251.29	84,956.12	201.97	396,497.14
300-0302	CAPITAL PROJECTS FUND BALANCE	195,894.37	140,645.60	30.50	55,279.27
300-0401	DEBT SERVICE FUND		211,636.97	211,636.97	
300-0500	COMPREHENSIVE SERVICES ACT	134,103.65	101,918.50	114,051.76	146,236.91
300-0501	UTILITY FUND (WATER/SEWER)	78,823.58		340,021.18	179,698.18
300-0515	SEWER RESERVE FUND (DSR)	123,455.04		24.15	123,479.19
300-0540	WATER RESERVE FUND	18,012.18		3.52	18,015.70
300-0545	WATERLINE EXT DSR FUND	3,542.66			3,542.66
300-0550	IDA OES RD DSR FUND	53,127.03			53,127.03
300-0580	IPR FUND BALANCE	14,053.65			14,053.65
300-0715	IDA FUND BALANCE	108,563.43	8,818.09	3,313.05	103,058.39
300-0733	SPECIAL WELFARE FUND BALANCE	18,517.32	4,455.73	1,275.00	15,336.59
	REVENUE FUND BALANCES	5,617,054.95	3,462,055.51	4,352,983.53	6,507,982.97
	TOTAL PRIOR YR FUND BALANCE	5,617,054.95	3,462,055.51	4,352,983.53	6,507,982.97
	TOTAL REVENUE				

TOTAL EXPENDITURE
TOTAL CURRENT FUND BALANCE

11/19/15
FUND # -999

TOTAL LIABILITIES AND FUND BALANCE
GL070
* TREASURER'S ACCOUNTABILITY *
CUMBERLAND CO
BALANCE SHEET
10/31/2015

5,617,054.95-
3,462,055.51
4,352,983.53-
6,507,982.97-

PAGE 2
TIME 15:25

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
OTHER FUND BALANCES					
400-0000	OVERPAYMENTS	29,56-	1,764.76	2,179.65-	444.45-
400-0105	PREPAID TAXES	7,264.00-		2,703.76-	9,967.76-
400-0110	COMMONWEALTH DEBIT ACCOUNT		840.00	4,871.00-	4,031.00-
400-0140	COMMONWEALTH CREDIT ACCOUNT	90.00-	2,437.94	2,437.94-	90.00-
400-0150	EROSION & SED CONTROL BOND ESCROW	3,502.27-			3,502.27-
400-0160	ATTORNEY FEES	1,724.32-	130.18-		1,854.50-
400-0216		12,610.15-	5,042.70	12,322.53-	19,889.98-
OTHER FUND BALANCES					
		12,610.15-	5,042.70	12,322.53-	19,889.98-
UNCOLLECTED TAXES					
500-0000	PUBLIC SERVICE CORP. TAXES PP/RE	376,367.03	45,254.95	314,541.81-	107,080.17
500-0010	UNCOLLECTED 2015 REAL ESTATE TAX	2,801,659.52	457.84	1,230,345.58-	1,571,771.78
500-0078	UNCOLLECTED 2014 REAL ESTATE TAX	239,202.98	457.84	7,301.63-	232,359.19
500-0080	UNCOLLECTED 2013 REAL ESTATE TAXES	161,116.99	527.00	4,562.55-	157,081.44
500-0081	UNCOLLECTED 2012 REAL ESTATE TAXES	102,007.60	527.00	2,898.12-	99,636.48
500-0082	UNCOLLECTED 2011 REAL ESTATE TAXES	61,510.35		1,493.07-	60,017.28
500-0083	UNCOLLECTED 2010 REAL ESTATE TAXES	31,507.99			30,526.94
500-0084	UNCOLLECTED 2009 REAL ESTATE TAXES	14,596.71			14,596.71
500-0085	UNCOLLECTED 2008 REAL ESTATE TAXES	11,439.35			11,439.35
500-0086	UNCOLLECTED 2007 REAL ESTATE TAXES	8,447.88			8,447.88
500-0087	UNCOLLECTED 2006 REAL ESTATE TAXES	5,081.11			5,081.11
500-0150	UNCOLLECTED 2005/2000 REAL ESTATE	7,791.42		239.42-	7,552.00
500-0154	2010 VEHICLE LICENSE TAX	6,408.76		64.00-	6,344.76
500-0155	2011 VEHICLE LICENSE TAX	7,480.32		46.00-	7,434.32
500-0156	2012 VEHICLE LICENSE TAX	7,031.59	23.00	189.00-	6,865.59
500-0157	2013 VEHICLE LICENSE TAX	9,549.44	46.00	417.20-	9,178.24
500-0158	2014 VEHICLE LICENSE TAX	17,649.36		1,354.15-	16,295.21
500-0159	2015 VEHICLE LICENSE TAX	202,598.01	607.00	29,888.65-	173,316.36
500-0173	UNCOLL. 2010 PERSONAL PROPERTY TAX	35,941.21		299.40-	35,641.81
500-0174	UNCOLL. 2011 PERSONAL PROPERTY TAX	36,841.39		397.29-	36,444.10
500-0175	UNCOLL. 2012 PERSONAL PROPERTY TAX	37,537.65	11.67	1,081.09-	36,468.23
500-0176	UNCOLL. 2013 PERSONAL PROPERTY TAX	46,438.16	21.52	1,873.16-	44,586.52
500-0177	UNCOLL. 2014 PERSONAL PROPERTY TAX	94,122.49		9,134.29-	84,988.20
500-0178	UNCOLL. 2015 PERSONAL PROPERTY TAX	1,621,485.89	1,641.68	274,320.44-	1,348,807.13
500-0200	RESERVE UNCOLLECTED COUNTY TAXES	5,943,813.20-	1,881,325.71	49,473.31-	4,111,960.80-
500-0400	UNCOLL MISC FEES	3,637.57			3,637.57
500-0401	RESERVE-MISC FEES	3,637.57-			3,637.57-
500-0800	UNCOLLECTED WATER CHARGES	17,798.58	10,496.73	15,855.71-	12,439.60
500-0810	RESERVE UNCOLLECTED WATER CHARGES	17,798.58-	15,855.71	10,496.73-	12,439.60-
500-0900	UNCOLLECTED SEWER CHARGES	29,585.45	20,948.11	25,957.58-	24,575.98
500-0910	RESERVE UNCOLLECTED SEWER CHARGES	29,585.45-	25,957.58	20,948.11-	24,575.98-
500-1009	UNCOLLECTED 2009 ROLLBACK TAX				
500-1010	UNCOLLECTED 2010 ROLLBACK TAX	2.02			2.02
500-1011	UNCOLLECTED 2011 ROLLBACK TAX	1.83			1.83
500-1012	UNCOLLECTED 2012 ROLLBACK TAX	1.70			1.70
500-1013	UNCOLLECTED 2013 ROLLBACK TAX	1.56			1.56

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
500-1014	UNCOLLECTED 2014 ROLLBACK TAX	1.56			1.56
500-1015	UNCOLLECTED 2015 ROLLBACK TAX	1.46			1.46
500-1099	RESERVE-UNCOLLECTED ROLLBACK TAXES	10.13-			10.13-
	UNCOLLECTED TAXES		2,004,159.34	2,004,159.34-	
510-2010	COMMONWEALTH REIMB-PPTRA				
510-2011	COMMONWEALTH REIMB-2010	871,566.73		29,42-	871,537.31
510-2012	COMMONWEALTH REIMB-2011	864,081.77		26.41-	864,055.36
510-2013	COMMONWEALTH REIMB-2012	873,265.85		31.51-	873,234.34
510-2014	COMMONWEALTH REIMB-2013	865,142.83		89.05-	865,053.78
510-2015	COMMONWEALTH REIMB-2014	873,731.04		332.71-	873,398.33
510-9999	COMMONWEALTH REIMB-2015	882,175.71	930.49	292.31-	882,813.89
	ESTIMATED COMMONWEALTH RESERVE	5,229,963.93-	698.48	827.56-	5,230,093.01-
	COMMONWEALTH REIMB-PPTRA		1,628.97	1,628.97-	
			2,005,788.31	2,005,788.31-	
600-0000	**STATE ACCOUNTS**				
600-0173	UNCOLL. STATE INCOME TAX-2014				
600-0174	UNCOLL. STATE INCOME TAX-2013				
600-0185	ESTIMATED STATE INCOME TAX-2015	16,936.00-	702.00	2,117.00-	18,351.00-
600-0186	ESTIMATED STATE INCOME TAX-2014				
600-0190	RESERVE UNCOLLECTED STATE TAXES	16,936.00	2,117.00	702.00-	18,351.00
	STATE ACCOUNTS		2,819.00	2,819.00-	
700-0000	**DEBT FUNDS**				
700-0151	CERT OF PARTICIPATION -ELEM 97	700,000.00			700,000.00
700-0221	LITERARY LOAN - ELEMENTARY SCHOOL	1,999,999.94			1,999,999.94
700-0222	HIGH SCH/MIDDLE SCH-SUNTRUST LOAN	17,905,000.00			17,905,000.00
700-0226	SEWER LOAN - FARMERS HOME ADM	1,367,189.24			1,367,189.24
700-0227	WATERLINE EXT LOAN-USDA	921,396.56			921,396.56
700-0231	COURTHOUSE LOAN-SUNTRUST	1,609,000.00			1,609,000.00
700-0236	PUBLIC FACILITIES NOTE-2009	4,135,000.00			4,135,000.00
700-0237	VPSA	7,648,264.00			7,648,264.00
700-0239	IDA RD LOAN-OES PROPERTY	1,886,606.90			1,886,606.90
700-0240	AMERESCO LOAN	965,460.00			965,460.00
700-0250	RESERVE DEBT FUND	39,137,916.64-	195,000.00	195,000.00-	38,942,916.64-
	DEBT FUNDS		195,000.00	195,000.00-	

Transactions for DMV Select

November 2015

	# Transactions	Total \$	# Helped	# Transactions	Total \$	# Helped
1				17	\$806.75	4
2	53	\$3,737.16	10	18	\$1,026.67	6
3	19	\$1,160.37	7	19	\$930.75	9
4	13	\$452.75	4	20	\$1,432.06	7
5	50	\$4,832.16	9	21		
6	47	\$1,316.54	14	22		
7				23	\$11,099.00	3
8				24	\$1,491.98	3
9	40	\$1,271.15	8	25	\$1,618.43	7
10	22	\$930.50	9	26		
11				27		
12	43	\$1,653.09	10	28		
13	39	\$1,698.67	13	29		
14				30	\$5,015.34	7
15				31		
16	35	\$1,390.50	14	630	\$41,863.87	144

CUMBERLAND COUNTY

BUILDING INSPECTIONS
DEPARTMENT



NOVEMBER 2015

MONTHLY
REPORT

COUNTY of CUMBERLAND VIRGINIA

FOUNDED • 1749

Building Official's Office

Leland Leeds
Building Official

lleeds@cumberlandcounty.virginia.gov

Mackenzie Tate
Building Coordinator /
Assistant Planning & Zoning
Administrator

mtate@cumberlandcounty.virginia.gov

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



www.cumberlandcounty.virginia.gov

	Current Month 2014	YTD 2014	Current Month 2015	YTD 2015
November				
Singlewides	1	5	2	10
Doublewides	1	5	0	7
Modular	0	4	2	3
New Homes	0	14	1	12
Ag & Exempt	0	2	0	3
Garages & Carports	1	21	0	15
Additions & Remodels	2	25	4	25
Misc	16	153	12	140
Commercial	0	21	3	34
Totals	21	247	24	246
Total Fees Collected	\$1,770.71	\$32,124.74	\$4,831.00	\$36,455.58
E-911 Fees Collected	\$0.00	\$166.00	\$60.00	\$252.00
Zoning Fees Collected	\$10.00	\$282.00	\$20.00	\$270.00
S & E Fees Collected	\$50.00	\$461.00	\$200.00	\$750.00
Total Estimated Value	\$149,184.00	\$5,578,656.00	\$763,895.00	\$6,190,882.00
Admin. Fees	\$50.00	\$60.00	\$0.00	\$30.00
CO's Issued	0	29	6	32

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Regular Meeting
Cumberland County Community Center Rm. C-8
Monday, October 19, 2015
6:30 p.m.**

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

ALSO PRESENT: Sara Carter, Planning Director
Vivian Giles, County Administrator/Attorney (arrived during the meeting)

ABSENT: Hubert Allen, District 4
Larry Atkins, At-Large

CALL TO ORDER AND ROLL CALL

Chairman Burger called the Planning Commission's regular meeting of Monday, October 19, 2015 to order at 6:30 p.m. and a quorum was established.

APPROVAL OF AGENDA

MOTION:

Commissioner Gilliam made a motion to approve the agenda. Commissioner Donahue seconded. The motion carried unanimously 5-0.

APPROVAL OF MINUTES

MOTION:

Vice-Chairman Bryant made a motion to approve the minutes from September 14, 2015. Commissioner Wyatt seconded. The motion carried unanimously 5-0. Commissioner Donahue made a motion to approve the minutes from the September 21, 2015 meeting. Vice-Chairman Bryant seconded. The motion carried unanimously 5-0.

PUBLIC HEARING: REZ 15-01 DUNN

Staff reviewed the proposal for 1671 Cumberland Road. The proposal would cover four acres, approximately 800 feet wide by approximate 220 feet deep adjacent to Route 45. He proposes retail, in the B-1 district. The Comprehensive Plan calls for high intensity growth in the area. Adjacent comments have been limited to questions regarding impacts on adjacent assessments.

Chairman Burger opened the public hearing.

Hearing no comments, Chairman Burger closed the public hearing.

Vice-Chairman Bryant asked about taxes in the area and the impact of rezoning. Staff has been informed that this rezoning will not impact assessments of adjacent properties. No Commissioners expressed concern about the proposal.

MOTION:

Commissioner Wyatt moved to recommend approval to the Board of Supervisors. Commissioner Donahue seconded. The motion passed unanimously 5-0.

PUBLIC HEARING: REZ 15-05 BALES

Staff reviewed the proposed rezoning, which would change a parcel (address TBD) on Stoney Point Road from R-2 to A-2. The applicant is requesting this change so that he can keep animals on his parcel. Chairman Burger expressed concern about allowing a change from the R-2, where adjacent parcels are R-2. He suggested that the Ordinance be changed to allow individuals to have more animals in that district, if the parcel is large enough.

Commissioner Donahue stated that he would not have a problem changing the application if the applicant would agree. However, there are more uses available in the A-2, so that may be a consideration for the applicant.

Chairman Burger expressed concern regarding predictability for neighbors who may have bought into the community, given the residential zoning. He expressed a desire to allow animals without having all the uses in the A-2.

Commissioner Donahue asked if the applicant was present. He was not.

Commissioner Wyatt stated that she did not feel comfortable changing Residential to Agricultural, but agreed that allowing animals would be fine. The parcel in question is approximately 13 acres.

Vice-Chairman Bryant asked whether there are regulations that prohibit animals from being in the pond. Ms. Carter stated that the water quality regulations are state regulations, and can change based upon how the pond is classified.

Commissioner Donahue asked whether the Commission would be able to impose buffers with a CUP or rezoning. Staff responded that the Commission can impose buffers with a CUP, but require a proffer for a rezoning.

Chairman Burger opened the public hearing.

There were no speakers.

Chairman Burger closed the public hearing.

Vice-Chairman Bryant asked whether the applicant was willing to fence off the pond. Staff responded that the applicant had expressed willingness to fence off the pond from animals.

There was a discussion about how the horses allowed as a CUP in the R-2 was formulated and what should be allowed by-right.

MOTION:

Commission Donahue made a motion that the proposal be tabled until there is further information from the applicant and staff can work on a potential code amendment to allow animals in an R-2 and amend the application to a CUP.

SUBDIVISION WAIVER 15-03 SCOTT

Staff reviewed the application for a subdivision waiver for Patricia Scott. Mrs. Scott would like to divide a lot from her lot for the purpose of giving a lot to her son. She is unable to do so under the family provision, as she has not yet owned the parcel for fifteen years. She has owned it for nine years. Neither Mrs. Scott nor her son have any concern about the holding period after division, but would need a waiver for the holding period prior to division.

Commissioner Bryant stated that the Commission had extensive discussions about the holding period when it was approved. The goal was not to prevent family divisions, but to prevent people from circumventing the Ordinance. Other Commissioners generally agreed.

Commissioner Gilliam asked where the fifteen years came from. Chairman Burger did not remember what the reasoning was.

MOTION:

Commissioner Wyatt made a motion that the waiver from Patricia Scott be approved. Commissioner Donahue seconded the motion. The motion passed unanimously 5-0.

CUP 15-10 FLEMING

Staff reviewed the proposal from Olander and Minerva Fleming. They own two contiguous lots, one of which is 0.33 acres, and one which is 2.0 acres. The two acre piece has an old school that is infrequently used as a chapel. The chapel has no well or septic. Staff stated that because of the pre-existing building, there is some question as to whether the addition of a house would be legal. The Flemings are willing to vacate the line between the two properties.

The Commission was supportive of the proposed conditions.

MOTION:

Commissioner Wyatt made a motion that the Commission recommend approval of CUP 15-10 to the Board of Supervisors. Vice-Chairman Bryant seconded the motion. The motion passed unanimously 5-0.

OLD BUSINESS

Staff updated the Commission on old business.

The Commission indicated that the Sign Ordinance is acceptable in its current state.

Staff updated the Commission on CUP 15-08 (Mitchell's Market). He is working on retaining an engineer. The proposal will continue to be tabled until he is able to determine his best course of action regarding provision of water/wastewater facilities. CA 15-10 will be tabled as well.

Staff let the Commission know that staff is unavailable for the next workshop meeting. The Commission discussed a comprehensive plan amendment for Cobbs Creek.

MOTION:

Commissioner Wyatt made a motion to move the workshop meeting to October 26, 2015 at 6:30 pm. Vice-Chairman Bryant seconded the motion. The motion passed unanimously 5-0.

NEW BUSINESS

Staff reviewed a request from Robert Wise that the Commission initiate a rezoning for his parcel at the intersection of Routes 13 and 60. There is a new renter that would like to get a business license, which would not be approvable with the current zoning.

The Commission discussed whether the Commission should initiate the request.

MOTION:

Vice-Chairman Bryant made a motion that the Commission initiate a rezoning request for Robert Wise's property. Commissioner Donahue seconded the motion. The motion passed on a 3-2 vote, with Commissioners Bryant, Donahue and Gilliam in favor, and Commissioners Wyatt and Chairman Burger opposed.

Ms. Giles updated the Commissioner about the results of the last Board of Supervisors meeting.

GENERAL CITIZEN COMMENTS

Carol Miller stated that regarding REZ 15-05, Bales, that the important issue with the pond is where the water comes from and where it goes. The applicant needs to address this. Also she stated that the old gym previously allowed walking three times per week. She wanted to know if there is any chance that the gym could be opened again for this purpose.

Ms. Giles replied that the gym could potentially be used again for that purpose in the afternoon, so as not to conflict with Bear Creek Academy.

Barbara Hinton stated that the Board needs to take a broader look at the County, and not just what they like or individuals.

GENERAL COMMISSIONER COMMENTS

Commissioner Donahue had two comments. First, he was glad to know Shiloh Church better by their new sign, second, he was happy with the work on opting-out from stormwater.

ADJOURNMENT

MOTION:

At 7:31 p.m., Commissioner Donahue moved to adjourn to the next Planning Commission workshop meeting of Monday, October 26, 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 5-0.

Attested:

Bill Burger, Planning Commission Chairman Date

Sara Carter, Planning Director Date

**MINUTES OF THE INDUSTRIAL DEVELOPMENT AUTHORITY
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING DOWNSTAIRS CONFERENCE ROOM
CUMBERLAND COUNTY COURTHOUSE COMPLEX
TUESDAY, SEPTEMBER 29, 2015
9:00 A.M.**

PRESENT:

Fred Shumaker, Chairman
Joe Hazlegrove, Director
Lou Seigel, Director
Leroy Pfeiffer, Sr., Vice Chair
John Godsey, Director
Lester Nyce, Director
James Henshaw, Director

ALSO PRESENT:

Vivian Seay Giles, County Administrator/County Attorney
Jennifer Roberts, Grants Administrator
Julie Pfeiffer, Senior Executive Assistant

ABSENT:

Lester Nyce
James Henshaw

CALL TO ORDER AND ROLL CALL

Fred Shumaker called to order the meeting of the Industrial Development Authority of Cumberland County, Virginia on Tuesday, September 29, 2015 at 9:00 a.m. and a quorum was established.

APPROVAL OF AGENDA

On a motion by Mr. Leroy Pfeiffer and carried, the agenda was approved as presented. The motion carried unanimously 5-0.

ADJOURN INTO CLOSED SESSION

On a motion by Mr. Leroy Pfeiffer and carried, the Board entered into closed meeting pursuant to the Virginia Code 2.2-3711 A.6. to discuss the investment of public funds for the development of the Cumberland Business Park. The motion carried 5-0.

RECONVENE IN OPEN SESSION

A motion was made by Director Pfeiffer and adopted by the following vote:

Mr. Shumaker -	Yes
Mr. Seigel -	Yes
Mr. Godsey -	Yes
Mr. Hazelgrove -	Yes
Mr. Henshaw -	Absent
Mr. Nyce -	Absent
Mr. Pfeiffer -	Yes

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

WHEREAS, the Industrial Development Authority of the County of Cumberland, Virginia 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 Industrial Development Authority of the County of Cumberland, Virginia hereby certifies that, to the best of each director'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, (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Industrial Development Authority of the County of Cumberland, Virginia; and (iii) no action was taken in closed session regarding the items discussed.

PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

The Board discussed the request of staff of the Department of Social Services (DSS) to paint offices. All directors agreed that DSS staff should be allowed to paint their offices.

The Board discussed the request of Clothes Closet staff to erect a directional sign at the Community Center. From the discussion it was decided that county staff will explore the possibility of upgrading all signage at the Community Center. It was suggested the signs list all offices/buildings in that area with the Clothes Closet.

A decision was made to close the IDA bank account; Fred Shumaker to effect closing.

Staff will work to advance the paperwork necessary to change the name of the Industrial Development Authority of Cumberland County, Virginia to the Economic Development Authority of Cumberland County, Virginia.

The Board would like for staff to move forward to maximize grant funding and construct the water line extension to the Business Park on Poorhouse Road.

ADJOURN

On a motion by Mr. Leroy Pfeiffer and carried unanimously, the Board adjourned the meeting until the next regular meeting of the committee to be held November 24, 2015, at 9:00 a.m. in the County Administration Building Downstairs Conference Room, Cumberland County Courthouse Complex in Cumberland, Virginia.

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 17th day of November, 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
Tracie Wright, Finance Director
Sara Carter, Planning 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 Meinhard and carried unanimously, the Board approved the Agenda as amended:

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

5. Public Comments

Mr. Richard Roberts stated that there is a litter problem county-wide, and more specifically on Ashburn Road, and that the County needs to do more about this problem. Surrounding Counties have roadside signs that state that littering is illegal and punishable by fines. The Chairman suggested that more roadside litter pick-up programs be explored. Mr. Roger Hatcher agreed with Mr. Roberts that litter is a serious problem in the County. Mrs. Barbara Hinton stated that there is too much money being spent and that the taxes are too high. Ms. Rose McClinton asked the Board that they pave Samuels Drive or close Hamilton Transfer Station. The Chairman requested that the County Administrator provide the Board with options for Samuels Drive at the next regular meeting of the Board to be held on December 8, 2015.

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:

- The High School has been deemed a Wise Blue Star School; meaning that a certain percentage of the students passed a financial literacy test.
- On December 2, 2015, all students will celebrate Betty Scales Day of Service by somehow contributing to the community.
- JROTC presented the Colors at the Veteran's Day Breakfast at the Cumberland Volunteer Fire Department
- The Varsity Volleyball Team was the runner-up in the Conference 42 and went on to Regionals

- The Cross-Country Team, for the first time in Cumberland history went on to State Competition and placed 9th, with two students who placed as top runners in the State.
- The Little Duke Leaders made cards for Veterans and also packed packages for Madeline's house residents.
- Thanksgiving lunches will be served 11/18/15 and 11/19/15 for families to come eat lunch with their students.
- The Academic Jacket ceremony will be held on Tuesday, November 24, 2015 at 8:30 p.m.
- There will be a reception held for Mr. George Reid who served on the School Board for 23 years. The reception will be held on December 14th at 5 p.m.

b) VDOT

There were no representatives present.

c) Cumberland Public Library – Ms. Jennifer Beach

Ms. Beach was not in attendance

d) Cartersville Volunteer fire Department – Mr. Tom Perry

Mr. Tom Perry, Assistant Chief for the Cartersville Volunteer Fire Department, informed the Board that they are in need of a new Building. The current building shares an inadequate septic system with Martin & Dabney Store, and they share a well with the building that was formerly the Cartersville Medical Building. The Fire Department has requested Capital Improvement Funds in the past for a new building, but that project was not funded. After exploring

other options, the Fire Department has now purchased with their own funds a lot located at the intersection of Cartersville Road and Jennings Road (State Route 607). To date, the Fire Department has spent over \$50,000 to begin construction on the new building, and the Department has secured donations in both labor and products.

The total estimated cost of the building has come down from almost \$600,000 to approximately \$350,000. The Fire Department is willing to spend their reserves to ensure the completion of this building. The Cartersville Fire Department is requesting from the Board \$150,000 to ensure the completion of the project. The Department is hoping to have the building completed by April 2016.

- e) Cumberland Water and Sewer Advisory Committee – Mr. Roger Hatcher

Mr. Roger Hatcher, Chairman of the Cumberland County Water and Sewer Advisory Committee, informed the Board that the County has eleven sewage pump station monitors. Only one out of the eleven is working. The one working monitor chatter box has very limited monitoring capabilities and is supported by a very expensive Verizon telephone line, the cumulative cost for all lines totaling approximately \$5,400 per year.

Utilities Worker, Mr. Bryan Saxtan, solicited bids from two companies for replacement monitors. The Water and Sewer Advisory Committee supports the selection of the bid from Omni Site's XR50 Cellular Sewage Lift Station Monitors. These replacements communicate via WiFi directly to a 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 software package that reports all of the critical information to evaluate the status of each of the lift stations. The installed cost of the system

upgrade is approximately \$23,000 and the annual monitor cost is \$2,400.

Supervisor Osl requested that the Water and Sewer Advisory Committee provide the Board with a proposal within the next sixty (60) days to increase utility rates in order to cover the cost of the replacement monitors that have been requested, along with the ability to repay the loan from the general fund in the amount of \$ 299,194.19. The board would like to see a proposal based on a five (5) year repayment plan, and a ten (10) year repayment plan.

On a motion by Supervisor Osl and carried unanimously, the Board approved the purchase of the sewage lift station monitors:

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

- f) Peter Francisco Soil & Water Conservation District (PFSWCD)
– Ms. Kelly Snoddy

Ms. Kelly Snoddy asked for the Board’s consideration in amending the Zoning Ordinance to limit and control development within the dam break inundation zone (DBIZ) below the 17 watershed flood control structures, which provide flood protection for Cumberland and Buckingham Counties. Peter Francisco would like to work with the County to develop a plan to control downstream development in the DBIZ. Supervisor Osl directed Zoning Administrator, Sara Carter, to take this issue before the Planning Commission and work with Peter Francisco on the proposed Zoning Ordinance Amendment that would be brought before the Board for approval.

- g) Cumberland Clothes Closet – Ms. Barbara Daniels

Ms. Barbara Daniels, Director of the Cumberland Clothes Closet, informed the Board that the Clothes Closet has been able to provide \$11,130 in donations during 2015, and reviewed the activities over the year.

7. Public Hearings

- a) Conditional Use Permit 15-12 - Sutton

Zoning Administrator, Sara Carter, informed the Board that Ms. Kelly Sutton is requesting a Conditional Use Permit to correct lot deficiencies. She is the owner of a 0.86 acre lot in Cartersville that is Zoned R-3 which requires five (5) acre lots. The Planning Commission recommends approval 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 Osl and carried unanimously, the Board approved CUP 15-12:

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

- b) Conditional Use Permit 15-10 - Minerva Fleming

Zoning Administrator, Sara Carter, informed the Board that Mr. & Mrs. Oleander and Minerva Fleming are requesting a Conditional Use Permit to correct lot deficiencies. The Flemings own two (2) adjacent lots; one being a 2-acre lot on which there is located one of the old Rosenwald Schools. The

second lot is 0.3 acres. The Flemings would like to construct a house on the two lots and vacate the dividing property line in order to create one 2.33 acre lot. The Planning Commission unanimously recommends approval.

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 15-10:

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

c) Rezoning 15-01 – Kevin Dunn

Zoning Administrator, Sara Carter, informed the Board that Mr. Dunn received a CUP for an automotive garage at 1671 Cumberland Road in 2014. He would like to expand the retail uses on the site, and is now applying for a B-1 zoning on the front of his property. The Planning Commission recommends approval 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 15-01:

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 October 2015 and November 2015. Approved bills for November 17, 2015 total \$54,296.53. Ratified bills for October 14, 2015 through November 16, 2015 of warrants total \$570,562.37 with check numbers ranging from 71476 to 71781. Direct Deposits total \$230,445.27.
- 2) Approval of Minutes (October 13, 2015)

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

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

b) Appointments to the Cumberland Museum Board

County Administrator, Vivian Giles, informed the Board that reappointments to the Board were not made and the terms of all Board members have now expired.

On a motion by Supervisor Osl and carried unanimously, the Board appointed the following as Directors of 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, Laureatta Jones-Yates, Jeffrey Scales

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

- c) Amend Lease agreement with David Daniels at the Old Social Services Building located at 1550 Anderson Hwy.

County Administrator, Vivian Giles, informed the Board that in 2014, David Daniels entered into a lease agreement with the County for the property located at 1550 Anderson Highway. In that contract, the rent provision contains an escalation clause which provides for periodic increases in the rent amount. Mr. Daniels is asking for relief from the rent increases. He indicates that, while business is steady, his gross receipts are not sufficient to allow the absorption of an increase in rent, and fears he will not be able to keep his business open with that increase.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the amended lease agreement with David Daniels for the property located at 1550 Anderson Highway to maintain the monthly rent amount at \$500 per month for the remainder of the lease:

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

- d) Refund for overpayment of taxes

County Administrator, Vivian Giles, informed the Board that the Commissioner of the Revenue’s Office has processed a correction to a Real Estate tax assessment for Tax Years 2012 through 2015. It was recently discovered that this property had qualified for tax relief but the reduction was not

correctly entered onto the taxpayers' record. This abatement results in a refund to the property owner in the amount of \$4,000.92 for overpayment of taxes. Approval by the Board is required before issuing a refund of taxes over \$2,500.00.

On a motion by Supervisor Wheeler and carried, the Board authorized the Treasurer's office to issue a check in the amount of \$4,000.92 for the overpayment of taxes, and to process the interest payment:

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

e) Resolution honoring George and Novella Mayo

Supervisor Banks stated that he received a request to honor Mr. & Mrs. Mayo on their 60th wedding anniversary.

On a motion by Supervisor Osl and carried unanimously, the Board adopted a Resolution honoring George and Novella Mayo:

**CUMBERLAND COUNTY
BOARD OF SUPERVISORS
RESOLUTION
HONORING
GEORGE AND NOVELLA MAYO**

November 17, 2015

WHEREAS, on November 25, 2015, Cartersville residents George and Novella Mayo will celebrate sixty years of marriage; and

WHEREAS, George Mayo is a native of Cartersville, Virginia; and

WHEREAS, George Mayo left Cartersville to serve in the United States Army from 1957 to 1959; and

WHEREAS, Mr. and Mrs. Mayo settled in Montclair, New Jersey for many years where they owned and operated a paint contacting business; and

WHEREAS, in 2010, Mr. Mayo returned to Cartersville, Virginia to reside with his wife, a native of Henrico County.

NOW, THEREFORE, BE IT RESOLVED that the members of the Cumberland County Board of Supervisors, through this Resolution, do hereby honor and congratulate George and Novella Mayo on their sixty years of marriage and thank Mr. George Mayo for his service to our country.

DATED this 17th day of November, 2015.

Vote: Mr. Osl – aye 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.

- b) Appropriation of \$20,000 for the purchase of real property for Piedmont Regional Jail

At a previous meeting of the Board, County Administrator, Vivian Giles, discussed the purchase of a parcel of land adjacent to the Piedmont Regional Jail for possible expansion of the facility. The Board adopted a Resolution to authorize and confirm the purchase. A motion is needed to appropriate the funds which were received from the Piedmont Juvenile Detention Facility.

On a motion by Supervisor Meinhard and carried unanimously, the Board appropriated \$20,000 for the purchase of real property for Piedmont Regional Jail:

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 Hearings

- 1) Code Amendment 15-11 – Farming in R-2
- 2) Rezoning 15-06 – Robert Wise
- 3) Conditional Use Permit 15-11 – Cartersville Volunteer Fire Department

On a motion by Supervisor Osl and carried unanimously, the Board set Code Amendment 15-11,

Rezoning 15-06, and Conditional Use permit 15-11 for public hearing on December 8, 2015:

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

c) VDoT Surety Bond Resolution

On a motion by Supervisor Wheeler and carried unanimously, the Board adopted the VDoT Surety Bond Resolution:



**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 17th 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.

Vote: Mr. Osl – aye 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)

Mrs. Rose McClinton voiced concerns with the water and sewer rate increase and any delinquencies and collections. She also stated that it is hard to hear the citizens that address the Board as they have their backs turned towards the audience. The Board discussed the possibility of moving the citizens' microphone.

14. Board Member Comments

Supervisor Banks thanked the citizens who attend the Board meetings.

Supervisor Ingle stated that the Board tries to provide the citizens with as much information as possible as it pertains to the business of the Board.

Supervisor Osl wished everyone a Happy Thanksgiving.

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
- f) JLARC Financial Statement

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

111715 BOS 7:00pm Page 16 of 19

Pursuant to Virginia Code § 2.2-3711.A.1: Personnel
Subject: Assignment of duties and performance review

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 Supervisor 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 2.2-3711 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

111715 BOS 7:00pm Page 17 of 19

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. Purchase of new Truck for the Utility Department -

Supervisor Ingle informed the Board that the Utility Department is in need of a new truck as the transmission has gone out in the main truck in that department. The Board discussed many options including transferring a truck from another department, in order to avoid expending additional funds, but to no avail. Supervisor Ingle reminded the Board that the County is currently realizing a cost savings of approximately \$4,000 per month since purchasing the pump truck. This will allow the pump truck to be paid off within one year. The savings can then be applied to the purchase of the new Utility truck which can be paid off within one year.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the purchase of a new truck and necessary accessories for the Utility Department for an amount not to exceed \$40,000.00:

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

19. Cartersville Fire Department Loan up to \$150,000 -

Following a brief discussion, on a motion by Supervisor Osl and carried unanimously, the Board will provide Cartersville Volunteer Fire Department with a Letter of Guarantee to Citizens & Farmers Bank for a loan of up to \$150,000.00:

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

20. Adjourn -

On a motion by Supervisor Banks and carried, unanimously, the Board adjourned the meeting until the next regular meeting of the Board scheduled for December 8th, 2015 at 6:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse.

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

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney