



# CUMBERLAND COUNTY BOARD OF SUPERVISORS

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

**February 9, 2016  
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. Cumberland Public Library – Resolution of Appreciation for Ms. Jennifer Beach (pg. 1) **Motion**
  - d. Mr. Roger Hatcher, Water and Sewer Advisory Committee (pg. 2-3) **Motion**
  - e. Ms. Kelly Snoddy, Peter Francisco Soil & Water Conservation District **Information**
  - f. Mary Hickman - Commonwealth Regional Council – request to appoint CRC representative (pg. 4) **Information**
7. **Public Hearing Notices/Set Public Hearings**
  - a. Ratify the public hearing notice and set a public hearing for Code Amendment 16-02 Change the name of the Industrial Development Authority of Cumberland County, Virginia **Motion**
  - b. Ratify the public hearing notice and set a public hearing for Code Amendment 16-03 for Amending Utility Rates **Motion**
8. **Public Hearings**
  - a. Code Amendment 16-02 Name Change of the Industrial Development Authority of the County of Cumberland, Virginia (pg. 5-9) **Motion**
  - b. Code Amendment 16-03 Amending Utility Rates (pg. 10-15) **Motion**
  - c. Code Amendment 16-01 Dam Break Inundation Zones (pg. 16-19) **Motion**
  - d. Code Amendment 15-12 Non-Conforming Lots(validation plat)(pg. 20-23) **Motion**
  - e. Code Amendment 15-11 Animals in the R-2 District (pg. 24-29) **Motion**

- 9. County Attorney/County Administrator Report**
- a. Consent agenda **Motion**
    - i. Approval of bills
    - ii. Approval of Minutes (January 12, 2016)
  - b. Approval of Memorandum of Understanding (MOU) with Constitutional Officers (pg. 30-33) **Motion**
  - c. Request for Support of Senate Bill 85 (pg. 34-37) **Motion**
  - d. Emergency Services MOU – Town of Farmville (pg. 38-39) **Motion**
- 10. Finance Director’s Report**
- a. Monthly Budget Report (pg. 40-49) **Information**
- 11. Planning Director’s Report**
- a. Planning Project updates (pg. 50-51) **Information**
  - b. Set public hearing for CA 16-04 Code Enforcement (pg. 52) **Motion**
  - c. Board update on Duncan violations (handout) **Motion**
- 12. Old Business**
- 13. New Business**
- 14. Public Comments (Part two)**
- 15. Board Members Comments**
- 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. Additional Information – (pg. 53-63)**
- a. Treasurer’s Report
  - b. DMV Report
  - c. 2015 Annual Business License Report
  - d. Monthly Building Inspections Report
  - e. Approved Planning Commission meeting minutes-N/A
  - f. Approved IDA minutes-N/A
  - g. WSAC meeting Roster for September 8, 2015 and February 2, 2016
- 19. Adjourn – Budget Workshop on February 17, 2016**

## **Resolution in Appreciation of the Service of Jennifer Beach**

**WHEREAS**, Jennifer Beach began employment in Cumberland County as the librarian of the Cumberland County Public Library in May of 2011; and

**WHEREAS**, recently, Ms. Beach left Cumberland County Public Library for a nearby opportunity at Longwood University; and

**WHEREAS**, during her tenure in Cumberland County, Ms. Beach worked tirelessly to secure grants for the library; to implement a significant number of programs to enhance the library experience for young and old alike; to provide programs for the community, like free income tax preparation services; and to improve the library itself, both in function and form, all while improving efficiencies and elevating fiscal responsibility; and

**WHEREAS**, in addition to improving the programming and the library itself, Ms. Beach worked to improve processes that would prove to benefit both staff and patrons alike, including the recruitment of library volunteers; and

**WHEREAS**, the Cumberland County Library Board has described Ms. Beach as credible, dependable, creative, pro-active, and friendly, and has observed that Ms. Beach continually impressed the Board with her initiatives; and

**WHEREAS**, the Cumberland County Board of Supervisors likewise recognizes the significant contribution that Ms. Beach has made to the community.

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors recognizes the outstanding contribution that Ms. Jennifer Beach has made to the community through her work at the Cumberland County Public Library since May of 2011 and wishes her continued success at Longwood University.

Adopted the 9<sup>th</sup> day of February, 2016.

\_\_\_\_\_  
\_\_\_\_\_, Chairman  
Cumberland County Board of Supervisors

\_\_\_\_\_  
Vivian Giles, County Administrator  
Clerk to the Board

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

RE: Utility Rates

February 3, 2016

Dear Ms. Giles,

This is a brief report on the results of a meeting of the Cumberland County Water and Sewer Advisory Committee held on Tuesday, Feb. 2, 2016. The meeting was in session from 7 p.m. until 9:55 p.m. Two orders of business were accomplished: 1) election of officers for 2016 and 2) the Cumberland County utility income and expense and a draft proposed rate increase prepared by the County Administrator. The election of officers took about 5 minutes. The remainder of the meeting was dedicated to the utilities cash flow problems.

Information we had at our disposal was as follows:

- 1) A proposed rate increase from Vivian Giles
- 2) Current income and expenses from Tracie Wright
- 3) Survey income from Draper Aden on utility rates from our neighboring counties
- 4) Historic and current knowledge of the mixed bag of fees based on:
  - a) water only residential , water only for businesses, schools, and government
  - b) sewer only – primarily Kimberly Hills)
  - c) sewer and water (primarily the distance from RTE 13 /60 to RTE 45/60
  - d) the very precise knowledge of Brian Saxtan, director of Utilities

Briefly stated, we could NOT support the proposed rate increase from you for the following reasons:

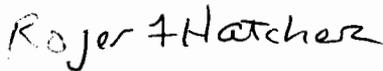
- 1) There was no way to calculate the income just from the numbers in your proposal
- 2) The general consensus was that the proposed rate increase fell disproportionately hard on the fixed income individuals who make up the minority of the current budget.
- 3) We suspect the decisions on the rate increases were based on Tracie's report which includes the base rate of \$25 for 2000 gallons of water and sewage, and does not separate out the fees (currently \$4.00 per 1000 gallons) for usage over the base rate of 2000 gallons.
- 4) The survey report from Draper Aden is based on a base usage of 5000 gallons. If we adjust Cumberland's base rate to 5000 gallons it would be \$37.00 based on the current code (\$25 for 2000 gallons, \$12 for 3000 gallons). For households, this places our base rate higher than Buckingham, Goochland, and Prince Edward – all of which are in the \$33.00 range.
- 5) There is a certain percentage of rate payers who have sewer and water or just sewer or water, who have taps into the water and sewer lines and are not connected to their houses, but do pay the monthly minimum of \$25 each for water and sewer. Disproportionately these are elderly fixed income persons living along Rte 60 west of the courthouse area.
- 6) By design and agreement from the original sources of funds from the Virginia Rural Development Authority, that financed the water and sewer, the schools and county government complex would pay about 60% of the expenses.

**Conclusions:**

- 1) We suggest the fee be based on the fixed amount on the fee schedule which is currently 2000 gallons for households
- 2) There should be a separate base fee for businesses, schools, county government, and Bear Creek State Park.
- 3) The base fees have to fully support the cost of maintaining the utility department.
- 4) Only usage fees above the 2000 gallons be put aside in a "rainy day" fund to cover non - predictable expenses such as replacement equipment, sewer rate changes from Farmville, future I&I expenses which may occur after the current repair project is complete.
- 5) We do not know what to do to repay the current loan for repairing the manholes or upgrading the monitoring system. Should it be included in the base fee revenue?
- 6) To the extent possible we should minimize the impact on the relatively few households along RTE 60 who we basically forced to hook into the water and sewer systems by the financing arrangements (i.e. Virginia Rural Development Authority).
- 7) Most of the Cumberland County's residents benefit from the major users of the water and sewer system, i.e. the schools and county governments.
- 8) For the most part the businesses and State Park are in a better position to bear higher rates.

We are anxious to provide additional opinions to the BOS based on the opinions sited above. However, this will require much more detail on volumes of water and sewer from all sources. This information is available but hidden in thousands of bills sent over the past 18 years (since the start of the sewer system and each of the water projects, i.e. 2006 and 2010).

Very truly yours,



Roger F. Hatcher, PhD  
Chairman



IN PARTNERSHIP WITH  
The Counties of Amelia | Buckingham | Charlotte | Lunenburg | Prince Edward

RECEIVED JAN 20 2016

January 15, 2016

Ms. Vivian Giles  
County Administrator  
P.O. Box 110  
Cumberland, Virginia 23040

Dear Ms. Giles,

I would like to thank you for taking the time to meet with me yesterday. I really appreciate the opportunity to talk with you and to go over the "FY 14-15 Commonwealth Regional Council (CRC) Annual Report." As you can see, the Council has been quite busy this past fiscal year in responding to its members' requests and carrying out its mission as the region's Regional Council for Planning District 14.

During our meeting, I also shared with you the current activities of the Council relating to the overall organization and the desire for the participation of all eligible members. As you are aware, Cumberland County is an eligible member of the CRC. Even though the County has chosen not to be an active member in the organization since 2012, the Council continues to recognize Cumberland County as an important collaborator in regional solutions. As such, the Council had discussions during its December 2015 Meeting on its continued desire to have all eligible CRC members represented at its table and taking part in the regional discussions. By unanimous action, the Council is requesting that current eligible non-members, such as Cumberland County, appoint a non-voting representative to attend CRC meetings to participate in the monthly discussions and enhance the channel of communication/exchange of ideas within the CRC region.

Based on our conversation, it is my understanding that this request will be considered by the Cumberland County Board of Supervisors at its February 9, 2016 Monthly Meeting. It is hopeful that the County will have a positive response to this request for an appointment of a non-voting representative to the Council. As always, if you should have any questions, please do not hesitate to contact me.

Sincerely,

Mary S. Hickman  
Executive Director

CC: Council Members

COMMONWEALTH REGIONAL COUNCIL  
One Mill Street, Suite 101 | P.O. Box P  
Farmville, VA 23901 | 434.392.6104 PHONE  
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**BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 16-02:  
“AN ORDINANCE AMENDING CHAPTER 22 OF THE  
CUMBERLAND COUNTY CODE REGARDING THE  
NAME CHANGE OF THE INDUSTRIAL  
DEVELOPMENT AUTHORITY OF THE COUNTY OF  
CUMBERLAND, VIRGINIA”**

**February 9, 2016**

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., February 9, 2016, 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 Chapter 22 Community Development relating to the name change of the Industrial Development Authority of the County of Cumberland, Virginia;

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

Present:

Vote:

Lloyd Banks, Jr., Chairman

David Meinhard, Vice-Chairman

Kevin Ingle

William F. Osl

Parker Wheeler

Dated: \_\_\_\_\_

Attested: \_\_\_\_\_

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

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on February 9, 2016; and

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

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

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

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

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

Chapter 22- COMMUNITY DEVELOPMENT

FOOTNOTE(S):

--- (1) ---

**Cross reference-** Administration, ch. 2; buildings and building regulations, ch. 14; environment, ch. 34; subdivisions, ch. 54; utilities, ch. 66; vegetation, ch. 70; zoning, ch. 74.

**State Law reference-** Open-Space Land Act, Code of Virginia, § 10.1-1700 et seq.; Industrial Development and Revenue Bond Act, Code of Virginia, § 15.2-4900 et seq.; Housing Authorities Law, Code of Virginia, § 36-1 et seq.; Virginia Housing Development Authority Act, Code of Virginia, § 36-55.24 et seq.

ARTICLE I.- IN GENERAL

Sees. 22-1-22-30.- Reserved.

ARTICLE II.- ~~ECONOMIC INDUSTRIAL~~  
DEVELOPMENT AUTHORITY FOOTNOTE(S):

--- (2) ---

**Cross reference-** Officers and employees, § 2-61 et seq.; boards and commissions, § 2-91 et seq.

DIVISION 1.- GENERALLY

Sec. 22-31.- Definitions.

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

*The authority* means the ~~Economic Industrial~~ Development Authority of the County of Cumberland ~~County~~, Virginia.

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

Sec. 22-32. - Created.

There is created pursuant to Code of Virginia, §§ 15.2-4900-15.2-4920, a political subdivision of the commonwealth, a body politic and corporate, to be known as an industrial development authority, with such public and corporate powers as are set forth in such sections of the Code of Virginia.

*(Code 1990, § 2-10; Ord. of 11-22-1994)*

Sec. 22-33. - Name.

The full name of the authority shall be the "~~Economic Industrial~~ Development Authority of the County of Cumberland County, Virginia."

*(Code 1990, § 2-11; Ord. of 11-22-1994)*

Sec. 22-34. - Powers and duties generally.

The authority shall have the same powers, duties and obligations as set forth in Code of Virginia, §§ 15.2-4900-15.2-4920.

*(Code 1990, § 2-12; Ord. of 11-22-1994)*

Sees. 22-35-22-50. - Reserved.

## DIVISION 2.- BOARD OF DIRECTORS

### FOOTNOTE(S):

--- (3) ---

**Cross reference-** Boards and commissions, § 2-91 et seq.

Sec. 22-51.- Appointment; number.

The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the board of supervisors. No director shall be an officer or employee of the county.

*(Code 1990, § 2-13; Ord. of 11-22-1994)*

Sec. 22-52. -Terms of office; oath; residence.

- (a) The seven directors of the authority shall be appointed for staggered terms of four years except for appointments to fill vacancies, which shall be for the unexpired terms. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by Code of Virginia, § 49-1.
- (b) Every director shall, at the time of his appointment and thereafter, reside in this county or in an adjoining county or municipality. When a director ceases to be a resident of such locality, the director's office shall be vacant; and a new director may be appointed for the remainder of the term.

*(Code 1990, § 2-14; Ord. of 11-22-1994)*

**State law reference-** Similar provisions, Code of Virginia, § 15.2-4904.

Sec. 22-53. - Officers; compensation.

The directors of the authority shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special or committee meeting or per each official representation as may be approved by the board of supervisors, not to exceed \$200.00 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

*(Code 1990, § 2-15; Ord. of 11-22-1994)*

**State law reference-** Similar provisions, Code of Virginia, § 15.2-4904.

Sec. 22-54. - Meetings; quorum.

Four members of the board of directors of the authority shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

*(Code 1990, § 2-16; Ord. of 11-22-1994)*

Sec. 22-55. - Records.

The board of directors of the authority shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of all its financial transactions and, unless exempted by Code of Virginia, § 2.1-164, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the board of supervisors and shall be open to public inspection.

*(Code 1990, § 2-17; Ord. o/11-22-1994)*

**BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 16-03:  
“AN ORDINANCE AMENDING CHAPTER 66 OF THE  
CUMBERLAND COUNTY CODE REGARDING THE  
AMENDING UTILITY RATES”**

**February 9, 2016**

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., February 9, 2016, 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 Chapter 66, Section 66-51 Utility Charges relating to the increase in utility rates;

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

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Present:

Vote:

Lloyd Banks, Jr., Chairman

David Meinhard, Vice-Chairman

Kevin Ingle

William F. Osl

Parker Wheeler

Dated: \_\_\_\_\_

Attested: \_\_\_\_\_

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

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on February 9, 2016; and

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

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

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

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

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

Sec.66-51.- Utility charges.

Customers shall pay charges for utility service comprised of and in accordance with the following schedules of rates and charges:

- {a) *Monthly service charges.* The monthly service charge shall be comprised of the following:
  - (1) *Customer account charge.* A monthly administrative charge of ~~\$65.00~~ shall be levied on each customer account. However, customers who have only a water service account or a wastewater service account shall pay a monthly administrative charge of ~~\$4.00~~~~3.50~~. Customers shall pay an administrative fee of \$25.00 when they open or revise a utilities account. The charge shall be applied on the first utility bill after the revision.
  - (2) *Commodity charge.* Based on the table below for metering requirements, ERU determinations and other usage-based rate charges
    - (i) *Water:* ~~\$259.00~~ per 2,000 gallons or part thereof and ~~\$45.00~~ per 1,000 gallons or part thereof thereafter.
    - (ii) *Wastewater:* ~~\$259.00~~ per equivalent residential unit (ERU) as such standard is determined by the Virginia Department of Health regulations.
    - (iii) Reserved.
    - (iv) Commodity charge and rate assignment:

	Customer Class	WASTEWATER CHARGES		WATER CHARGES
		Unit Equivalent	ERU's Per Unit	Rate Charges as follows:
(a)	Residential	1 family unit	1	<del>\$259.00</del> for first 2,000 gallons, additional usage @ <del>\$4.00</del> per 1,000 gallons
	Noncommercial, nonresidential facilities	Per structure	1	
(b)	Car wash, Laundromat, Restaurants, Industries or Industrial-zoned, Salons and Barber Shops	Meter required	Meter required	<del>\$259.00</del> for first 2,000 gallons, additional usage @ <del>\$54.00</del> per 1,000 gallons
(c)	Professional, Office, Retail	Per 1,000 sq.	1	<del>\$259.00</del> for first 2,000

	space {not storage) and Business {except those otherwise listed)	feet		gallons, additional usage @ \$45.00 per 1,000 gallons
{d)	Nursing/convalescent and homes for the aged	Per bed	0.45	\$295.00 for first 2,000 gallons, additional usage @ \$54.00 per 1,000 gallons
	Motels,hotels and bed & breakfast	Per room	0.45	
{e)	Governmental and educational	Flat rate as determined by the board of supervisors	Flat rate as determined by the board of supervisors	\$11500.00 first 2,000 gallons, additional usage @ \$157.00 per 1,000 gallons

- (v) Customers requiring metered wastewater service shall be charged \$259.00 for the first 2,000 gallons, and an additional \$43.00 per 1,000 gallons thereafter.
- (vi) Any customer using in excess of 50,000 gallons of wastewater monthly will be required to be metered.
- (vii) Uses not enumerated in the table above shall be charged according to the most similar usage rate as determined by the public utilities director.

- (3) *Nonuser service charge.* Regardless of water use, customers who are required to connect but choose not to use the county water system shall be charged a monthly nonuser service charge comprised of (i) a customer account charge pursuant to section 66-51(a)(i) and either (a) \$295.00 for residential service or (b) \$295.00 for commercial service.
- (4) *Customer account setoff.* The county shall set off any refunds to which a customer is entitled against any debts that the consumer owes the county.

(b) *Ancillary charges.*

Type	Charge
{1) Bulk water charge	\$800750.00 up to 1,000 gallons; \$2045.00 per 1,000 gallons or any part thereof thereafter
{2) Bacteriological test for new construction, per test	28.003.50
{3) Meter testing charges:	
{i) 5/8inch	350.00

	(ii)	1-inch	3 <del>50</del> .00
	(iii)	1 -inch	4 <del>50</del> .00
	(iv)	2-inch	4 <del>50</del> .00
	(v)	Meters that are larger than two inches will be charged the actual cost of the test	
(4)	Temporary voluntary meter disconnection fee	Customer cost charge plus capacity costs charge for each billing period of disconnection, plus service reconnection fee	
(5)	Meter reinstallment fee	Customers shall pay a charge of \$ <del>650</del> .00 for reinstalling meters that are two inches or smaller. Consumers shall pay the actual cost incurred by the county for labor, materials and equipment, plus 25 percent for reinstalling meters that are larger than two inches.	

- {c) Multiple-family dwellings, schools, churches, businesses, industries and other types of units will be valued in multiples of an ERU.
- {d) A consumer who has paid a connection fee shall pay the monthly service charges and ancillary charges, irrespective of whether the consumer is actually receiving utility service.
- {e) Significant industrial users shall pay a surcharge for the cost of treating excessive strength waste or pollutants in accordance with such schedule as approved in advance by the public utilities director.
- {f) When a water meter is tested at the consumer's request and the test establishes that the meter is inaccurate according to applicable industry standards, the consumer shall not be assessed the meter testing charge.
- {g) In addition to other applicable enforcement penalties, any person who makes an erroneous request for system repairs or a service call to the county and it is determined that such request or call involved a matter that was not related to the improper functioning or operation of the county's facilities shall pay the following fees:
  - {1) For erroneous system repairs or service calls made Monday through Friday during normal county business hours {8:30 a.m. to 4:30 p.m.}, \$45.00; or
  - {2) For erroneous system repairs or service calls made at any time other than those set forth in subsection (1) of this section, or during any holiday observed by the county, \$~~765~~.00





## MEMO

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

From: Sara Carter, Planning Director

Date: February 3, 2016

Re: **Dam Break Inundation Zones (DBIZ)**

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At the November Board of Supervisors meeting, Peter Francisco Soil and Water Conservation District (PFSWCD) came to request that the Board consider amendments to the Zoning Ordinance that would address Dam Break Inundation Zones in the County. Staff worked with the PFSWCD and recommended a draft Ordinance amendment to the Planning Commission. The Planning Commission held a public hearing on the language and recommends amendment to the Board of Supervisors unanimously.

This language will include the Inundation Zones on the Zoning Map, and inform citizens of their location, but will not preclude any development in the DBIZs. Further, staff will update dam owners whenever new development occurs in the DBIZ, so that emergency plans can be updated. Currently, the only zones in Cumberland County that would be mapped are for the dams owned and managed by PFSWCD. However, over time, there will be additional zones that are mapped through requirements from the State Department of Conservation and Recreation (DCR) who regulate dams in the state. As dams are mapped, and additional information is available, these zones will also be included on the map to inform citizens of their location as they are making development decisions.

A public hearing has been set and advertised for February 9, 2016 with the Board of Supervisors.

- **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 copy 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) All zoning permit applications shall include a certification from the Zoning Administrator whether the proposed structure is within, or encroaches into, a Dam Break Inundation Zone (DBIZ), as noted on the adopted Zoning Map for Cumberland County. Applicants shall be notified at time of permit issuance if the structure is located, in whole or in part, in a DBIZ; however, no structure shall be prohibited as a result of being located in a DBIZ. Any permit for a structure located in whole or in part within a DBIZ shall be forwarded to Peter Francisco Soil and Water Conservation District for emergency planning purposes.

(de) 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.

*(Ord. No. 11-05, § c, 7-12-2011)*

BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 16-01:

“AN ORDINANCE AMENDING CHAPTER 74-5 OF THE  
CUMBERLAND COUNTY CODE TO ADDRESS DAM BREAK  
INUNDATION ZONES”

February 9, 2016

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., February 9, 2016, 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 \_\_\_\_\_, and seconded by \_\_\_\_\_, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-5 Zoning relating to dam break inundation zones;

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

Present:

Vote:

Lloyd Banks, Jr., Chairman

David Meinhard, Vice-Chairman

William F. Osl

Kevin Ingle

Parker Wheeler

Absent:

Dated: \_\_\_\_\_

Attested: \_\_\_\_\_

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on February 9, 2016; and

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

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

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

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

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



## MEMO

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

From: Sara Carter, Planning Director

Date: February 3, 2016

Re: **Code Amendment for nonconforming lots of under one acre**

---

The Planning Commission has had some concerns regarding the need for property owners to obtain a Conditional Use Permit in order to build a house on a non-conforming parcel. In order to address this concern, the Commission and staff has been reviewing options for Ordinance amendments.

The Planning Commission has held a public hearing on language that would allow the Zoning Administrator to approve zoning permits for construction of homes on lots of less than one acre that were conveyed to be an acre, so long as provision for water and wastewater can be met. This will allow property owners with this situation to move through the process faster and with less uncertainty.

The Planning Commission recommends this language to the Board of Supervisors unanimously, and a public hearing has been set and advertised for the February 9, 2016 Board of Supervisors meeting.

**Sec. 74-786. - Nonconforming lots.**

(a) Any lot of record at the time of the adoption of the ordinance from which this section derives which is less in area or width than the minimum required by this chapter shall be exempt from the minimum area and width requirements granted the lot ~~contains~~ was described in the most recent deed of conveyance to contain at least one acre and was valid at the time of its creation and can meet Health Department requirements for the provision of water and wastewater.

(b) Preexisting nonconforming lots, parcels, uses or structures that fail to meet the width, area, setback or frontage requirements of this chapter may apply for a waiver or conditional use permit to address any such deficiencies, provided the granting of the waiver or conditional use permit promotes good zoning practice and will not adversely affect the public health, safety and welfare. The fee for this conditional use permit shall be waived.

(c) Lot line adjustment involving nonconforming lots. One or more lot lines of a nonconforming lot may be adjusted provided:

- (1) The boundary line adjustment does not cause any adjacent conforming lots to become nonconforming; and
- (2) The boundary line adjustment does not cause any nonconforming lots to become more nonconforming.

*(Code 1990, § 14-65; Ord. No. 11-09, 2-14-12)*

BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 15-12:

“AN ORDINANCE AMENDING CHAPTER 74-786 OF THE  
CUMBERLAND COUNTY CODE TO ALLOW THE USE OF  
CERTAIN NONCONFORMING LOTS FOR A RESIDENCE”

**February 9, 2016**

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., February 9, 2016, 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 \_\_\_\_\_, and seconded by \_\_\_\_\_, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-786 Zoning relating to allowing the use of certain nonconforming lots for a residence;

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

Present:

Vote:

Lloyd Banks, Jr., Chairman

David Meinhard, Vice-Chairman

William F. Osl

Kevin Ingle

Parker Wheeler

Absent:

Dated: \_\_\_\_\_

Attested: \_\_\_\_\_

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

-----  
**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on February 9, 2016; and

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

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

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

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

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



## MEMO

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

From: Sara Carter, Planning Director

Date: February 1, 2016

Re: **Public Hearing for CA 15-11: Code Amendment to allow animals as a permitted use in the R-2 district with acreage requirements**

---

During a recent rezoning case (REZ 15-05, Bales), the Planning Commission began consideration of allowing additional farm animals to be kept as permitted uses in the R-2 district. Currently, the only farm animal that is allowed in the R-2 district are ponies and horses, with a minimum acreage requirement. There are many parcels that are zoned R-2 that are larger than a typical building lot, and they are frequently located adjacent to agricultural zoning. The Planning Commission reviewed a variety of standards and have forwarded a recommendation to the Board of Supervisors that will allow landowners in the R-2 district to have a variety of animals, including horses, cows, goats, llamas and small domesticated animals (such as rabbits or chickens). The Planning Commission held their public hearing on this amendment in November, and finalized their recommendation at their January meeting. They recommend this amendment to the Board of Supervisors unanimously.

A public hearing has been set and advertised for the February 9, 2016 Board of Supervisors meeting.



- **Sec. 74-262. - Permitted uses and structures.**

Permitted uses and structures in an R-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, class A;
- (6) Accessory uses and structures.
- (7) Schools, churches, parks and playgrounds.
- (8) Child care centers and kindergartens.
- (9) Boarding, rooming or lodging houses and bed and breakfast inns.
- (10) Home occupations.
- (11) Off-street parking as required.
- (12) Professional offices.
- (13) Gift shops and antique shops.
- (14) Beauty shops and barbershops.
- (15) Preserves and conservation areas.
- (16) Cemeteries.
- (17) Uses relating to agriculture shall be limited to raising of field crops, including hay and grazing pasture land and animals as permitted in Section 74-264.
- (18) Public utilities such as poles, lines, distribution transformers, pipes, meters and/or other related facilities, including water and sewer facilities.
- (19) Foster care and adult family care (home-based).

*(Ord. No. 11-05, § c, 7-12-2011)*

- **Sec. 74-263. - Permitted uses with conditional use permit.**

Permitted uses with a conditional use permit in an R-2 district are as follows:

- (1) General stores.
- (2) Restaurants.
- (3) Garages and service stations.
- (4) Hospitals.
- (5) Business signs.
- (6) Golf clubs.
- (7) Libraries.
- (8) Maintenance of a horse or pony as follows: For any lot or parcel of land less than four acres in size, a conditional use permit may be issued to allow one horse or one pony to be maintained on the property.
- (9) Guest house.
- (10) Group home.
- (11) Nursing home, convalescent home and rest home.
- (12) Transitional home.

*(Ord. No. 11-05, § c, 7-12-2011)*

**DIVISION II. - R-2 CONVENTIONAL DEVELOPMENT STANDARDS**

**Sec. 74-264. - Area and density regulations.**

The residential, general (R-2) district shall be composed of a base density and density bonus over the base density depending upon if connections to public utilities shall be made as prescribed in Table 24.

TABLE 24		
	LOT WITH PUBLIC SEWER	LOT WITH PUBLIC WATER
BASE	YES OR NO	NO
BONUS OVER BASE	YES	YES

The minimum gross residential density and the minimum lot area shall be as prescribed in Table 25.

TABLE 25 RESIDENTIAL, GENERAL (R-2) DENSITY AND LOT AREA REGULATIONS		
	GROSS RESIDENTIAL DENSITY (all)	MINIMUM LOT AREA (Conventional)
Base	1. One dwelling unit	2 acres
Base	2. One dwelling unit plus up to a collective maximum of 12 of the following: chickens, fowl, rabbits, or other small domesticated animals, but not roosters, all of which must be confined.	2 acres
Base	3. One dwelling unit plus animals not to exceed the following: a. All small animals permitted on 2 acres as set forth in item 2. above; plus b. One equine animal or one bovine animal or one llama; or up to two goats	4 acres
Base	4. Animals as permitted in items 3a and 3b above.	An additional 2 acres to be combined with the 4 acres required in item 3. above.
Bonus over base	2 dwelling units per 1 acre	21,780 square feet

- (Ord. No. 11-05, § c, 7-12-2011)

BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 15-11:

“AN ORDINANCE AMENDING CHAPTER 74-264 OF THE  
CUMBERLAND COUNTY CODE TO ALLOW CERTAIN FARM  
ANIMALS AS A PERMITTED USE WITH ACREAGE  
REQUIRMENTS”

**February 9, 2016**

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., February 9, 2016, 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 \_\_\_\_\_, and seconded by \_\_\_\_\_, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-264 Zoning relating to allowing certain farm animals as a permitted use with acreage requirements;

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

-----  
Present:

Vote:

Lloyd Banks, Jr., Chairman

David Meinhard, Vice-Chairman

William F. Osl

Kevin Ingle

Parker Wheeler

Absent:

Dated: \_\_\_\_\_

Attested: \_\_\_\_\_

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

-----

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on February 9, 2016; and

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

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

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

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

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



**DATE:** February 3, 2016  
**TO:** Cumberland County Board of Supervisors  
**FROM:** Vivian Seay Giles  
**RE:** February 9, 2016 Board Agenda Item  
Approval of Memorandum of Understanding  
with Constitutional Officers

---

**Recommendation**

Adopt the recommended Memorandum of Understanding with the Cumberland County constitutional officers.

**Information**

The constitutional officers of Cumberland County regularly elect to participate in the county's personnel system, and those officers and the county enter into a memorandum of understanding memorializing that election and the parties' agreement. The attached agreement is substantively the same agreement that has been used in the past, edited recently primarily for phrasing.

**THIS AGREEMENT**, made and entered into by and among the **BOARD OF SUPERVISORS OF CUMBERLAND COUNTY, VIRGINIA** (hereinafter “the Board”); and **DARRELL HODGES**, Sheriff of Cumberland County, Virginia; and **L.O. PFEIFFER, JR.**, Treasurer of Cumberland County, Virginia; and **JULIE A. PHILLIPS**, Commissioner of the Revenue of Cumberland County, Virginia; **PATRICIA SCALES**, Commonwealth’s Attorney of Cumberland County, Virginia; and **SARAH A. SPRY**, Clerk of the Circuit Court of Cumberland County, Virginia (together hereinafter “the constitutional officers”).

**WHEREAS**, in accordance with § 2.2-3008 of the Code of Virginia, employees of constitutional officers may be accepted into a local governing body’s personnel system if agreed to by both the constitutional officers and the local governing body; and

**WHEREAS**, the constitutional officers receive salary reimbursement from the Commonwealth of Virginia’s Compensation Board (hereinafter “the Compensation Board”) for themselves and some of their employees; and

**WHEREAS**, in excess of funding from the Compensation Board, the County of Cumberland funds additional employees for all constitutional officers and supplements the salaries of those employees who are partially funded by the Compensation Board; and

**WHEREAS**, the constitutional officers desire that the Board continue to supplement the salaries of their employees and to fund additional employees; and

**WHEREAS**, the Board is willing to supplement the salaries of the employees of the constitutional officers and to fund certain employees of the constitutional officers; and

**WHEREAS**, the constitutional officers and the Board desire that the employees of the constitutional officers be accepted into the personnel system of the County of Cumberland, Virginia.

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

1. The term of this agreement shall be January 1, 2016 to December 31, 2019, or as to each individual constitutional officer, upon the expiration of his or her term of office if sooner than December 31, 2019.
2. Each employee of a constitutional officer shall be considered an employee of the respective constitutional officer, regardless of whether the employee’s salary is paid in whole or in part by the Compensation Board of the Commonwealth of Virginia.
3. All full-time employees of the constitutional officers are hereby included in the competitive service system of Cumberland County. For purposes of this Agreement, the term

“competitive service system” shall include all exempt and non-exempt employees of the constitutional officers who shall be classified and compensated solely in accordance with the provisions of the Cumberland County Personnel Manual and the County Uniform Pay and Classification Plan, provided, however, that the constitutional officers’ hiring practices shall be governed by Va. Code § 15.2-1604.

4. Except as provided herein or required by law, the constitutional officers do hereby adopt and agree that they and their employees shall be governed by the Cumberland County Personnel Manual, as that manual may be amended from time to time; provided, however, in no event shall the constitutional officers or their employees be entitled to any benefits for sick leave or annual leave that exceed those of other county employees unless provided by law.
5. Except as otherwise required by law, all employees of the constitutional officers shall be classified, graded, and compensated (including benefits) in conformance with the Cumberland County Uniform Pay and Classification Plan, and to the extent required to meet the level of compensation accorded under the said Classification Plan, subject at all times to the appropriation of funds by the Board of Supervisors of Cumberland County.
6. The constitutional officers acknowledge and agree that, except as provide by law or properly authorized restrictions on supplanting the funds, any increase in funding by the Compensation Board shall, to the extent that the funding does not increase the salary of the constitutional officers’ employees, or any one or more of them, above the level of compensation set by the Cumberland County Uniform Pay and Classification Plan, be used to supplant funding of the employee’s salary or employees’ salaries by Cumberland County.
7. To the extent the provisions of any County policy or the Cumberland County Uniform Pay and Classification Plan conflict with any mandatory requirements established by the Commonwealth of Virginia or the Compensation Board, the mandatory requirements shall control.

**WITNESS** the following signatures and seals:

**THE BOARD OF SUPERVISORS  
OF CUMBERLAND COUNTY**

By \_\_\_\_\_  
Lloyd Banks, Chairman

**CONSTITUTIONAL OFFICERS**

---

Darrell Hodges, Sheriff

---

L.O. Pfeiffer, Jr., Treasurer

---

Julie A. Phillips,  
Commissioner of the Revenue

---

Patricia Scales  
Commonwealth's Attorney

---

Sarah A. Spry  
Clerk of the Circuit Court

**Approved as to form:**

---

Vivian Seay Giles  
Cumberland County Attorney



## MEMO

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

From: Sara Carter, Planning Director

Date: February 3, 2016

**Re: Request from Caroline County regarding support of SB 85, in regards to regulation of utilities, including Aqua Virginia**

---

The Board of Supervisors has received a request from Caroline County to support SB 85, which would require greater information from the SCC (State Corporation Commission) and utility companies regarding salaries and payments of the utility and communication between the SCC and utilities. This legislation is aimed at Aqua Virginia, a private water and sewer company. Currently, Aqua Virginia's only customer in Cumberland County is the community of Trice's Lake.

Staff spoke to Chuck Farnsworth, the president of the Trice's Lake Association, to determine if the community had any of the concerns or issues that have been brought forward by Caroline County. Mr. Farnsworth stated that Trice's Lake has been very pleased with Aqua Virginia, and that the prices and service have been very good. They have no complaints with Aqua Virginia, and would not want to see the County participate in the resolution.

# Caroline County, Virginia

## Board of Supervisors

Jeffrey S. Black  
Western Caroline District

Clayton T. Forehand  
Madison District

Nancy L. Long  
Port Royal District

Jeffery M. Sili  
Bowling Green District

Floyd W. Thomas  
Mattaponi District

Reginald L. Underwood  
Reedy Church District

Charles M. Culley, Jr.  
County Administrator

Ms. Vivian Giles  
County Administrator  
County of Cumberland  
P.O. Box 1101 Courthouse Circle  
Cumberland, Virginia 23040

January 20, 2016

BUS  
Packet  
PCC of SB85  
Caroline County, VA



**Subject: Senate Bill 85**

Dear Ms. Giles:

I am writing on behalf of the Caroline County Board of Supervisors to request your support for Senate Bill 85 (SB 85) currently under consideration by the General Assembly. The Board believes SB 85 will help customers of all corporate utilities in the Commonwealth to monitor communications between the State Corporation Commission (SCC) and utilities and obtain information on corporate salaries that influence utility costs. The bill also provides the SCC with more tools to regulate corporate utilities and disallows uniform rates across the Commonwealth. Further, it restricts what costs consumers can be billed for and mandates better communication with customers and better service when rate increases are proposed.

Approximately 5,000 Caroline County residents receive water and/or sewer service from Aqua Virginia. Many of these customers have expressed dissatisfaction with the service they receive from Aqua Virginia, citing exorbitant prices, frequent rate increases and poor communication and service. These County residents have no other alternative to procure these essential services and struggle to keep pace with ever increasing bills and fees imposed by Aqua Virginia.

The Board believes passage of the bill will benefit Aqua Virginia customers in Caroline County and throughout the Commonwealth, including your locality.

*"Committed To Service, Dedicated To The People"*

212 North Main Street, P. O. Box 447, Bowling Green, Virginia 22427

(804)633-5380 – Telephone      (804)633-4970 – Fax

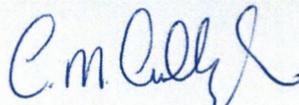
35  
www.visitcaroline.com

Ms. Vivian Giles  
January 20, 2016  
Page Two

Attached is a resolution in support of SB 85 adopted by the Caroline County Board of Supervisors at its January 12, 2016 meeting. We respectfully request that you contact your General Assembly representatives in support of the bill.

Please feel free to contact me at (804) 633-5380 should you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. M. Culley, Jr.", is placed over a light blue rectangular background.

Charles M. Culley, Jr.  
County Administrator

Attachment

copy to: Board of Supervisors

# Caroline County, Virginia

## Board of Supervisors

Caroline County, VA



R1/16

Jeffrey S. Black  
Western Caroline District

Clayton T. Forehand  
Madison District

Nancy L. Long  
Port Royal District

Jeffery M. Sili  
Bowling Green District

Floyd W. Thomas  
Mattaponi District

Reginald L. Underwood  
Reedy Church District

Charles M. Culley, Jr.  
County Administrator

### A RESOLUTION IN SUPPORT OF THE PASSAGE OF SENATE BILL 85 IN THE 2016 SESSION OF THE VIRGINIA GENERAL ASSEMBLY

**WHEREAS**, approximately 5,000 Caroline County residents receive water and/or sewer service from Aqua Virginia; and

**WHEREAS**, many of these customers have expressed dissatisfaction with the service they receive from Aqua citing exorbitant prices, frequent rate increases and poor communication and service; and

**WHEREAS**, these County residents have no other alternative to procure these essential services and struggle to keep pace with ever increasing bills and fees imposed by Aqua; and

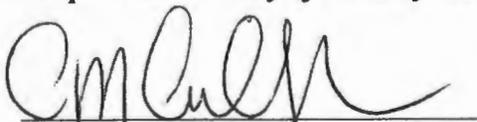
**WHEREAS**, Virginia Senate Bill 85, patroned by Sen. Thomas A. Garrett, Jr., has been pre-filed for consideration during the 2016 Virginia General Assembly session; and

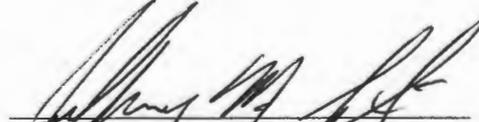
**WHEREAS**, the bill requires the SCC to make information relating to (i) salaries and other remuneration paid by a public utility to its executive officers, (ii) payments or transfers by a public utility to its parent corporation, and (iii) the content of communications between the employees of the SCC and representatives of public utility companies open to inspection and copying by any citizen of the Commonwealth and provides several other provisions designed to protect the interests of corporate utility consumers; and

**WHEREAS**, the bill will benefit Aqua customers in Caroline County and corporate utility customers throughout the Commonwealth.

**NOW, THEREFORE BE IT RESOLVED** that the Caroline County Board of Supervisors hereby declares its strong support for Senate Bill 85 and urges the bill's passage in the 2016 Virginia General Assembly session.

*Adopted this 12<sup>th</sup> day of January 2016.*

  
Clerk to the Board

  
Chairman

*"Committed To Service, Dedicated To The People"*

212 North Main Street, P. O. Box 447, Bowling Green, Virginia 22427

(804)633-5380 – Telephone (804)633-4970 – Fax

[www.visit37online.com](http://www.visit37online.com)



**DATE:** February 3, 2016  
**TO:** Cumberland County Board of Supervisors  
**FROM:** Vivian Seay Giles  
**RE:** February 9, 2016 Board Agenda Item  
Emergency Services MOU – Town of Farmville

---

**Recommendation**

Adopt the recommended Memorandum of Understanding with the Town of Farmville.

**Information**

The Town of Farmville wishes to take advantage of a grant opportunity for the purchase of emergency services equipment for regional use and benefit. The equipment will be available for use by the Town of Farmville, Prince Edward County, and Cumberland County emergency service providers. To the extent that grant funds must be matched or supplemented in order to effect the intended purchase, the additional cost will be borne by the Town of Farmville. In order to receive the grant, a memorandum of understanding memorializing regional cooperation is required.



**Memorandum of Understanding**  
**Multi-Jurisdictional Regional Fire Training Partnership**  
**For Use of a Vehicle Fire Training Prop**  
**Between**  
**The Town of Farmville, Farmville Volunteer Fire Department**  
**And**  
**Cumberland County**



**Purpose:**

The Town of Farmville and the Farmville Fire Department recognizes the value of a regional partnership in fire service related training as well as Virginia Department of Fire Programs Certification Training. The purpose of this Memorandum of Understanding (MOU) is to provide an outline for the use of a vehicle fire training prop used by multiple jurisdictions to enhance fire training in the Division 3 Area.

**Scope:**

This MOU provides that the Town of Farmville will maintain the fire training prop and provide the participating fire departments with access to the training prop as needed, unless otherwise in use. The participating fire department shall be responsible for the replacement of fuel for the training prop. Also the liability shall be assumed by the participating fire department utilizing the training prop. While the lead fire department participants (Town of Farmville, Charlotte, Cumberland and Prince Edward Counties) shall be the primary users, the prop will be made available upon request and at the discretion of the Town of Farmville. Agencies shall operate under the same guidelines as provided and a qualified operator shall be onsite to oversee the training operation.

**Term:**

The period of the MOU shall be based on the fiscal year, beginning on July 1<sup>st</sup> of the current year and end on June 30<sup>th</sup> of the following year. The MOU shall be evaluated each year and any changes shall be incorporated into the next year's MOU. The agreement shall exist for the serviceable life of the prop.

**Monetary Terms:**

This MOU further outlines that each use of the training prop shall be documented and the amount of propane used shall be replenished after each use to ensure a state of readiness. The Town of Farmville reserves the right to request, but shall not require, funding from the participating localities should operating and maintenance expenditures become excessive.

\_\_\_\_\_  
 Farmville Town Manager

\_\_\_\_\_  
 Farmville Volunteer Fire Department, Chief

\_\_\_\_\_  
 Cumberland County Administrator

\_\_\_\_\_  
 DATE

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

## Monthly Financial Report To Council For February 2016

	Estimated 2015/2016 Budget to Date -----	Actual 2015/2016 Budget to Date -----	(Over) or Under Budget to Date -----
<b>Revenue</b>			
Balance Forward		5,300,476.12	
Fund Revenue	38,327,587.45	21,540,380.45	16,787,207.00
<b>Total Revenue</b>	<b>38,327,587.45</b>	<b>26,840,856.57</b>	<b>11,486,730.88</b>
<b>Expenditures</b>			
* Board of Supervisors *	41,638.00	26,555.39	15,082.61
* County Administrator *	285,404.00	148,188.34	137,215.66
* Legal Services *	19,193.70	77,463.40	(58,269.70)
* Independent Auditor *	34,500.00	2,379.00	32,121.00
* Commissioner of Revenue *	232,850.00	136,735.71	96,114.29
* Treasurer *	271,986.00	160,410.20	111,575.80
* Accounting *	130,418.00	80,456.22	49,961.78
* Data Processing *	173,196.00	114,329.66	58,866.34
* Electoral Board *	25,141.00	15,097.52	10,043.48
* Registrar *	84,412.00	51,544.27	32,867.73
* Circuit Court *	25,810.00	1,514.06	24,295.94
* General District Court *	14,210.00	3,912.17	10,297.83
* Magistrate *	2,125.00	616.18	1,508.82
* Clerk of Circuit Court *	213,029.00	119,204.77	93,824.23
* Law Library *	1,000.00	287.31	712.69
* Commonwealth's Attorney *	204,060.00	120,579.36	83,480.64
* Sheriff *	1,465,012.00	854,465.34	610,546.66
* School Resource Officer *	62,028.00	36,231.70	25,796.30
* E911 *	23,100.00	24,181.21	(1,081.21)
*Cumberland Vol.FIRE DEPT*	39,500.00	39,500.00	
*Cartersville Volun.*	26,075.00	26,075.00	
*Cumberland Vol. Rescue Squad*	20,000.00	20,000.00	
*Prince Edward Vol. Rescue Squad*	8,000.00	8,000.00	
*Randolph Fire Dept.*	41,000.00	41,000.00	
*Cartersville Vol. Rescue Squad*	37,970.00	37,970.00	
* Forestry Service *	8,705.00	8,705.34	(.34)
* Emergency Services *	3,000.00	3,315.40	(315.40)
* Probation Office *	1,644.00	466.16	1,177.84
* Correction & Detention *	235,000.00	182,822.22	52,177.78
* Building Inspections *	110,823.00	72,438.26	38,384.74
* Animal Control *	100,253.00	66,884.92	33,368.08
* Medical Examiner *	200.00	60.00	140.00
* Refuse Disposal *	619,131.00	411,470.98	207,660.02
* General Properties *	729,489.00	385,537.39	343,951.61
* Supplement of Local Health Dept *	94,543.00	47,271.50	47,271.50
* Chapter 10 Board - Crossroads *	34,000.00	34,000.00	
* CSA Management *	32,377.00	19,644.43	12,732.57
* Community Colleges *	5,181.00	3,081.00	2,100.00
* Recreation *	88,793.00	27,522.40	61,270.60
* Local Library *	115,450.00	115,450.00	
* Planning Commission *	7,650.00	4,471.86	3,178.14
* Planning/Zoning Dept. *	86,926.00	65,079.00	21,847.00

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

## Monthly Financial Report To Council For February 2016

	Estimated 2015/2016 Budget to Date -----	Actual 2015/2016 Budget to Date -----	(Over) or Under Budget to Date -----
<b>Expenditures</b>			
* Community & Economic Developmnt *	12,052.00	10,052.00	2,000.00
* Board of Zoning Appeals *	550.00	254.50	295.50
*Clothes Closet*	610.00	284.10	325.90
* Buckingham Cattlemans Assoc *	1,500.00	1,500.00	
* Farmville Area Chamber of Commerc	1,500.00	1,500.00	
* Longwood Small Bus. Dev. Ctr. *	3,000.00	3,000.00	
* Southside Violence Prevention *	5,000.00	5,000.00	
*Peter Francisco SWD*	7,100.00	7,100.00	
* Extension Agents *	49,871.00	12,855.15	37,015.85
* NONDEPARTMENTAL *	12,600.00	7,557.16	5,042.84
**TRANSFERS**	8,213,522.19	5,001,402.53	3,212,119.66
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	1,516,345.17	291,354.83
DENTAL INSURANCE	259,700.00	67,026.16	192,673.84
PATIENT CENTERED OUTCOME FEE (PCOR)		802.66	(802.66)
* Administration *	1,251,786.00	688,532.49	563,253.51
	14,903,258.00	6,298,766.07	8,604,491.93
**TRANSFERS**		67,443.89	(67,443.89)
	1,045,913.37	460,685.60	585,227.77
* Vehicle Upgrades & Replacement *		39,593.00	(39,593.00)
*Randolph Community Center*	11,820.00	11,820.00	
** COURTHOUSE **			
**ELEMENTARY SCHOOL**		140,645.60	(140,645.60)
* Elementary School - Lit Loan *	226,667.00	226,666.67	.33
* COPS97 Loan *	369,666.00	369,665.62	.38
* High/Middle School - VPSA Loan *	938,201.00	937,500.59	700.41
PUBLIC FACILITY NOTE 2009	389,184.00	309,119.12	80,064.88
* AMERESCO *		141,908.00	(141,908.00)
* SunTrust Loan-HS/MS *	1,485,632.00	1,234,994.00	250,638.00
* Suntrust Loan - Courthouse *	248,582.00	248,487.97	94.03
	450,000.00	441,129.52	8,870.48
* SEWER FUND - Enterprise Fund *	577,976.19	333,329.89	244,646.30
* WATER FUND - ENTERPRISE FUND *	129,060.00	78,212.31	50,847.69
COMMUNITY CENTER PURCHASE	125,314.00	77,775.71	47,538.29
MADISON INDUSTRIAL PARK			
	20,000.00	13,585.02	6,414.98
<b>Total Expenditure</b>	<b>38,327,587.45</b>	<b>22,352,489.36</b>	<b>15,975,098.09</b>
<b>Total Revenues</b>			
Less Total Expenditures		4,488,367.21	(4,488,367.21)

2/03/2016

\*GL060AA\*

CUMBERLAND CO  
EXPENDITURE SUMMARY  
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ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING \$
		.00	.00	.00	.00	.00	.00	.00
	--FINAL TOTAL--	.00	.00	.00	.00	.00	.00	.00

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	38,584.91	2,689,137.95	2,840,862.05
1102	* Real/Personal Public Service *	710,000.00	710,000.00	.00	395,310.82	314,689.18
1103	* Personal Property Taxes *	1,794,500.00	1,794,500.00	33,680.22	1,470,630.22	323,864.78
1104	* Machinery & Tools *	85,000.00	85,000.00	937.50	120,332.13	35,332.13
1105	* Penalties & Interest *	264,000.00	264,000.00	12,532.15	110,928.94	153,071.06
1201	* Local Sales & Use Taxes *	375,000.00	375,000.00	62,176.75	476,132.27	101,132.27
1202	* Consumer' Utility Taxes *	172,000.00	172,000.00	18,323.65	105,171.11	66,828.89
1203	* Business License Taxes *	107,000.00	107,000.00	10,265.66	30,929.78	76,070.22
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	5,314.83	176,798.23	56,201.77
1207	* Taxes On Recordation & Wills *	45,000.00	45,000.00	11,062.69	35,745.05	9,254.95
1301	* Animal Licenses *	8,328.00	8,328.00	2,950.00	4,870.00	3,458.00
1303	* Permits & Other Licenses *	51,000.00	51,000.00	3,771.31	28,136.04	22,863.96
1401	* Court Fines & Forfeitures *	145,000.00	145,000.00	16,037.59	55,910.57	89,089.43
1501	* Revenue From Use Of Money *	31,000.00	31,000.00	71.31	8,557.18	22,442.82
1502	* Revenue From Use Of Property *	17,000.00	17,000.00	2,462.00	13,226.65	3,773.35
1601	* Court Costs *	47,360.00	47,360.00	4,937.63	28,015.04	19,344.96
1602	* Commonwealth's Attorney Fees *	800.00	800.00	47.82	419.95	380.05
1603	* Charges For Law Enforcement *	40,000.00	40,000.00	618.99	21,443.89	18,556.11
1606	* Charges For Other Protection *	100.00	100.00	.00	.00	100.00
1608	* Charges Sanitation & Removal *	370,166.00	370,166.00	51.00	402.00	369,764.00
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	510.00	10,720.61	879.39
1616	* Charges For Planning / Com Dev *	1,300.00	1,300.00	200.00	1,880.00	580.00
1899	* Miscellaneous *	1,146,400.00	1,496,607.89	43,723.78	1,211,897.43	284,710.46
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	12,302.41	730,690.01	580,444.99
2301	* Commonwealth Attorney *	156,000.00	156,000.00	13,616.83	97,723.86	58,276.14
2302	* Sheriff *	561,533.00	561,533.00	48,567.13	329,567.98	231,965.02
2303	* Commissioner Of Revenue *	76,000.00	76,000.00	6,347.86	44,261.51	31,738.49
2304	* Treasurer *	93,000.00	93,000.00	7,770.00	55,712.33	37,287.67
2306	* Registrar/Electoral Boards *	38,199.00	38,199.00	.00	.00	38,199.00
2307	* Clerk Of The Circuit Court *	144,000.00	144,000.00	12,639.50	86,246.05	57,753.95
2308	* DWI License Agent *	18,000.00	18,000.00	1,220.39	11,111.54	6,888.46
2404	**GRANT FUNDS**	40,000.00	40,000.00	4,042.06	46,864.36	6,864.36
3301	**GRANT FUNDS**	29,000.00	29,000.00	.00	.00	29,000.00
--FUND TOTAL--		13,711,921.00	14,062,128.89	374,765.97	8,459,576.59	5,602,552.30

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
1501	INTEREST-STATE	.00	.00	.00	31.72	31.72
2402	ASSET FORFEITURE REVENUE (STATE)	25,000.00	25,000.00	1,570.50	4,439.49	20,560.51
--FUND TOTAL--		25,000.00	25,000.00	1,570.50	4,471.21	20,528.79

REVENUE SUMMARY  
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2/03/2016 \*GLO60AA\*

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	52,743.54	1,092,479.58	864,520.42
2000	DENTAL INSURANCE CONTRIBUTIONS	110,400.00	110,400.00	2,979.56	61,120.33	49,279.67
	--FUND TOTAL--	2,067,400.00	2,067,400.00	55,723.10	1,153,599.91	913,800.09

FUND # -201						
1899	* Miscellaneous Revenue *	.00	.00	246.56	5,480.15	5,480.15-
2401	* Welfare *	153,318.00	153,318.00	29,839.02	218,202.68	64,884.68-
3305	* Social Services *	785,624.00	785,624.00	53,257.99	383,565.54	402,058.46
4105	* Fund Transfers *	312,844.00	312,844.00	.00	71,117.84	241,726.16
	--FUND TOTAL--	1,251,786.00	1,251,786.00	83,343.57	678,366.21	573,419.79

FUND # -203						
4105	**TRANSFERS**	.00	.00	.00	67,443.89	67,443.89-
	--FUND TOTAL--	.00	.00	.00	67,443.89	67,443.89-

FUND # -205						
1803	* Expenditure Refunds *	.00	.00	24,352.29	128,388.22	128,388.22-
1899	* Miscellaneous Revenue *	290,743.00	341,943.00	150.00	428.98	341,514.02
2402	* State Education *	8,793,858.00	8,828,858.00	389,646.15	4,297,664.10	4,531,193.90
2403	ACADEMIC REVIEWS (I-READY)	.00	.00	.00	2,500.00	65,397.00
2404	ALTERNATIVE ASSESSMENT ASSIST	.00	13,000.00	.00	469.20	12,530.80
3302	* Education *	1,727,141.00	1,877,141.00	87,710.99	927,161.02	949,979.98
4105	* Fund Transfers *	3,774,419.00	3,774,419.00	.00	1,469,493.84	2,304,925.16
	--FUND TOTAL--	14,586,161.00	14,903,258.00	501,859.43	6,826,105.36	8,077,152.64

FUND # -207						
1501	* INTEREST ON BANK DEPOSITS *	.00	.00	.00	347.28	347.28-
1899	** MISC REVENUE **	.00	.00	.00	268.04	268.04-
1901	** LOCAL CONTRIBUTIONS **	.00	464,560.37	.00	260,969.04	203,591.33
2404	** STATE FUNDS **	.00	581,353.00	.00	.00	581,353.00
	--FUND TOTAL--	.00	1,045,913.37	.00	261,584.36	784,329.01

FUND # -302						
1501	* Interest On Bank Deposits *	.00	.00	.00	359.61	359.61-
4105	* Fund Transfers *	.00	11,820.00	.00	.00	11,820.00
	--FUND TOTAL--	.00	11,820.00	.00	359.61	11,460.39

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
<b>FUND # -401</b>						
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	2,980,282.66	653,648.34 17.98
	--FUND TOTAL--	3,657,931.00	3,657,931.00	.00	2,992,456.04	665,474.96 18.19
<b>FUND # -500</b>						
1899	*MISCELLANEOUS REVENUE*	.00	.00	.00	990.00	990.00- 100.00-
2404	*REVENUE FROM STATE*	350,000.00	350,000.00	90,505.53	254,293.41	95,706.59 27.34
4105	*TRANSFERS*	100,000.00	100,000.00	.00	100,000.00	.00 .00
	--FUND TOTAL--	450,000.00	450,000.00	90,505.53	355,283.41	94,716.59 21.04
<b>FUND # -501</b>						
1501	**INTEREST REVENUE**	.00	.00	.00	96.69	96.69- 100.00-
1619	**CHARGES & FEES**	384,642.00	384,642.00	31,551.35	194,659.74	189,982.26 49.39
1620	SEWER LATE PAYMENT PENALTY	8,000.00	8,000.00	629.73	3,436.98	4,563.02 57.03
1630	**ADMIN FEES/CHARGES**	15,200.00	15,200.00	2,081.36	9,946.59	5,253.41 34.56
1803	MISCELLANEOUS	.00	.00	83.00	1,271.80	1,271.80- 100.00-
4105	**TRANSFERS**	.00	299,194.19	.00	299,194.19	.00 .00
	--FUND TOTAL--	407,842.00	707,036.19	34,345.44	508,605.99	198,430.20 28.06
<b>FUND # -515</b>						
1501	INTEREST SEWER RESERVE	.00	.00	.00	141.49	141.49- 100.00-
	--FUND TOTAL--	.00	.00	.00	141.49	141.49- 100.00-
<b>FUND # -540</b>						
1501	INTEREST WATER RESERVE	.00	.00	.00	20.65	20.65- 100.00-
	--FUND TOTAL--	.00	.00	.00	20.65	20.65- 100.00-
<b>FUND # -545</b>						
1200	DSR PAYMENTS (PR UTILITY FUND)	.00	.00	.00	3,540.00	3,540.00- 100.00-
1501	INTEREST	.00	.00	.00	1.84	1.84- 100.00-
	--FUND TOTAL--	.00	.00	.00	3,541.84	3,541.84- 100.00-
<b>FUND # -550</b>						
1200	DSR PAYMENTS	.00	.00	.00	10,224.00	10,224.00- 100.00-
1501	**INTEREST REVENUE**	.00	.00	.00	22.34	22.34- 100.00-

2/03/2016 \*GL0600A\*

CUMBERLAND CO

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ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
	-- FUND TOTAL--	.00	.00	.00	10,246.34	10,246.34- 100.00-
FUND # -580						
1501	INTEREST REVENUE	.00	.00	.36	2.14	2.14- 100.00-
	-- FUND TOTAL--	.00	.00	.36	2.14	2.14- 100.00-
FUND # -715						
1899	Rent of General Property	44,000.00	44,000.00	3,700.00	23,883.05	20,116.95 45.72
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
	-- FUND TOTAL--	125,314.00	125,314.00	3,700.00	205,197.05	79,883.05- 63.74-
FUND # -733						
1899	* Miscellaneous Revenue *	20,000.00	20,000.00	791.42	9,878.36	10,121.64 50.60
3305	*FEDERAL FUNDS*	.00	.00	.00	3,500.00	3,500.00- 100.00-
	-- FUND TOTAL--	20,000.00	20,000.00	791.42	13,378.36	6,621.64 33.10
	-- FINAL TOTAL--	36,303,355.00	38,327,587.45	1,146,605.32	21,540,380.45	16,787,207.00 43.79

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING
11010	* Board of Supervisors *	41,638.00	41,638.00	3,377.70	26,555.39	.00	15,082.61	36.22
12100	* County Administrator *	285,404.00	285,404.00	20,339.83	148,188.34	.00	137,215.66	48.07
12210	* Legal Services *	.00	19,193.70	4,182.00	77,463.40	.00	58,269.70	303.58-
12240	* Independent Auditor *	34,500.00	34,500.00	2,379.00	2,379.00	.00	32,121.00	93.10
12310	* Commissioner of Revenue *	232,850.00	232,850.00	22,828.87	136,735.71	.00	96,114.29	41.27
12410	* Treasurer *	271,986.00	271,986.00	21,174.63	160,410.20	.00	111,575.80	41.02
12430	* Accounting *	130,418.00	130,418.00	11,185.46	80,456.22	.00	49,961.78	38.30
12510	* Data Processing *	173,196.00	173,196.00	16,092.93	114,329.66	.00	58,866.34	33.98
13100	* Electoral Board *	25,141.00	25,141.00	566.76	15,097.52	.00	10,043.48	39.94
13200	* Registrar *	84,412.00	84,412.00	7,424.29	51,544.27	.00	32,867.73	38.93
21100	* Circuit Court *	25,810.00	25,810.00	678.52	1,514.06	.00	24,295.94	94.13
21200	* General District Court *	14,210.00	14,210.00	129.75	3,912.17	.00	10,297.83	72.46
21300	* Magistrate *	2,125.00	2,125.00	61.04	616.18	.00	1,508.82	71.00
21600	* Clerk of Circuit Court *	213,029.00	213,029.00	17,513.60	119,204.77	.00	93,824.23	44.04
21800	* Law Library *	1,000.00	1,000.00	.00	287.31	.00	712.69	71.26
22100	* Commonwealth's Attorney *	204,060.00	204,060.00	17,690.56	120,579.36	.00	83,480.64	40.90
31200	* Sheriff *	1,465,012.00	1,465,012.00	111,884.76	854,465.34	.00	610,546.66	41.67
31250	* School Resource Officer *	62,028.00	62,028.00	5,174.62	36,231.70	.00	25,796.30	41.58
31400	* E911 *	23,100.00	23,100.00	735.79	24,181.21	.00	1,081.21-	4.68-
32221	*Cumberland Vol. FIRE DEPT*	39,500.00	39,500.00	19,750.00	39,500.00	.00	.00	.00
32222	*Cartersville Volun.*	26,075.00	26,075.00	13,037.50	26,075.00	.00	.00	.00
32301	*Cumberland Vol. Rescue Squad*	20,000.00	20,000.00	.00	20,000.00	.00	.00	.00
32302	*Prince Edward Vol. Rescue Squad*	8,000.00	8,000.00	4,000.00	8,000.00	.00	.00	.00
32303	*Randolph Fire Dept.*	41,000.00	41,000.00	20,500.00	41,000.00	.00	.00	.00
32304	*Cartersville Vol. Rescue Squad*	37,970.00	37,970.00	18,985.00	37,970.00	.00	.00	.00
32400	* Forestry Service *	8,705.00	8,705.00	.00	8,705.34	.00	.34-	.00
32500	* Emergency Services *	3,000.00	3,000.00	1,500.00	3,315.40	.00	315.40-	10.51-
33000	* Probation Office *	1,644.00	1,644.00	61.86	466.16	.00	1,177.84	71.64
33400	* Correction & Detention *	235,000.00	235,000.00	64,709.56	182,822.22	.00	52,177.78	22.20
34100	* Building Inspections *	110,823.00	110,823.00	10,117.48	72,438.26	.00	38,384.74	34.63
35100	* Animal Control *	100,253.00	100,253.00	12,908.42	66,884.92	.00	33,368.08	33.28
35300	* Medical Examiner *	200.00	200.00	.00	60.00	.00	140.00	70.00
42400	* Refuse Disposal *	619,131.00	619,131.00	56,984.57	411,470.98	.00	207,660.02	33.54
43200	* General Properties *	729,489.00	729,489.00	75,991.31	385,537.39	.00	343,951.61	47.14
51200	* Supplement of Local Health Dept *	94,543.00	94,543.00	.00	47,271.50	.00	47,271.50	50.00
52500	* Chapter 10 Board - Crossroads *	34,000.00	34,000.00	17,000.00	34,000.00	.00	.00	.00
61230	* CSA Management *	32,377.00	32,377.00	3,146.91	19,644.43	.00	12,732.57	39.32
68000	* Community Colleges *	5,181.00	5,181.00	3,081.00	3,081.00	.00	2,100.00	40.53
71500	* Recreation *	88,793.00	88,793.00	3,433.74	27,522.40	.00	61,270.60	69.00
73100	* Local Library *	115,450.00	115,450.00	57,725.00	115,450.00	.00	.00	.00
81100	* Planning Commission *	7,650.00	7,650.00	238.98	4,471.86	.00	3,178.14	41.54
81110	* Planning/Zoning Dept. *	86,926.00	86,926.00	8,199.93	65,079.00	.00	21,847.00	25.13
81200	* Community & Economic Development *	12,052.00	12,052.00	.00	10,052.00	.00	2,000.00	16.59
81400	* Board of Zoning Appeals *	550.00	550.00	.00	254.50	.00	295.50	53.72
81513	*Clothes Closet	610.00	610.00	31.53	284.10	.00	325.90	53.42
81523	* Buckingham Cattlemans Assoc *	1,500.00	1,500.00	1,500.00	1,500.00	.00	.00	.00
81535	* Farmville Area Chamber of Commerc	1,500.00	1,500.00	750.00	1,500.00	.00	.00	.00

FUND #-100

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	1,500.00	3,000.00	.00	.00	.00
81542	* Southside Violence Prevention *	5,000.00	5,000.00	2,500.00	5,000.00	.00	.00	.00
82401	*Peter Francisco SMD*	7,100.00	7,100.00	3,550.00	7,100.00	.00	.00	.00
83500	* Extension Agents *	49,871.00	49,871.00	229.57	12,855.15	.00	37,015.85	74.22
90000	* NONDEPARTMENTAL *	12,600.00	12,600.00	3,663.64	7,557.16	.00	5,042.84	40.02
93100	**TRANSFERS**	7,902,508.00	8,213,522.19	.00	5,001,402.53	.00	3,212,119.66	39.10
	--FUND TOTAL--	13,711,920.00	14,062,127.89	665,435.11	8,645,423.11	.00	5,416,704.78	38.51
	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	287,660.46	1,516,345.17	.00	291,354.83	16.11
63100	DENTAL INSURANCE	259,700.00	259,700.00	7,365.80	67,026.16	.00	192,673.84	74.19
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	295,026.26	1,584,173.99	.00	483,226.01	23.37
	FUND #-201							
53100	* Administration *	1,251,786.00	1,251,786.00	93,509.85	688,532.49	.00	563,253.51	44.99
	--FUND TOTAL--	1,251,786.00	1,251,786.00	93,509.85	688,532.49	.00	563,253.51	44.99
	FUND #-205							
61100	**TRANSFERS**	14,586,161.00	14,903,258.00	41,964.03	6,298,766.07	.00	8,604,491.93	57.73
93100	**TRANSFERS**	.00	.00	.00	67,443.89	.00	67,443.89	100.00
	--FUND TOTAL--	14,586,161.00	14,903,258.00	41,964.03	6,366,209.96	.00	8,537,048.04	57.28
	FUND #-207							
61100	GOVERNOR'S SCHOOL EXPENDITURES	.00	1,045,913.37	.00	460,685.60	.00	585,227.77	55.95
	--FUND TOTAL--	.00	1,045,913.37	.00	460,685.60	.00	585,227.77	55.95
	FUND #-302							
94337	* Vehicle Upgrades & Replacement *	.00	.00	.00	39,593.00	.00	39,593.00	100.00
94380	*Randoiph Community Center*	.00	11,820.00	11,820.00	11,820.00	.00	.00	.00
95101	**ELEMENTARY SCHOOL**	.00	.00	.00	140,645.60	.00	140,645.60	100.00

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	REMAINING
	--FUND TOTAL--	.00	11,820.00	11,820.00	192,058.60	.00	180,238.60	524.86-
FUND # -401								
67200	* Elementary School - Lit Loan *	226,667.00	226,667.00	226,666.67	226,666.67	.00	.33	.00
67400	* COPS97 Loan *	369,666.00	369,666.00	22,312.50	369,665.62	.00	.38	.00
67500	* High/Middle School - VESA Loan *	938,201.00	938,201.00	192,627.24	937,500.59	.00	700.41	.07
67700	PUBLIC FACILITY NOTE 2009	389,184.00	389,184.00	15,857.08	309,119.12	.00	80,064.88	20.57
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	1,234,994.00	.00	250,638.00	16.87
95700	* SunTrust Loan - Courthouse *	248,582.00	248,582.00	18,490.07	248,487.97	.00	94.03	.03
	--FUND TOTAL--	3,657,932.00	3,657,932.00	475,953.56	3,468,341.97	.00	189,590.03	5.18

FUND # -500								
53900		450,000.00	450,000.00	.00	441,129.52	.00	8,870.48	1.97
	--FUND TOTAL--	450,000.00	450,000.00	.00	441,129.52	.00	8,870.48	1.97

FUND # -501								
94900	* SEWER FUND - Enterprise Fund *	278,782.00	577,976.19	21,584.20	333,329.89	.00	244,646.30	42.32
95900	* WATER FUND - ENTERPRISE FUND *	129,060.00	129,060.00	8,757.26	78,212.31	.00	50,847.69	39.39
	--FUND TOTAL--	407,842.00	707,036.19	30,341.46	411,542.20	.00	295,493.99	41.79

FUND # -715								
81610	COMMUNITY CENTER PURCHASE	125,314.00	125,314.00	8,871.95	77,775.71	.00	47,538.29	37.93
	--FUND TOTAL--	125,314.00	125,314.00	8,871.95	77,775.71	.00	47,538.29	37.93

FUND # -733								
53010		20,000.00	20,000.00	1,125.09	13,585.02	.00	6,414.98	32.07
	--FUND TOTAL--	20,000.00	20,000.00	1,125.09	13,585.02	.00	6,414.98	32.07

	--FINAL TOTAL--	36,303,355.00	38,327,587.45	1,624,047.31	22,352,489.36	.00	15,975,098.09	41.68
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**Planning Projects:  
February 2016**

<b>Zoning:</b>		
<b><i>Pending Zoning Questions and Requests</i></b>		
<b><i>CUP's and Rezoning Requests</i></b>		
Mitchell's Market	2487 Cumberland Road	The Planning Commission has deferred action on this request, awaiting additional information from the applicant.
Randall Daves	1588 and 1592 Anderson Highway	Approved.
<b><i>Other Zoning Issues-</i></b> Three cases under legal review.		
<b>Subdivisions:</b>		
<b><i>Approved Subdivisions</i></b>		
<b><i>Pending Subdivisions</i></b>		
Pearl Mayers	Morningside Drive	Subdivision of one lot.
James Grissom	Waterfront Lane	Subdivision of three lots.
Doc Carter	Something Lane, off of Stoney Point Road	Family division of three parcels.
<b><i>Subdivision Plat Vacation</i></b>		
Chris Bishop	Address TBD Tarwallet Road	Applicant requests a vacation of plat to eliminate a 0.24 acre dedication for a road on an existing subdivision plat.
<b><i>Other Subdivision Requests</i></b>		
Zachary Baggett and Allan Blakely	63 and 30 Clements Road	Lot line adjustment between two lots.
<b>Other Regulatory Functions:</b>		
<b><i>Erosion and Sediment Control Applications</i></b>		
Henrico County	Utility Corridor Clearing Project	Utility corridor being cleared.
Credena Hatcher	2093 Anderson Highway	Agreement in Lieu of a Plan for a single family home.
<b><i>Code Amendment Questions</i></b>		
Wineries and Breweries	Countywide	The Planning Commission has deferred this request.
Buffers	Countywide	Approved.
Animals in the R-2 district	Countywide	The Planning Commission held their public hearing on this amendment and recommend approval to the Board unanimously. The Board public hearing is set for February 9, 2016. The amendment would allow additional animals in the R-2 district, with acreage requirements.
Watershed Protection Ordinance	Cobbs Creek Reservoir Watershed	The Henrico County Attorney's office is currently working on a draft Ordinance amendment in consultation with county staff.
Dam Break Inundation Zones	Countywide	Peter Francisco Soil and Water Conservation District has requested consideration of a Zoning Ordinance amendment to require notification to property owners prior to construction in a DBIZ. The Planning Commission recommends approval to the Board unanimously, and the Board public hearing is set for February 9, 2016.

Validation Plat	Countywide	The Planning Commission recommends a change to the Zoning Ordinance to allow greater flexibility in developing residential lots that are under an acre. They recommend approval to the Board unanimously, and the Board's public hearing is set for February 9, 2016.
Definitions	Countywide	An update should happen as part of mixed use district. Rachel completed first draft during her initial review of the Ordinance for the mixed use district. Deferred until completion of CCR Plan Amendment.
Business uses	Countywide	All business uses should be inclusive as the Ordinance moves from a less intensive to a more intensive business zone. In other words, all uses in the B-3 should be included in B-2, and so on. Deferred until completion of CCR Plan Amendment.
Overlay district standards	Anderson Highway between 45 and 45	Standards to require improved appearance in mixed use district around the Courthouse. Deferred until completion of CCR Plan Amendment.
Mixed Use Zoning District	Cumberland Road and Anderson Highway	Combine uses in B-3 and R-2 for a mixed use district. Deferred until completion of CCR Plan Amendment.



## MEMO

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

From: Sara Carter, Planning Director

Date: February 3, 2016

Re: **Code Amendment relating to Code Enforcement**

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As a part of the County's work on enforcing Chapter 74 (Zoning) of the Cumberland County Code, the County Attorney is recommending a code amendment that will align the Zoning Ordinance with the State Code enabling legislation for penalties.

**Staff recommends that the Board set a public hearing for March 8, 2016, to consider amending the Zoning Ordinance to address Code Enforcement Penalties.**

# Collection Rates - As of January 31, 2016

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## Real Estate:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	96.13%	96.22%	- 0.09%
Tax Year - 2015	93.09%	92.92%	+ 0.17%

## Personal Property:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	97.43%	97.42%	+ 0.01%
Tax Year - 2015	83.85%	85.51%	- 1.66%

# Treasurer's Office

## Outstanding Collections Report

January 2016

### Real Estate

	As of 12/31/15	As of 1/31/16	Change	% Collected	Abatements/ Exonerations
2000-2005	\$ 7,075.88	\$ 6,867.69	\$ 208.19	2.94%	
2006	5,081.11	5,068.74	12.37	0.24%	
2007	8,295.10	8,271.17	23.93	0.29%	
2008	11,439.35	11,439.35			
2009	14,427.24	14,344.83	82.41	0.57%	
2010	29,118.88	29,118.88			
2011	55,513.46	54,061.75	1,451.71	2.61%	
2012	93,785.78	93,120.90	664.88	0.71%	
2013	148,698.72	146,862.74	1,835.98	1.23%	
2014	219,770.54	214,965.95	4,804.59	2.19%	
2015	401,091.44	383,667.47	17,423.97	4.34%	
<b>Total</b>	<b>\$ 994,297.50</b>	<b>\$ 967,789.47</b>	<b>\$ 26,508.03</b>		

### Personal Property

	As of 12/31/15	As of 1/31/16	Change	% Collected	Abatements/ Exonerations
2011	35,903.80	\$ 35,475.12	428.68	1.19%	
2012	34,937.72	34,409.89	527.83	1.51%	\$ 95.53
2013	40,732.22	40,454.70	277.52	0.68%	142.23
2014	73,443.28	71,668.73	1,774.55	2.41%	24.75
2015	482,153.31	457,093.42	25,059.89	5.20%	655.12
<b>Total</b>	<b>\$ 667,170.33</b>	<b>\$ 639,101.86</b>	<b>\$ 28,068.47</b>		

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
* TREASURER'S ACCOUNTABILITY *					
**ASSETS**					
100-0000	CASH IN OFFICE	1,000.00			1,000.00
100-0105	C&F BANK - CHECKING	650,000.00	1,972,195.47	2,268,889.63	353,305.84
100-0115	C&F BANK - INVESTMENT ACCT	2,002,159.15	1,172.98		2,003,332.13
100-0120	C&F BANK - SAVINGS ACCT	43,767.50	6.88		43,774.38
100-0121	C&F BANK-IPR ACCOUNT	14,054.00	.36		14,054.36
100-0122	ESSEX BANK - CD	2,212,083.39			2,212,083.39
100-0124	C&F BANK-FAF (JUSTICE)	20,192.38	4.62		20,197.00
100-0125	C&F BANK-FAF (TREASURY)	2,708.82			2,708.82
100-0126	C&F BANK-FAF (TREASURY)	682,727.14	202.95		682,930.09
100-0128	NEW HORIZON BANK-MONEY MKT	142,208.68	36.25		142,244.93
100-0129	C&F BANK-MONEY MARKET ACCT	104,201.60	24.41		104,226.01
100-0131	FIRST BANK	5,273.37	2.09		5,275.46
100-0137	LOCAL GOV INVESTMENT POOL	364,191.10			364,191.10
100-0140	RIVER COMM BANK - CERT. OF DEPOSIT	123,503.18	28.93		123,532.11
100-0141	FIRST BANK/SEWER RESERVE	18,019.20	4.23		18,023.43
100-0142	FIRST BANK/WATER RESERVE	58,128.71	11.34		58,140.05
100-0143	C&F BANK/ASSET FORFEITURE (SAF)	63,351.03	11.90		63,362.93
100-0144	C&F BANK-IDA RD OES DSR	317,844.24	7.64	77,238.30	240,613.58
100-0145	C&F BANK-GOVERNOR'S SCHOOL FUND	7,082.66	1.13		7,083.79
100-0146	C&F BANK-WATERLINE EXT DSR ACCT	575.87			575.87
100-0146	RETURNED CHECKS	3,502.27	.71		3,502.98
100-0155	E & S CONTROL BOND ESCROW	6,836,574.29	1,973,711.89	2,346,127.93	6,464,158.25
100-0160	**ASSETS**	6,836,574.29	1,973,711.89	2,346,127.93	6,464,158.25
TOTAL ASSETS					
**REVENUE FUND BALANCES**					
300-0000	GENERAL FUND BALANCE	5,606,034.16	729,544.10	421,823.14	5,298,313.20
300-0100	ECONOMIC DEVELOPMENT FUND	38,871.00			38,871.00
300-0120	ASSET FORFEITURE FUND BALANCE	78,423.72		15.96	78,439.68
300-0150	HEALTH INSURANCE FUND	409,408.46	202,429.81	315,825.53	522,804.18
300-0170	SOCIAL SERVICES FUND BALANCE		100,645.11	100,645.11	
300-0201	NCLB FUND				
300-0203	SCHOOL CONTINGENCY FUND			1,185,201.08	
300-0204	SCHOOL FUND BALANCE	317,844.24	77,238.30	7.64	240,613.58
300-0205	GOVERNOR'S SCHOOL FUND (GSSV)	85,366.33	39,593.00	140,654.26	15,694.93
300-0207	CAPITAL PROJECTS FUND BALANCE		15,857.08	15,857.08	
300-0302	DEBT SERVICE FUND		139,020.54	6,114.88	133,616.25
300-0401	UTILITY FUND (WATER/SEWER)	710.59	113,633.33	41,438.07	53,562.35
300-0500	COMPREHENSIVE SERVICES ACT	125,757.61		28.93	123,532.11
300-0515	SEWER RESERVE FUND (DSR)	123,503.18		4.23	18,023.43
300-0540	WATER RESERVE FUND	18,019.20		1.13	7,083.79
300-0545	WATERLINE EXT DSR FUND	7,082.66			
300-0550	IDA OES RD DSR FUND	63,351.03	11.90		63,362.93
300-0580	IPR FUND BALANCE	14,054.00	.36		14,054.36
300-0715	IDA FUND BALANCE	86,125.70	8,867.11	3,700.00	80,958.59
300-0715	SPECIAL WELFARE FUND BALANCE	14,614.08	3,273.95	4,626.36	15,966.49
300-0733	**REVENUE FUND BALANCES**	6,817,012.12	2,615,303.41	2,235,955.66	6,437,664.37
TOTAL PRIOR YR FUND BALANCE					
6,817,012.12					
TOTAL REVENUE					
2,235,955.66					

TOTAL EXPENDITURE  
TOTAL CURRENT FUND BALANCE

1/26/16  
FUND # 999

6,817,012.12-  
CUMBERLAND CO  
BALANCE SHEET  
12/31/2015

2,615,303.41

2,235,955.66-

6,437,664.37-

PAGE 2  
TIME 14:59

TOTAL LIABILITIES AND FUND BALANCE  
\*GL070\*

\* TREASURER'S ACCOUNTABILITY \*

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
400-0000	**OTHER FUND BALANCES**				
400-0105	OVERPAYMENTS	135.15-	3,999.59	3,864.44-	20,863.00-
400-0110	PREPAID TAXES	13,980.25-	1,601.15	8,483.90-	27.50
400-0140	COMMONWEALTH DEBIT ACCOUNT		1,287.50	1,260.00-	90.00-
400-0150	COMMONWEALTH CREDIT ACCOUNT	90.00-	3,096.80	3,096.80-	3,502.98-
400-0160	EROSTON & SED CONTROL BOND ESCROW	3,502.27-		.71-	2,065.40-
400-0216	ATTORNEY FEES	1,854.50-	210.90-	16,916.75-	26,493.88-
	**OTHER FUND BALANCES**	19,562.17-	9,985.04	16,916.75-	26,493.88-
500-0000	**UNCOLLECTED TAXES**				
500-0010	PUBLIC SERVICE CORP. TAXES PP/RE	36.52-			36.52-
500-0078	UNCOLLECTED 2015 REAL ESTATE TAX	468,930.63		67,839.19-	401,091.44
500-0079	UNCOLLECTED 2014 REAL ESTATE TAX	225,316.01		5,545.47-	219,770.54
500-0080	UNCOLLECTED 2013 REAL ESTATE TAXES	152,339.02		3,640.30-	148,698.72
500-0081	UNCOLLECTED 2012 REAL ESTATE TAXES	95,603.48		1,817.70-	93,785.78
500-0082	UNCOLLECTED 2011 REAL ESTATE TAXES	57,513.79		2,000.33-	55,513.46
500-0083	UNCOLLECTED 2010 REAL ESTATE TAXES	29,824.47		705.59-	29,118.88
500-0084	UNCOLLECTED 2009 REAL ESTATE TAXES	14,468.57		41.33-	14,427.24
500-0085	UNCOLLECTED 2008 REAL ESTATE TAXES	11,439.35			11,439.35
500-0086	UNCOLLECTED 2007 REAL ESTATE TAXES	8,295.10			8,295.10
500-0087	UNCOLLECTED 2006 REAL ESTATE TAXES	5,081.11			5,081.11
500-0150	UNCOLLECTED 2005/2000 REAL ESTATE	7,313.49		237.61-	7,075.88
500-0154	2010 VEHICLE LICENSE TAX	6,252.76		69.00-	6,183.76
500-0155	2011 VEHICLE LICENSE TAX	7,365.32			7,365.32
500-0156	2012 VEHICLE LICENSE TAX	6,688.59	23.00	253.00-	6,458.59
500-0157	2013 VEHICLE LICENSE TAX	8,962.24		407.00-	8,555.24
500-0158	2014 VEHICLE LICENSE TAX	15,304.87	23.00	856.28-	14,471.59
500-0159	2015 VEHICLE LICENSE TAX	90,713.20	108.00	10,631.78-	80,189.42
500-0173	UNCOLL. 2010 PERSONAL PROPERTY TAX	35,267.15		313.21-	34,953.94
500-0174	UNCOLL. 2011 PERSONAL PROPERTY TAX	36,310.29		406.49-	35,903.80
500-0175	UNCOLL. 2012 PERSONAL PROPERTY TAX	35,721.55		783.83-	34,937.72
500-0176	UNCOLL. 2013 PERSONAL PROPERTY TAX	42,457.43		1,725.21-	40,732.22
500-0177	UNCOLL. 2014 PERSONAL PROPERTY TAX	79,144.79	142.68	5,844.19-	73,443.28
500-0178	UNCOLL. 2015 PERSONAL PROPERTY TAX	556,743.14	1,175.14	75,764.97-	482,153.31
500-0200	RESERVE UNCOLLECTED COUNTY TAXES	1,997,019.83-	178,693.80	1,283.14-	1,819,609.17-
500-0400	UNCOLL. MISC FEES	3,604.57		20.00-	3,584.57
500-0401	RESERVE-MISC FEES	3,604.57-	20.00		3,584.57-
500-0800	UNCOLLECTED WATER CHARGES	13,941.87	7,936.81	11,555.18-	10,323.50
500-0810	RESERVE UNCOLLECTED WATER CHARGES	13,941.87-	11,555.18	7,936.81-	10,323.50-
500-0900	UNCOLLECTED SEWER CHARGES	25,309.83	20,266.26	30,530.77-	15,045.32
500-0910	RESERVE UNCOLLECTED SEWER CHARGES	25,309.83-	30,530.77	20,266.26-	15,045.32-
500-1009	UNCOLLECTED 2009 ROLLBACK TAX				
500-1010	UNCOLLECTED 2010 ROLLBACK TAX				
500-1011	UNCOLLECTED 2011 ROLLBACK TAX				
500-1012	UNCOLLECTED 2012 ROLLBACK TAX				
500-1013	UNCOLLECTED 2013 ROLLBACK TAX				

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
500-1014	UNCOLLECTED 2014 ROLLBACK TAX		73.81		73.81
500-1015	UNCOLLECTED 2015 ROLLBACK TAX		66.60		66.60
500-1099	RESERVE-UNCOLLECTED ROLLBACK TAXES			140.41-	140.41-
	**UNCOLLECTED TAXES**		250,615.05	250,615.05-	
510-2010	COMMONWEALTH REIMB-PPTRA	871,528.90			871,528.90
510-2011	COMMONWEALTH REIMB-2010	864,047.07			864,047.07
510-2012	COMMONWEALTH REIMB-2011	873,226.21		131.14-	873,095.07
510-2013	COMMONWEALTH REIMB-2012	865,001.37		111.94-	864,889.43
510-2014	COMMONWEALTH REIMB-2013	873,335.05		110.24-	873,224.81
510-2015	COMMONWEALTH REIMB-2014	883,340.01	676.48	420.71-	883,595.78
510-9999	ESTIMATED COMMONWEALTH RESERVE	5,230,478.61-	774.03	676.48-	5,230,381.06-
	COMMONWEALTH REIMB-PPTRA		1,450.51	1,450.51-	
			252,065.56	252,065.56-	
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	19,434.00-		2,828.00-	22,262.00-
600-0186	ESTIMATED STATE INCOME TAX-2014				
600-0190	RESERVE UNCOLLECTED STATE TAXES	19,434.00	2,828.00	2,828.00-	22,262.00
	**STATE ACCOUNTS**		2,828.00	2,828.00-	
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	16,935,000.00			16,935,000.00
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	3,940,000.00			3,940,000.00
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	37,972,916.64-			37,972,916.64-
	**DEBT FUNDS**				

# Transactions for DMV Select

January 2016

	# Transactions	Total \$	# Helped	# Transactions	Total \$	# Helped
1				17		
2				18		
3				19	\$1,720.30	11
4	49	\$2,511.55	6	20	\$1,607.14	6
5	29	\$1,053.86	8	21	\$1,733.14	6
6	24	\$950.75	8	22		
7	13	\$458.25	3	23		
8	39	\$896.15	3	24		
9				25		
10				26	\$748.75	7
11	42	\$1,190.13	12	27	\$1,439.37	5
12	23	\$647.13	5	28	\$1,652.30	1
13	16	\$421.25	4	29	\$3,982.65	13
14	16	\$511.99	7	30		
15				31		
16					\$21,524.71	105



# CUMBERLAND COUNTY

OFFICE OF THE COMMISSIONER OF THE REVENUE  
P.O. Box 77 ~ Cumberland, Virginia 23040  
(804) 492-4280 ~ Fax: (804) 492-3342  
[www.cumberlandcounty.virginia.gov](http://www.cumberlandcounty.virginia.gov)

JULIE A. PHILLIPS  
Commissioner

TO: Board of Supervisors  
RE: 2015 Annual Business License Report  
January 1, 2015 – December 31, 2015

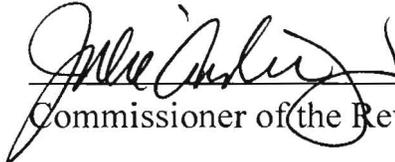
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Total Number of Business Licenses Issued:	499
Total Amount of License Fees Collected in 2015:	\$76,425.86

I do solemnly swear in making out this report, I have to the best of my knowledge and ability complied with the law prescribing the duties of a Business License Inspector.

Given under my hand, this 12<sup>th</sup> day of January 2016.

  
Business License Inspector

  
Commissioner of the Revenue

**CUMBERLAND COUNTY**

**BUILDING INSPECTIONS  
DEPARTMENT**



**JANUARY 2016**

**MONTHLY  
REPORT**

# COUNTY of CUMBERLAND VIRGINIA

FOUNDED • 1749

## Building Official's Office

Leland Leeds  
Building Official

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

Mackenzie Tate  
Building Coordinator /  
Assistant Planning & Zoning  
Administrator

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

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

January	Current Month 2015	YTD 2015	Current Month 2016	YTD 2016
Singlewides	0	0	0	0
Doublewides	1	1	0	0
Modular	0	0	1	1
New Homes	2	2	0	0
Ag & Exempt	0	0	1	1
Garages & Carports	2	2	1	1
Additions & Remodels	3	3	0	0
Misc	9	9	8	8
Commercial	1	1	3	3
<b>Totals</b>	<b>18</b>	<b>18</b>	<b>14</b>	<b>14</b>

Total Fees Collected	\$2,674.73	\$2,674.73	\$3,327.21	\$3,327.21
E-911 Fees Collected	\$12.00	\$12.00	\$12.00	\$12.00
Zoning Fees Collected	\$10.00	\$10.00	\$30.00	\$30.00
S & E Fees Collected	\$0.00	\$0.00	\$100.00	\$100.00
Total Estimated Value	\$489,235.00	\$489,235.00	\$702,681.00	\$702,681.00
Adm'n. Fees	\$0.00	\$0.00	\$0.00	\$0.00
CO's Issued	2	2	2	2





# CUMBERLAND WATER & SEWER ADVISORY COMMITTEE

## RECORDING OF ROLL

MEETING DATE: 9-8-15

Julie,  
Don & Paige  
Bryan →

1. Roger F. Hatcher
2. Harry DONAGUE
3. Bryan Baker
4. Doris J. Brown
5. Don M
6. Patricia A. Ward
7. Carolyn Z. Helgeson
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

DATE REC'D \_\_\_\_\_  
DEPT APPROVAL \_\_\_\_\_  
CO. ADMIN APPROVAL \_\_\_\_\_  
CHECK # \_\_\_\_\_  
DATE PAID \_\_\_\_\_  
BUDGET CODE \_\_\_\_\_

### EXCUSED ABSENT:

1. \_\_\_\_\_
2. \_\_\_\_\_

Approved  
Bryan Baker  
\$40 per person



# CUMBERLAND WATER & SEWER ADVISORY COMMITTEE

## RECORDING OF ROLL

*Called*

MEETING DATE: 2-2-16

DATE REC'D \_\_\_\_\_  
DEPT APPROVAL \_\_\_\_\_  
CO. ADMIN APPROVAL \_\_\_\_\_  
CHECK # \_\_\_\_\_  
DATE PAID \_\_\_\_\_  
BUDGET CODE \_\_\_\_\_

1. *[Signature]*
2. Larry Latham
3. Richard Meador
4. Doris J. Brown
5. Roy Hatcher
6. Carolyn Z Helgeson
7. Bryan Saxton
8. Karen Ingle
9. Patricia Hilliard
10. \_\_\_\_\_

*Julie,  
Don't pay  
Bryan →*

*Approved: Bryan Saxton*

*\$40 per  
person*

EXCUSED ABSENT:

1. \_\_\_\_\_
2. \_\_\_\_\_

At a meeting of the Cumberland County Board of Supervisors held at 6:00 p.m. on the 12<sup>th</sup> day of January, 2016, at the Cumberland County Circuit Court Room:

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

Absent: None

**1. Call to Order**

The Chairman called the meeting to order.

**2. Roll Call**

County Administrator, Vivian Giles, called the roll.

**3. 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

**4. Election of Chairman**

Supervisor Meinhard nominated Supervisor Ingle for Chairman. Supervisor Ingle declined the nomination.

On a nomination by Supervisor Ingle and carried unanimously, the Board elected Supervisor Banks as Board Chairman for 2016:

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

**5. Election of Vice-Chairman**

Chairman Banks nominated Supervisor Ingle for Vice-Chairman. Supervisor Ingle declined the nomination.

On a nomination by Chairman Banks and carried unanimously, the Board elected Supervisor Meinhard as Board Vice-Chairman for 2016:

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

**6. Joint meeting with the Industrial Development Authority of Cumberland County, Virginia**

The purpose of the joint meeting of the Board of Supervisors and the Industrial Development Authority was to enter into closed session to discuss the development of the Cumberland Business Park.

7. **Adjourn into Closed Session with the Industrial Development Authority of Cumberland County, Virginia**

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.5: Discussion of a prospective business where no previous announcement has been made; and

Pursuant to Virginia Code § 2.2-3711.A.6: Investment of public funds; and

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

Subject: Development of the Cumberland Business Park

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

8. **Reconvene in Open Session-**

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

A motion was made by Supervisor Banks 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 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.

Chairman Banks requested the Chairman of the Industrial Development Authority, Mr. Fred Shumaker, to address the citizens in attendance in reference to the request of the IDA. Director Shumaker thanked the Supervisors for meeting with the IDA as they are trying to move forward with bringing the county a bigger tax base. Director Shumaker stated that there has been an outcry for many years that residents want businesses to move into Cumberland. At this time, the IDA is working on erecting a 30,000 square foot building in order to have it occupied through rental or sale. This building will be located in the Cumberland Business Park near the courthouse area.

Supervisor Ingle inquired how much money would be needed to get the building to a state where the County would be able to advertise that the building is available. Director Shumaker stated approximately \$300,000. County Administrator, Vivian Giles stated that the total cost is expected to approach \$350,000 but the IDA has \$50,000, and they are looking for a loan from the County's general fund in the amount of \$300,000.

Chairman Banks opened the floor to the citizens to ask questions of the Board and the IDA Chairman, Fred Shumaker. Penny Melino inquired as to the types of businesses that the County and IDA are looking to have in the business park. Director Shumaker stated that the building will be able to accommodate most any type of business. Patricia Pedrick asked where the money is coming from. Vivian Giles stated that the funds would come from the County's general fund reserves. Jack Lawhorne questioned if the County and the IDA would complete the utilities at the location. Director Shumaker stated that the utilities would be completed by the tenant or new owner, the IDA will only construct the shell building. Supervisor Ingle stated that the site work has been completed. Penny Melino asked if the county had received bids. Director Shumaker responded in the affirmative, and added that the building was purchased previously with Tobacco Commission funds for a company that was interested in locating in Cumberland. That prospective business plan did not come to fruition and the IDA still has the building on site. Patricia Pedrick asked if there was anyone interested in the building at this time, and Ms. Vivian Giles confirmed.

Director Shumaker stated that many businesses wanted to come to Cumberland but we did not have a building for them and they moved on. Mr. Leo Henderson and Ms. Jennifer Sullivan inquired about marketing the building. Director Shumaker stated that the IDA through the County will promote the building as well as through other regional organizations. Supervisor Osl stated that the county can utilize the Virginia Growth Alliance (VGA) which is a regional group, and the Virginia Economic Development Partnership (VEDP), which is statewide in order to promote the availability of this building.

Supervisor Osl stated that would favor financing the \$300,000 needed to erect the building rather than using the general fund reserves so that the county can meet some other needs in the community. The Chairman called for a motion on the discussion.

On a motion by Supervisor Meinhard and carried by the following vote, the Board approved a loan to the IDA for an amount up to \$300,000 from the general fund reserves to construct the IDA shell building at the Cumberland business park, approved an appropriation of \$50,000 from the IDA reserve fund, and authorized the County Administrator to move forward with the project:

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

Supervisor Wheeler stated that he voted against due to the use of money from the general fund reserves.

**9. Welcome and Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Banks.

**10. Organizational & Administrative Matters**

- a. Set date and time of regular meetings

The Board discussed setting their regular meeting dates and times to be held on the second Tuesday of each month at 7:00 p.m. Because there is court on the day of the February Board meeting, this meeting will be held in the Juvenile and Domestic Relations District Court courtroom. Also, the November meeting will be held on the first Tuesday, November 1, 2016.

On a motion by Supervisor Osl and carried, the Board adopted their 2016 regular meeting schedule:

January 12, 2016  
February 9, 2016  
\*February 17, 2016  
\*February 18, 2016  
March 8, 2016  
\*\*April 5, 2016  
April 12, 2016  
May 10, 2016  
June 14, 2016  
July 12, 2016  
August 9, 2016  
September 13, 2016  
October 11, 2016  
November 1, 2016  
December 13, 2016

\*Budget Workshop  
\*\*Budget Public Hearing

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

b.     Review By-laws

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the By-laws for the Cumberland County Board of Supervisors:

**CUMBERLAND COUNTY, VIRGINIA  
BOARD OF SUPERVISORS  
Adopted January 13, 2015**

## **Statement of Intent and Purpose**

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

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

To these ends these By-laws are so adopted.

## **By-laws Definitions**

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

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

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

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

Board: The Cumberland County Board of Supervisors.

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

County Code: The *Cumberland County Code*.

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

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

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

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

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

- a. Annual Meeting: Pursuant to § 15.2-1416 of the Virginia Code, the Board's first meeting in the month of January.
- b. Joint Meeting: A Joint Meeting may be conducted simultaneously with one or more corporate and politic bodies for the purpose of review, inquiry and discussion of matters of mutual interest or in the interest of expedient disposition of public business matters. Action of Record may be taken at said meeting, and a quorum of both the Board and other body(ies) is required to Call to Order and conduct a Joint Special Meeting.
- c. Public Information Meeting: A Public Information Meeting shall be limited to the dissemination of information to and/or from the public where the Board of Supervisors will take no Action of Record at said meeting. A quorum of the Board of Supervisors is not required to Call to Order and conduct a Public Information Meeting. Public Information Meetings may be called in the name of the Board of Supervisors or administratively by the County Administrator or his designee.
- d. Public Hearing: A public hearing shall be conducted at said meeting and the Board of Supervisors may take Action of Record on such matters as may arise from the Public Hearing. A quorum of the Board of Supervisors is required to Call to Order and conduct a Public Hearing.
- e. Recessed Meeting: A meeting conducted at a date, place and time set by the Board of Supervisors as a continuation of a previously held meeting. A Recessed Meeting shall be scheduled no later than the date of the next Regular Meeting.

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

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

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

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

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

### **Construction**

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

### **Article 1. General**

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

### **Article 2. Board of Supervisors**

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

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

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

### **Article 3. Officers of the Board of Supervisors**

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

3.2. The term of office of the Chairman and Vice-Chairman shall be one (1) calendar year beginning immediately upon being elected at the Annual Meeting until the election at the Board's next Annual Meeting the following calendar year.

### **Article 4. Election of Officers**

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

4.2. Election of officers of the Board shall be the first Item of Business at the Annual Meeting when elections are to be held.

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

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

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

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

5.1. In accordance with accepted rules of order and parliamentary practice, the Chairman is to preside at all meetings of the Board. The Vice-Chairman shall act with the full power and authority of the Chairman in the absence of the Chairman at any meeting of the Board. In the

absence of the Chairman and Vice-Chairman, the remaining Board members shall choose an Acting Chairman for the meeting. Where an Acting Chairman is needed for a meeting, the Board need not designate an Acting Vice-Chairman. Where used in these Bylaws, Chairman shall also be construed to mean Acting Chairman.

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

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

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

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

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

#### **Article 6. Meetings of the Board of Supervisors**

6.1. The Annual Meeting of the Board shall be held on the second Tuesday of January. The Regular Meetings of the Cumberland County Board of Supervisors shall be on the second Tuesday of each month. These Annual and Regular Meetings shall be Called to Order at 6:00

p.m. and shall be held at Cumberland County Circuit Court Room in the County Courthouse Building on Rt. 60, Cumberland C.H., Virginia.

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

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

6.3. If the Annual or any Regular Meeting day falls on a legal holiday, the meeting may be held on the holiday or rescheduled as determined by the Board by Action of Record taken at the Annual Meeting or any Regular or Special Meeting prior to the holiday. If rescheduled other than at the Annual Meeting, public notice shall be served pursuant to § 15.2-1416 of the Virginia Code.

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

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

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

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

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

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

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

6.8. The Sheriff of Cumberland County shall, upon request, provide at least one (1) deputy to attend the Annual and Regular Meetings of the Board and, upon request of the Board or County Administrator, at any other official meeting. When in attendance of any official meeting, deputies shall be under the direction of the Chairman of the Board during the period of the official meeting (including any brief recess thereof), and under the direction of the County Administrator, Acting County Administrator, or his designee during the period prior to the meeting's Call to Order and immediately upon final Recess or Adjournment of the meeting.

#### **Article 7. Agendas for Board of Supervisors Meetings**

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

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

1. Call to Order and Determination of Quorum
2. Roll Call of Members
3. Closed Meeting
4. Welcome, Invocation and Pledge of Allegiance
5. Approval of the Agenda
6. Public Comments(optional)
7. Public Hearing (if any)
8. VDOT Matters
9. Presentations from Department/Agencies/Organizations
10. Assistant County Administrators Report
11. Planning Director's Report
12. County Administrator's Report
13. Community Development Director's Report
14. County Attorney's Report

15. Board Member Reports
16. Adjournment

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

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

7.4. The Board shall take no Action of Record on any matter that is not on the Meeting Agenda unless a modification to the Meeting Agenda is requested at the time of Approval of the Agenda. Modification of the Meeting Agenda requires a majority vote of Board members present.

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

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

#### **Article 8. Conduct of Meetings of the Board of Supervisors**

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

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

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

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

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

- a. A quorum of the Board is a majority of the membership comprising at least three (3) of the five (5) members of the Board. A quorum must be present to Call to Order and continue an official meeting and to take Action of Record.
- b. The Chairman shall Call to Order an official meeting at the designated time and determine a quorum. If a quorum is not present at the designated time, the Chairman may direct a delay of up to fifteen (15) minutes in the start of the meeting at his discretion. Any further delay in the start of the meeting may be made only with the consensus agreement of the majority of those Board members present.
- c. Should for any reason a quorum not be maintained continuously during any official meeting, the meeting shall adjourn at that time. A Board member's physical presence on the grounds of the location of the meeting shall be considered as being present at the meeting and satisfactory for the maintenance of a quorum. Board members shall notify the Chairman if required to leave the grounds of the location of the meeting, either temporarily or for the remainder of the meeting.
- d. All informal and formal discussions of Items of Business and Actions of Record must be made from the Board Table. Any Board member away from the Board Table but maintaining physical presence at the meeting location at the time of an Action of Record will be counted as having cast an abstaining vote.
- e. Informal discussion of an Item of Business by Board members is permitted while no primary or substitute motion is pending.
- f. A second to a primary and substitute motion is not required in order to formally discuss and/or vote upon the motion. Voting shall be by show of hands. The Chairman shall verbally summarize the vote upon conclusion of an Action of Record, noting by

individual name those Board members abstaining or voting in the minority on the Item of Business.

- g. Any member of the Board may terminate debate or discussion of an Item of Business and call for a vote on a pending motion by "calling for the question" after being recognized by the Chairman.
- h. An abstaining vote is neither an affirmative nor a negative vote and has no effect on the vote, or the status of the quorum.
- i. A tie vote fails. The Board does not designate a tiebreaker pursuant to § 15.2-1421 of the Virginia Code.
- j. A substitute motion will be voted on prior to the primary motion, in reverse order (i.e. the substitute motion will be voted on first). Only one (1) substitute motion will be considered prior to a vote on the primary motion.
- k. The Chairman is authorized to speak in discussions, and can vote on all motions and/or all questions but may not call for the question. The Chairman may temporarily relinquish the position. The Chairman may do so by passing the gavel to the Vice-Chairman or Acting Vice-Chairman prior to the start of discussion of an Item of Business. Upon completion of the Item of Business, the gavel shall be returned to the Chairman.
- l. A primary motion may be amended prior to vote with the concurrence of the originating Supervisor of the primary motion. The amended primary motion is then treated as the primary motion, and not a substitute motion. A primary motion may not be amended if a substitute motion is pending until conclusion of vote on the substitute motion. An amendment to a primary motion opposed by the originating Supervisor shall not be voted on until action is taken on the original primary motion.
- m. If a primary or substitute motion is made at a Board meeting where at least four (4) members are present and the motion is voted on and fails, the same or a substantively similar motion cannot be reconsidered by the Board during that fiscal year except by a primary or substitute motion made by a member of the Board who voted on the prevailing side where there are no less than four (4) Board members present, and only if two-thirds (2/3) of the Board members present vote to reconsider the motion again.
- n. A primary or substitute motion may be made to tentatively act upon an Item of Business where a final Action of Record is anticipated at a later date. All Items of Business tentatively acted upon by the Board shall be considered bound by the tentative action if not otherwise reconsidered by the Board within three (3) calendar months of the date of the tentative action.

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

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

- a. Official meetings of the Board are open to public observation and, as set out herein, public participation. When not addressing the Board and/or attending public as herein described, those present at an official meeting shall be respectful of the rights of others.
- b. Board members are to be polite and courteous in addressing other members of the Board and all those present at Board meetings, and all Board members are to maintain proper decorum in their conduct at meetings of the Board (i.e., refrain from "name calling", derogatory remarks and other forms of personal affronts).
- c. Those persons and organizations with Items of Business before the Board should be represented at an official meeting if so requested by the Board of Supervisors, individual members of the Board, the County Administrator, County Attorney, or any person acting on behalf of these.
- d. Those persons and organizations with Items of Business before the Board may address the Board upon recognition and invitation of the Chairman to approach the Podium, where upon they shall identify themselves, any title and organization they represent, and provide a mailing address to facilitate any correspondence needed subsequent to the Item of Business. As a guideline, presentations to the Board pursuant to an Item of Business should be limited to ten (10) minutes. The Chairman at his discretion may end a presentation after such time has elapsed or may permit continuation of it. The Board by Action of Record may overrule the Chairman's decision in this regard.
- e. The discourse of those presenting at the Podium shall be made part of the Minutes of the Meeting subject to Article 9 of these By-laws.
- f. Those individuals of the public attending any official meeting of the Board of Supervisors without an approved Item of Business on the Meeting Agenda or modification thereof shall not be permitted at the Podium at any time other than during the Open portion of a public hearing. No person shall address the Board during an official meeting from the audience unless recognized by the Chairman.
- g. At any official meeting of the Board where a public hearing is set on the Meeting Agenda, or a Public Hearing of the Board pursuant to Article 6.4, the Chairman shall first permit general presentation and discussion of the matter of the public hearing

from the Podium and/or from the Board Table. At the conclusion of such presentation/ discussion, the Chairman shall Open the public hearing and invite those of the public attending the meeting to the Podium to comment.

- h. At the discretion of the Chairman, or with the consensus agreement of the majority of the Board, those speaking during the open portion of a public hearing may be limited to a specified length of time for comments at the Podium. The Chairman at his discretion may provide a verbal advisory to a speaker at the Podium when thirty (30) seconds remain of the specified time to conclude comments. During public hearings, speakers may address the Board only on matters pertaining or germane to the issue for which the public hearing is being held. No speaker is to engage in political statements, personal attacks upon members of the Board of Supervisors, county employees or officials, or any other person, nor are speakers entitled to use abusive language or discuss matters outside the issue for which the public hearing is being held. Violation of this rule shall enable the Chairman by directive to take appropriate measures to rule the speaker out of order and to have the speaker removed from the meeting, if necessary and take such other steps the Chairman deems appropriate, including bringing appropriate charges against the person and bringing the charges in the name of the Board of Supervisors.
- i. No discourse at a public hearing, whether during general presentation and discussion or during the Open portion of the hearing is required to be entered into the Minutes unless conducted at the Podium.
- j. Upon conclusion of speakers at the Podium, the Chairman shall close the public hearing. A motion and majority vote of a quorum of Board members present at a public hearing shall overrule the Chairman's decision to close the public hearing or to limit speakers, in which event speakers may continue until the Board by majority vote ends the public hearing. A motion and majority vote of a quorum of Board members present shall also close the public hearing in this event. An Action of Record may be taken at the close of a public hearing at the discretion of the Board. Board Member Reports shall facilitate the presentation of comments, reports and proposed Items of Business not otherwise part of the Meeting Agenda by individual Board members in round table fashion. Matters may be presented for information, discussion and action and/or scheduled for further consideration as an Item of Business at a future meeting of the Board. When speaking during Board Member Reports, Board members shall be limited to ten (10) minutes, at which time the Chairman may at his discretion suspend further presentation from the Board member and request action by consensus agreement of Board members present at the Board Table to permit additional time to conclude the presentation. No Board member shall yield time or place under Board Member Reports to any other Board member or other person. No member of the Board shall have any other position reserved for them on the Meeting Agenda other than under Board Member Reports.

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

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

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

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

9.3. Pursuant to § 15.2-1536 and § 15.2-1538 of the Virginia Code, the County Administrator shall serve as Clerk of the Board and shall carry out the duties specified in § 15.2-1539 of the Virginia Code. The County Administrator may designate a Recording Clerk to take and prepare the Minutes of the Board and to assist in the exercise of the office of Clerk of the Board. Minutes shall be prepared on the basis of both written notes and audio recordings. Where technically possible, audio recordings shall be made of all official meetings of the Board, subject to the provisions of Paragraph 9.2 of this Article. The specific language of the Minutes of any given meeting shall be at the discretion of the County Administrator, who shall endeavor to render the Minutes in the most accurate and neutral way possible. The County Administrator shall review and correct all Minutes prior to dissemination to the Board for adoption.

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

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

9.6. Minutes shall not be considered official until approved by the Board and recorded. After approval of the Board but prior to recordation, the County Administrator may make additions or corrections to the Minutes that do not materially affect the substance or content of the Minutes. These include, but are not limited to: correction of mis-spellings, typographical errors and incorrect grammar; page renumbering; clarification of content and

errors of omission. Should evidence of an error in a recorded vote be discovered after approval but prior to recordation, the County Administrator shall attempt to verify it and correct by the best available means, including corroboration by individual Board members and other reliable witnesses to the meeting.

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

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

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

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

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

9.12. Individual members of the Board and the County Attorney may request excerpted verbatim transcription of a portion or portions of any meeting through the County

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

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

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

#### **Article 10. Appointments of the Board of Supervisors**

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

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

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

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

10.5. Pursuant to § 44-146.19 B. 2. of the Virginia Code, the Board at the Annual Meeting shall appoint one of its members or the County Administrator to be Director of Emergency Services of the county. The Director shall serve in that capacity until the next Annual Meeting, at which time he may be reappointed or a successor appointed at the pleasure of the

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

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

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

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

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

11.3. Unless otherwise specified within the establishing Resolution, Committees shall be reestablished and Committee appointments made at each Annual Meeting of the Board.

Failure to reestablish dissolves the Committee as of adjournment of the Annual Meeting. Appointments to Committees may be for successive terms.

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

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

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

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

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

## **Article 12. Offices of County Administrator and County Attorney**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

--- NOTHING FOLLOWS ---

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

c.       Review Code of Ethics and Standards of Conduct

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the Code of Ethics and Standards of Conduct:

**CODE OF ETHICS AND STANDARDS OF CONDUCT  
FOR MEMBERS OF  
THE CUMBERLAND COUNTY BOARD OF SUPERVISORS**

*Adopted January 12, 2016*

**CODE OF ETHICS**

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Cumberland County Board of Supervisors will adhere to the following Code of Ethics.

- 1.) Uphold the Constitution, laws and regulations of the United States and all governments therein and never knowingly be a part of their evasion.
- 2.) Put loyalty to the highest moral principles and to the county as a whole above loyalty to individuals, district, or particular groups.

- 3.) Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
- 4.) Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
- 5.) Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, Country of origin or disability.
- 6.) Avoid adopting policies, supporting programs, or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, Country of origin, or disability
- 7.) Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges, to any one whether for remuneration or not. A member should never accept for himself or family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
- 8.) Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on a public duty.
- 9.) Engage in no business with the County Government, or the school system either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
- 10.) Never use any information gained in confidentiality in the performance of governmental duties as a means of making private profit.
- 11.) Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.

- 12.) Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with the sensitive personnel, legal matters, contractual matters by the Code of Virginia.
- 13.) Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues, citizens or personnel, impugning their integrity, or vilifying their personal beliefs.
- 14.) Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
- 15.) Review these principles orally and in public session at the annual organizational meeting each year.
- 16.) Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

### **STANDARDS OF CONDUCT**

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every current and future member of the Board of Supervisors will adhere to the following Standards of Conduct:

- 1.) Avoid during public meetings and during the performance of public duties the use of abusive, threatening, or intimidating language or gestures directed at colleagues, citizens, or personnel.
- 2.) Pay all taxes due to the County, State, or National Government.
- 3.) Avoid a private lifestyle that causes public doubt upon the integrity and competence of the County Government.

- 4.) Make a conscientious effort to be well prepared for each meeting.
- 5.) Recognizing the dignity of each individual, the Board shall attempt to avoid offering public criticism of colleagues or County employees.
- 6.) Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
- 7.) Maintain an attitude of courtesy and consideration toward all colleagues and staff during all discussions and deliberations.
- 8.) Be tolerant. Allow citizens, employees or colleague's sufficient opportunity to present their views.
- 9.) Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel, or colleagues.
- 10.) Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.
- 11.) Provide appropriate mechanisms for disciplining members who violate the code of ethics and standards of conduct by using, as a final measure of discipline, censure or removal from the position.
- 12.) Board members will follow the procedure of communicating directly with the County Administrator and/or the Chairman of the Board on all County matters.

### **CITIZENS AND MEDIA CONTACTS**

- 1.) In responding to questions, from the media or citizens, Board members should:



<b>Cumberland County Board of Supervisors Calendar year 2016 Board and Commission Assignments</b>		
<b>Board/Commission</b>	<b>Board Rep.</b>	<b>Staff Rep.</b>
Events Committee	Mr. Osl	
Citizens Landfill Advisory Committee	Mr. Banks	
Civil Rights Committee		
C.L.E.O.	Mr. Meinhard	Ms. Giles
Cobbs Creek Reservoir	Mr. Osl	Mrs. Carter
CPMT	Mr. Osl	Ms. Giles
Crossroads Community Services	Mr. Banks	
Planning Commission	Mr. Meinhard	Mrs. Carter
Library Board of Trustees	Mr. Osl	
Emergency Services Committee	Mr. Ingle	Ms. Roberts
Farmville Area Chamber of Commerce		Ms. Roberts
Heartland Authority	Mr. Banks	Ms. Giles
IDA	Mr. Meinhard	Ms. Roberts
Leadership Class Steering Committee	Mr. Meinhard	
Local Emergency Planning Committee	BOS Chairman	
Museum Advisory Board	Mr. Meinhard	
Piedmont Court Services	Mr. Wheeler	
Piedmont Regional Jail Board	Mr. Wheeler	Ms. Giles
Piedmont Juvenile Detention Center Board		Ms. Giles
Recycling Taskforce	Mr. Ingle	
Resource Conservation & Development	Mr. Osl	Ms. Giles
Sesquicentennial Committee	Mr. Meinhard	
Social Services Board	Mr. Ingle	
Water & Sewer Advisory Board	Mr. Ingle	Mr. Saxtan
Wireless Authority	Mr. Ingle	Mr. Howard

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

e.      Review goals and priorities

On a motion by Supervisor Meinhard and carried, the Board approved to leave the previously-adopted goals and priorities in place.

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

**11. Public Comments**

Ms. Jennifer Sullivan stated that she started a Facebook page entitled *Cumberland County Needs a Grocery Store*, and stated that the local business owners are trying to supplement the Dollar General Store but are not getting the support they need. Ms. Patricia Pedrick stated that the county needs to keep the Centra Cumberland Medical office building open. There is a meeting at Tar Wallet Baptist Church at 1:00 p.m. on January 19, 2016 with the CEO of Centra Medical in reference to the medical office building. Ms. Pedrick requested the Board repeal the Land Use Tax. Mr. Robert Sullivan stated that roadside litter is a problem. Ms. Earlene Canaan requested that the Supervisors' minutes reflect the citizen's name and subject when they speak at public comments. Ms. Ruth Seigel requested that the Board pave the parking lot at the Department of Social Services offices.

**12. 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 School Board met on January 11, 2016 and held their organizational meeting. Ms. Ginger

Sanderson is the 2016 Chairman, Ms. Eureka Tyree is the 2016 Vice-Chairman, and the Board welcomed new School Board member Cindy Morgan.

- Dr. Griffin provided the Board with the School Board's 2016 Legislative priorities list.
- Preston Sutton and Caylor Scales recently were accepted to attend the National Youth Leadership Forum in Medicine.
- CCPS student TJ Jackson will attend Virginia Tech to play football on a full scholarship.
- Ebony Jones received a \$20,000 scholarship to attend St. Andrews College.
- March 12, 2016 the CUCPS Foundation will host the 5K run for scholarships.

b) VDOT

There were no VDOT representatives present.

c) Virginia State Parks

District Four Manager for Virginia State Parks, Mr. Eric Houghland, introduced two new park managers, Mr. Charlie Whalen, Park Manager for Bear Creek Lake State Park; and Mr. Daniel Jordan, Park Manager at High Bridge Trail State Park. Mr. Houghland provided the Board with a packet of information about both parks.

d) Cartersville Volunteer Rescue Squad

Ms. Earlene Canaan informed the Board that the emergency services providers are coming together and are working together. There will be a joint informational meeting to be held on February 22, 2016 from 4-5 p.m. to update the community on the progress of the Cartersville Fire

and Rescue Departments. The new Cartersville Rescue Squad ambulance will be ready in March 2016. Every third Saturday of the month the Rescue squad holds a bingo night at the Squad at 4:30 as a fundraiser, and Ms. Canaan invited all to come.

### **13. Public Hearings**

#### a) Code Amendment 15-09 Buffers

Zoning Administrator, Sara Carter, reminded the Board that a few months ago, the Planning Commission recommended a Buffer Ordinance to the Board, and the Board requested clarification. The Planning Commission has reviewed the proposed language regarding buffers, and has revised the 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 recommends this proposed ordinance to the Board unanimously.

The Chairman opened the public hearing. The Chairman stated that he finds the finds the requested language odd in the sense that we want to encourage businesses to come into the County and yet we are discouraging growth by requiring the buffer requirements in this code amendment. Ms. Jennifer Sullivan stated that she supports the code amendment. Mr. Lou Seigel stated that he is against the code amendment. The Chairman then closed the public hearing. The Board continued to discuss the three options of buffers provided for in the proposed code amendment.

On a motion by Supervisor Ingle and carried by the following vote, the Board approved Code Amendment 15-09:

## **BOARD OF SUPERVISORS**

**OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION RECOMMENDING  
PROPOSED AMENDMENT TO THE  
CODE OF CUMBERLAND COUNTY  
CODE AMENDMENT 15-09:  
“AN ORDINANCE AMENDING CHAPTER 74-05 OF THE CUMBERLAND  
COUNTY CODE TO PROVIDE FOR BUFFERS ON COMMERCIAL USES  
ADJACENT TO RESIDENTIAL USES”**

**January 12, 2016**

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 6:00 p.m., January 12, 2016, 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 Ingle, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-05 Zoning relating to requiring the provision of buffers where commercial uses are expanding or rebuilding adjacent to residential uses;

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

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

Parker Wheeler aye

Absent: none

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**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on January 12, 2016; and

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

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

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

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

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the foregoing, the Board of Supervisors considers it appropriate to amend the Code of Cumberland County in accordance with the specific text and provisions of the Code Amendment as attached hereto and incorporated herein by this reference.
- c. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and Zoning Ordinance.

- d. Upon consideration of the foregoing, the proposed Code Amendment text, testimony, staff remarks, and public comment, the Cumberland County Board of Supervisors adopts, as set forth in the specific ordinance text as attached hereto, and requests county staff to do and perform such acts necessary and as consistent with this Resolution for recommendation of adoption of the ordinance.
- e. This Resolution is effective immediately.

- **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 copy 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.

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

b) Conditional Use Permit 15-13 - Daves

Zoning Administrator, Sara Carter, informed the Board that the property owner Mr. Randall Daves is seeking a conditional use permit to address lot deficiencies and reduce setbacks to allow for expansion of the commercial structure located on Route 60 known as the former Dixie Dream building. The Planning Commission recommends approval of this request to the Board, with seven conditions, on a unanimous vote.

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 15-13:

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

**14. County Attorney/County Administrator Report**

- a) Consent Agenda  
1) Approval of Bills for December 2015 and January 2016.  
Approved bills for January 12, 2016 total \$302,993.83.

Ratified bills for December 9, 2015 to January 11, 2016 of warrants total \$381,107.63 with check numbers ranging from 71916 to 72149. Direct Deposits total \$152,308.17.

- 2) Approval of Minutes (December 8, 2015 and December 21, 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) Resolution in support of the Cumberland Medical Center

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the Resolution in support of the Cumberland Medical Center:

**Cumberland County  
Board of Supervisors  
Resolution in Support of  
Cumberland Medical Center**

**January 12, 2016**

**WHEREAS**, Cumberland Medical Center, which is owned by Centra Health, is the sole medical service facility located in Cumberland County; and

**WHEREAS**, for many years, Cumberland Medical Center has provided much-needed medical services to the

citizens of Cumberland County, as well as surrounding counties; and

**WHEREAS**, for several months, Cumberland Medical Center has not been staffed with a physician and therefore no medical services are available in Cumberland County; and

**WHEREAS**, it is a critical need for the citizens of Cumberland County, and especially the senior citizens of Cumberland County, to have medical services available locally.

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors supports the immediate and full staffing of the Cumberland Medical Center in order that the critically needed medical services be made available locally to the citizens of Cumberland County as well as surrounding counties.

**BE IT FURTHER RESOLVED** that the Cumberland County Board of Supervisors expresses its gratitude to Centra Health for its presence in our community and for the services it provides to our citizens.

Adopted the 12<sup>th</sup> day of January, 2016.

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

- c) Resolution in support of the ACT Work Ready Communities (ACT WRC) Initiative

County Administrator, Vivian Giles, informed the Board that this is a program that is made to assist communities in addressing workforce needs, and is a need that has been

addressed at the state level. This initiative comes at a one-time cost of \$12,000 spread over two fiscal years.

On a motion by Supervisor Osl and carried unanimously, the board approved a resolution in support of the ACT Work Ready Communities (ACT WRC) Initiative:

**Cumberland County Board of Supervisor  
Resolution in Support of  
Participation in the ACT Work Ready Communities  
Initiative**

**January 12, 2016**

**WHEREAS**, Cumberland County desires to position itself to attract business and industry to our area, and especially to Cumberland County; and

**WHEREAS**, leaders across the Commonwealth have identified the need to address the skill and educational needs of business and industry; and

**WHEREAS**, the ACT Work Ready Community Initiative is designed to help communities identify skill gaps and to quantify the skill level of their workforces in order to assist educators in building career pathways aligned to the needs of business and industry; and

**WHEREAS**, the ACT Work Ready Community Initiative assists communities in organizing a cross agency team of government, educators, workforce, economic developers and business leaders to address the local workforce needs; and

**WHEREAS**, participating in the ACT Work Ready Communities Initiative also helps communities stand out and be recognized for their workforce development efforts; and

**WHEREAS**, Cumberland County staff together with staff from the Cumberland County Public Schools are interested in furthering this initiative in Cumberland County.

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors supports the ACT Work Ready Communities Initiative and encourages staff and community participation in this effort.

Adopted the 12<sup>th</sup> day of January, 2016.

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

- d) Appoint David Watson to the Cumberland County Water and Sewer Advisory Committee

On a motion by Supervisor Banks and carried unanimously, the Board appointed David Watson to the Water and Sewer Advisory Committee:

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

- e) Appoint Jerry Seal to the Crossroads Community Services Board

On a motion by Supervisor Wheeler and carried unanimously, the Board appointed Jerry Seal to the Crossroads Community Services Board:

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

**15. Finance Director’s Report**

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

- b) Supplemental Appropriation for Cumberland County Public Schools in the amount of \$99,053.00

On a motion by Supervisor Osl and carried unanimously, the Board approved an appropriation of \$99,053.00 to the Cumberland County Public Schools:

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

- c) Appropriation request for the Sheriff’s Department for \$2,300.00

On a motion by Supervisor Osl and carried unanimously, the Board approved an appropriation in the amount of \$2,300.00 for the Sheriff’s Department:

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

**16. Planning Director’s Report**

- a) Planning Project update

There was no discussion on the Planning Project updates.

- b) Cartersville Volunteer Fire Department surety

Zoning Administrator, Sara Carter, informed the Board that at the November Board meeting, the Board adopted a resolution that provides surety for work in VDoT right-of-way. In order for the Cartersville Volunteer Fire Department to be able to use this surety, the county will need to be the applicant on the VDoT permit for the Fire Department. This requires a motion by the Board authorizing staff to act as the applicant or agent for the Fire Department.

On a motion by supervisor Meinhard and carried unanimously, the Board authorized Zoning Administrator, Sara Carter, to act as the agent for the Cartersville Volunteer Fire Department in applying for the VDoT Permit:

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

- c) Board update on Duncan violations

Zoning Administrator, Sara Carter, informed the Board that Mo Duncan has operated a portable toilet business in

Cartersville for many years. The Property currently has a Conditional Use Permit which was granted in 2003. The conditions relate to the location of work vehicles, port-a-johns, and adherence to local codes, all of which are not currently in compliance. Staff has sent a notice of violation in 2014 and 2015. Mrs. Carter informed the Board that they can consider a revocation of the Conditional Use Permit for CUP 2003-01 due to the extended non-compliance with the existing CUP, give the business additional time to come into compliance, or do nothing with the CUP.

County Administrator, Vivian Giles, suggested that the Board keep this matter on their agenda and revisit it in the near future to ensure that a substantial amount of progress is being made in bringing the property into compliance. Supervisor Osl suggested giving the property owner 30 days to come into compliance with the CUP. Supervisor Ingle suggested revisiting the conditions that are being required in the CUP to ensure that they are not too cumbersome to the business now, since the CUP was written twelve years ago.

It was the consensus of the Board to table any action on this item until the next regular meeting of the Board to be held on February 9, 2016.

- d) Set public hearing – Code Amendment 16-01 Dam Break Inundation Zones

On a motion by Supervisor Wheeler and carried, the Board set CA 16-01 Dam Break Inundation Zones for public hearing on February 9, 2016:

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

- e) Set public hearing – Code Amendment 15-12 – Non-Conforming lots (validation plat)

On a motion by Supervisor Wheeler and carried, the Board set CA 15-12 Non-Conforming lots (validation plat) for public hearing on February 9, 2016:

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

- f) Set public hearing for Code Amendment 15-11 Animals in R-2 district

On a motion by Supervisor Wheeler and carried, the Board set CA 15-11 Animals in the R-2 district for public hearing on February 9, 2016:

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

**17. Old Business**

N/A

**18. New Business**

County Administrator, Vivian Giles, informed the Board and citizens in attendance that the Madison Transfer Station will be closed tomorrow, January 13, 2016 for maintenance as staff is replacing the attendant building for the transfer station workers. The replacement of the Hamilton Transfer

Station building in Cartersville is planned for February 2016, and Randolph Transfer Station on Cumberland Road for March 2016.

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

There were no citizens signed up to speak.

**20. Board Member Comments**

Supervisor Ingle mentioned that with staff using the new pump truck, the county is seeing a real cost savings each month. Hopefully this year, we will recoup the cost of the truck itself.

**21. Adjourn into Closed Session-**

The Board did not enter into closed session at this time.

**22. Reconvene in Open Session-**

The Board did not enter into closed session.

**23. 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

**24. Adjourn -**

On a motion by Supervisor Wheeler and carried, unanimously, the Board adjourned the meeting until the next regular meeting of the Board scheduled for February 9, 2016 at

7:00 p.m. in the Juvenile and Domestic Relations District Court  
courtroom of the Cumberland Courthouse.

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

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Lloyd Banks, Jr., Chairman

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Vivian Giles, County Administrator/County Attorney