



CUMBERLAND COUNTY BOARD OF SUPERVISORS

Regular Monthly Meeting Cumberland County Circuit Courtroom A Cumberland, VA

January 8, 2018
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. **Election of Chairman** **Motion**
6. **Election of Vice-Chairman** **Motion**
7. **Organizational & Administrative Matters**
 - a. Review By-laws (pg. 1-19) **Motion**
 - b. Review Code of Ethics and Standards of Conduct (pg. 23) **Motion**
 - c. Review Committee Appointments (pg. 24) **Motion**
8. **State and Local Departments/Agencies/Community Service Providers**
 - a. Henrico County, Cobb's Creek Project Update **Information**
 - b. Dr. Amy Griffin, Superintendent of Cumberland County Public Schools **Information**
 - c. VDOT **Information**
9. **Public Hearings**
 - a. Solid Waste Management Plan amendment (pg. 25-80) **Motion**
 - b. CUP 18-10 Precision Cell Salem Church Road Tower (pg. 81-144) **Motion**
 - c. CUP 18-11 Timber Creek Farm (pg. 145-148) **Motion**
 - d. Randolph Volunteer Fire Department Lease (pg. 149-162) **Motion**
 - e. Cumberland Community Cares Food Bank Lease (pg. 163-178) **Motion**
10. **County Attorney/County Administrator Report**
 - a. Consent agenda **Motion**
 - i. Approval of bills
 - ii. Approval of Minutes (December 11 & 13, 2018) (pg. 179-191)
 - b. Issue RFP for EMS Services (pg. 192) **Motion**

11. **Finance Director's Report**
 - a. Monthly Budget Report (pg. 193-202) **Information**
 - b. Resolution for USDA grant funds for police vehicles (pg. 203) **Motion**
 - c. Appropriation request for CUCPS - \$1,500 grant funds (pg. 204-209) **Motion**

12. **Planning Director's Report**
 - a. Planning Project updates (pg. 210-211) **Information**
 - b. Renewal request for CUP 17-06 The Venue at Orchard View Farm (pg. 212-213) **Motion**

13. **Old Business**

14. **New Business**

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

16. **Board Members Comments**

17. **Adjourn into Closed Meeting** (pg. 214) **Motion**

Pursuant to VA. Code § 2.2-3711.A.7: Consultation with Legal Counsel;
Subject: pending litigation matters in Cumberland County Circuit Court
Pursuant to VA. Code § 2.2-3711.A.7: Consultation with Legal Counsel;
Subject: Road Name change request for Timber Creek Farm

18. **Reconvene in Open Meeting** (pg. 215) **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.”

19. **Additional Information** – (pg. 216-232)
 - a. Treasurer’s Report
 - b. DMV Report
 - c. Monthly Building Inspections Report
 - d. 2018 Annual Building Inspections Report
 - e. Approved Planning Commission meeting minutes for October 2, 2018, October 22, 2018, and October 30, 2018
 - f. Approved EDA minutes – N/A

20. **Adjourn – Regular Meeting – February 12, 2019.**

**CUMBERLAND COUNTY, VIRGINIA
BOARD OF SUPERVISORS
Adopted January 8, 2019**

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 ---

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

Adopted January 8, 2019

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:
 - a.) Remind the listener that they are not speaking for the entire Board;
 - b.) Clarify their position on a particular item;
 - c.) Make “no public comment” on closed session matters in reference to individuals, real estate, and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.
- 2.) Each Board member must remember that personnel matters are to remain confidential and that it is the obligation of the Board and its membership to protect the privacy of the individual.
- 3.) The Board will focus on issues and avoid making public comments about individuals, staff members, fellow Board members, community residents or media representatives. The Board Chairman should be the main contact for County matters. When requested to do any interview, the Board member asked, should contact the Chairman and the County Administrator to tell them of the nature of the interview. In turn, they will tell the other Board members of the circumstances of the interview. This procedure does not preclude any member from responding to individual questions from the media.

Cumberland County Board of Supervisors

Calendar Year 2019 Board and Commission Assignments

Board / Commission	Board Representative	Staff Representative
Events Committee	Mr. Osl	
Landfill Advisory Committee	Mr. Banks	
Civil Rights Committee		
Chief Local Elected Officials (CLEO)	Mr. Meinhard	Ms. Giles
Cobbs Creek Project	Mr. Osl	Mr. Duncan
Community Policy Management	Mr. Osl	Ms. Giles
Crossroads Community Services	Mr. Wheeler	
Planning Commission	Mr. Meinhard	Mr. Duncan
Library Board of Trustees	Mr. Osl	
Emergency Services Committee	Mr. Ingle	
Farmville Area Chamber of Commerce		Ms. Giles
Heartland Authority	Mr. Ingle	Ms. Giles
Economic Development Authority	Mr. Meinhard	Ms. Giles
Leadership Class Steering Committee	Mr. Meinhard	
Local Emergency Planning Committee	Chairman or designee	
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 Task Force	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

**CUMBERLAND COUNTY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING**

Notice is hereby given pursuant to § 9 VAC 20-130-130, that on January 8, 2019, the Cumberland County Board of Supervisors will conduct a public hearing, which may be continued or adjourned, as required under applicable law, with respect to the adoption by the Board of a major plan amendment to the Amended Prince Edward County & Cumberland County Solid Waste Management Plan dated March 6, 2007 to remove the proposed Cumberland County Development Company, LLC solid waste management facility and add in its stead the Green Ridge Recycling and Disposal Facility, LLC, including all references to, and information regarding, each respective facility.

The public hearing, which may be continued or adjourned, will be conducted at 7:00 p.m., or as soon thereafter as the matter may be heard by the Board of Supervisors in the Circuit Courtroom of the Cumberland County Courthouse, Cumberland County, Virginia. Interested persons may appear at such time and place and present their views whether orally or in writing, or submit written comments prior to the hearing. The Board may set time limits on speakers and other rules and procedures for the conduct of this public hearing. Any persons with disabilities are urged to contact the County Administrator's Office at (804) 492-3625 prior to the public hearing to arrange for any necessary accommodations. For additional information, please contact the County Administrator's Office.

Vivian Giles, County Administrator
By Order of the Cumberland County
Board of Supervisors

Amendment to:

PRINCE EDWARD COUNTY

&

CUMBERLAND COUNTY SOLID
WASTE MANAGEMENT PLAN

March 6, 2007

Prepared by: Resource
International, LTD.
9560 Kings Charter Drive
Ashland, VA 23005

In cooperation with: County of
Prince Edward, VA County of
Cumberland, VA

Approved September 28, 2007

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CHAPTER 1 -INTRODUCTION

A. Background

This Solid Waste Management Plan represents a revision of the original Regional Solid Waste Management Plan, dated July 1, 1991 and subsequent update of that regional plan on July 1, 1997. The original plan and the subsequent update were prepared by the Piedmont Planning District Commission (PPDC). This plan is a "sub-regional" plan involving two of the six counties that were sponsors of the previous planning efforts: Prince Edward County and Cumberland County.

This sub-regional approach was the culmination of several meetings of the Piedmont Planning District Commission and a Solid Waste Management Planning Forum. All of these meetings were open to the public for comments and input. A detailed account of each of these meetings is presented in Appendix A. An overview of each of these meetings is provided below:

At the April 3, 2003 full commission meeting, two representatives of the Virginia Department of Environmental Quality (DEQ) made a presentation regarding the requirements of the Regulations for Solid Waste Management Planning, Amendment 1. During the discussion that ensued, several people questioned whether they could provide an update to the old plan. The DEQ response was that the localities can review their old plan, bring it up to date, and submit it to the DEQ. Several commissioners expressed concern that the update of the solid waste plan represented an unfunded mandate. The discussion concluded with the consensus of the Commissioners being to take the regional approach for the preparation of the Solid Waste Management Plan.

On April 17, 2003, the PPDC held an open forum pertaining to Solid Waste Management Planning for the region. As a result of the discussions held regarding the three approaches identified by PPDC staff:

- 1) Individual plans for each jurisdiction
- 2) Mini-Regional Plans
- 3) Regional Plan

It was determined that the majority of the localities were leaning towards Options 1 and 2. PPDC, therefore, concluded that there was no consensus for the development of a regional solid waste plan.

At the May 1, 2003 full commission meeting, the Solid Waste Management Plan status was a major agenda item with a status report from the Executive Director that provided the results of the April 17, 2003 solid waste planning forum and a recommendation that PPDC suspend further consideration of the development of a regional plan, but be prepared to provide technical assistance to interested localities regarding demographic statistical data. The matter was tabled by the PPDC for further discussion at a subsequent meeting.

At the June 5, 2003 full commission meeting, an update of the Solid Waste Management Plan status was again provided by the Executive Director of the PPDC. Only one other locality had sent a letter to PPDC regarding its preference regarding the three options (approaches) to the development of a solid waste management plan. It was reported that this did not change the weighted preference of options chosen and, therefore, it was determined that there remained no consensus for a regional Solid Waste Management Plan.

As a consequence of these meetings and the stated preferences of a majority of the localities within the PPDC, Prince Edward County and Cumberland County decided to develop a sub-regional plan that would be used to guide the management of the solid wastes generated within their respective jurisdictions for the duration of the 20-year planning period.

B. Purpose

The Solid Waste Management Plan (Plan) for Prince Edward and Cumberland Counties has been prepared to meet the requirements and provisions of the Regulations for Solid Waste Management Planning (9 VAC 20-130-10 et seq., Amendment 1). This sub-regional plan is the outgrowth of the PPDC meetings highlighted above. The Plan will:

- describe the existing solid waste management infrastructure of the two counties;
- define future solid waste management needs; and
- describe the preferred waste management systems.

C. Scope

The Plan includes discussions on the following elements of the solid waste management spectrum for the municipal solid waste (MSW) generated within the two counties:

- generation;
- collections;

- recycling; and
- disposal

The plan considers the elements of the Solid Waste Management Hierarchy as they relate, in a practical manner, to the relevant demographic characteristics of the service area. The hierarchy ranks methods of solid waste management from most preferred to least preferred as follows:

- Source Reduction
- Reuse
- Recycling
- Resource Recovery (Waste - to- Energy)
- Incineration
- Landfilling

The Plan does not address infectious medical wastes and other items not normally considered as MSW such as:

- radioactive wastes;
- sewage sludges and biosolids;
- industrial wastes; and
- hazardous wastes (as defined by the Virginia Hazardous Waste Management Regulations)

D. Plan Development Responsibilities

The Plan has been developed by Prince Edward County in collaboration with Cumberland County. Prince Edward County has retained the services of Resource International, Ltd., to assist it in developing the sub-regional plan and providing technical input.

E. Plan Development and Adoption

The Plan was developed in the second quarter of calendar year (CY) 2004. It was formally adopted early during the third quarter of CY 2004. Copies of the resolutions of Plan approval from each of the two jurisdictions are included as Appendix B. A public hearing on the Plan was held on June 28, 2004, at the Prince Edward County Courthouse. The results of the public hearing are included in Appendix C. A public hearing on the Plan was conducted on July 13, 2004 at the Cumberland County Courthouse. The results of the public hearing are included in Appendix C. The Plan was submitted to the Virginia Department of Environmental Quality (VDEQ) on July 1, 2004, with the resolutions and public

hearing results submitted in follow-up correspondence to the VDEQ.

F. DEQ Review Process

Correspondence from the DEQ dated November 12,2004 was received on or about November 22,2004 to which was attached DEQ's "Waste Management Plan Completeness Review" checklist. In response to the completeness review comments, the Prince Edward County and Cumberland County Solid Waste Management Plan was revised and re-submitted to the DEQ on February 10, 2005.

In a letter dated June 28, 2006, the DEQ submitted its Technical Review Comments regarding the Prince Edward County and Cumberland County Solid Waste Management Plan. Responses to the Technical Review Comments were developed by Resource International and submitted to DEQ on August 31, 2006. On December 7, 2006, DEQ requested that the Plan include all solid waste facilities currently within Prince Edward and Cumberland Counties as they appear in DEQ's database. This listing of active, inactive, and closed facilities is incorporated as Appendix G. Appendix I is a copy of the DEQ approval letter of the "original" Solid Waste Management Plan.

G. Intent to Amend Plan

The Plan is currently being amended to reflect preliminary information about a planned municipal waste landfill facility to be located in Cumberland County. Information regarding existing facilities is already incorporated into this Plan. Addition of the planned facility to the Plan will require a major amendment to the current Plan and requires public participation. Documentation from the public participation/hearings, responses to citizen comments and the final outcome of the anticipated board resolution process will be included in Appendix H. Additional or updated information about the planned facility that becomes available will be incorporated into the Plan prior to the VADEQ's final review and acceptance of the Amended Plan.

CHAPTER 2 -SERVICE AREA DESCRIPTION

The service area encompassed within the Plan is shown graphically in Figure 1.

A. Existing Development Trends

The information within this Section (2.A) and the following section (2.B) has been primarily derived from the PPDC 2003 Comprehensive Economic Development Strategy. The planning district within which Prince Edward and Cumberland County are a part of is described as "one of the most economically challenged regions in the State of Virginia". Both Prince Edward County and Cumberland County are largely rural with few large industries and manufacturing facilities. Approximately 71% of the Prince Edward County work force finds employment within the County. This compares with 29% for Cumberland County. Unemployment rates for the two counties from the Virginia Employment Commission (VEC) indicates a slight increase in unemployment for both counties between 2001 and 2002. Cumberland County's unemployment rate increased from about 2.4% to 2.9% during this period and Prince Edward County's increased from about 3.9% to 4.9%. Overall, in the State of Virginia, the rates increased from about 3.6% to 4.1%. Table 1 is an update of Table 3 that appeared in the July 1, 1997 Solid Waste Plan prepared by the PPDC.

TABLE 1 UNEMPLOYMENT RATES/ANNUAL AVERAGES				
JURISDICTION	1991	1995	2001	2002
Cumberland County	7.4%	2.6%	2.4%	2.9%
Prince Edward County	10.5%	5.3%	3.9%	4.9%
Virginia	5.8%	4.5%	3.6%	4.1%

Median household income has increased as illustrated in Table 2, but continues to trail significantly the median for the State as shown in Table 2.

TABLE2 MEDIAN HOUSEHOLD INCOME - 1970-2000				
JURISDICTION	1970	1980	1990	2000
Cumberland County	\$4,606	\$11,398	\$22,115	\$32,000 ±
Prince Edward County	\$2,482	\$12,295	\$21,395	\$31,000 ±
Virginia	\$7,176	\$17,475	\$33,328	\$47,000 ±

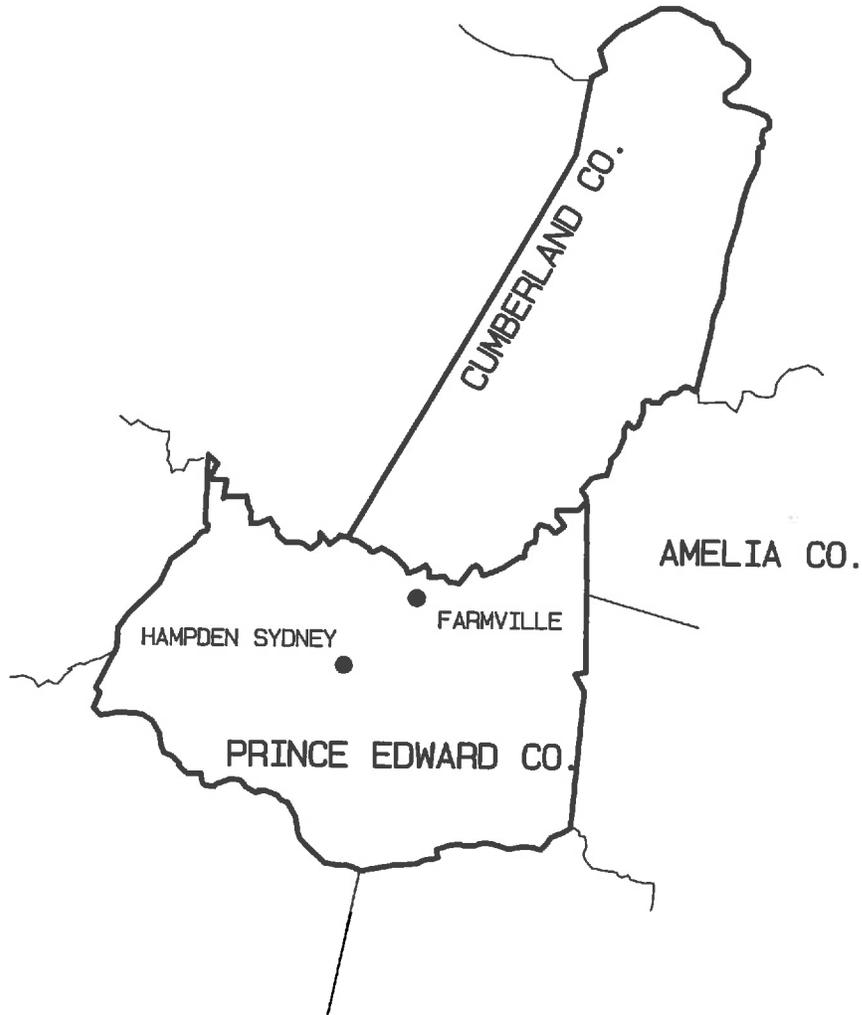


FIGURE 1
SERVICE AREA

NOTE: ALL LOCATIONS ARE APPROXIMATE.



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This scarcity of higher paying salaries continues to impact in a negative manner, a locality's or region's primary source of income- its tax base. This in turn, often inhibits growth in the locality or region because investments in needed infrastructures do not happen or are slow to occur. This situation is aggravated where unemployment rates are elevated. As can be seen from the previous Table, the unemployment rate for Prince Edward County remains above the state-wide average.

Environmentally-sound Solid Waste Management within the two counties remains a significant public function that demands a continuing allocation of resources. Along with highways, railroads, water, wastewater, schools and healthcare providers, well run and funded waste management facilities are an attraction to industrial, commercial, and residential development.

B. Future Development Trends

It can be seen from review of Tables 1 and 2, that unemployment within Cumberland County and Prince Edward County has been relatively steady since 1995. Whether this trend continues depends upon a number of factors, some of which are beyond the control or influence of Prince Edward and Cumberland Counties (Federal environmental regulations and tax codes; outsourcing; fossil fuel supplies, etc.).

However, population projections (provided by the Virginia Employment Commission) that span the period of this Plan and then some, show a continued modest increase in the population of both Prince Edward and Cumberland Counties over the next several decades (as can be seen from Table 3).

TABLE3 POPULATION HISTORY AND PROJECTIONS					
	1990	2000	2010	2020	2030
Cumberland County	7,825	9,017	10,100	11,000	11,800
Prince Edward County	17,320	19,720	22,500	24,900	27,200
Total for Planning Area	25,145	28,737	32,600	35,900	39,000

The percent increase in the total population for the 20 year period 2000 to 2020 is projected to be 24.9%. That fraction of the infrastructure dealing with solid waste management and disposal must be in place to accommodate the needs associated

with this forecast of the population within the planning area. In a subsequent chapter we will see that, indeed, it does.

Although there has been a service decline noted in the railroad section of the transportation infrastructure serving the planning area, the highway infrastructure with east-west Route 60 (Cumberland County), east-west Route 460 (Prince Edward County) and the north-south Route 15 corridors remain strong with good development potential associated with their current design.

With the reasonable possibility that Route 60 will be improved to a four-lane corridor through Cumberland County; Route 15 would likewise be improved to a four-lane corridor; and Route 460/360 be incorporated in a limited access interstate style system connecting the east coast to the mid-west (the TransAmerica Corridor) significant industrial, commercial, and residential development could occur during the latter half of the planning period.

CHAPTER 3- GENERAL GOALS AND OBJECTIVES

A. Goals

These remain the same as those espoused in the 1997 Solid Waste Management Plan Update for Solid Waste District 14 prepared by the Piedmont Planning District Commission.

- Solid Waste Management and disposal to be carried out in accordance with pertinent Federal, State, and Local plans, regulations and land use policies such that protection of the natural environment and the health and wellbeing of the public is achieved. This is to be accomplished in such a manner that the natural assets of Prince Edward and Cumberland Counties (its soil, water and air) are utilized wisely for the common good of the public.
- Develop, operate, and maintain solid waste management facilities and programs in an efficient and timely fashion to meet the solid waste management needs of the jurisdictions covered by this plan.

B. Objectives

- Establish and maintain an on-going planning, Plan amendment, and Plan implementation process to meet the future solid waste management needs of Prince Edward and Cumberland Counties.
- Provide adequate flexibility in the Plan to provide for unforeseen needs, events, or situations; utilization of new facilities that may come on-line; and incorporation of new technologies.
- Establish an integrated waste management strategy focusing on the recycling and landfilling elements of the solid waste management hierarchy.
- Continue to strive to meet or exceed state mandated recycling rate of 15% for rural localities.

C. Milestones

Milestones for the development of disposal cells at the Prince Edward County Landfill and milestones for phased closures are presented in Appendix D.

CHAPTER 4- EXISTING SOLID WASTE MANAGEMENT SYSTEM

Figure 2 shows the existing active solid waste management sites within or near the Plan area. The only landfill within the Plan area is the Prince Edward County Landfill. There is one existing private regional landfill within Amelia County which is adjacent to both Prince Edward County and Cumberland County to the east.

A. Prince Edward County

Collection of municipal solid wastes generated within the County is left up to the individual homeowner or business. The generator may elect to contract with a private hauler to remove wastes from the premises, or may elect transporting the wastes to one of six public convenience centers or two "roll-on/roll-off" sites that are located throughout the County. From these facilities the County transports the wastes to the County Landfill for disposal.

Recycling containers are located at each of the public convenience centers. Materials collected for recycling include clear container glass (brown and green glass was dropped from the program in 2002), plastics, newsprint, and cardboard. Small truck and passenger car tires and white goods are collected at the landfill. Recycled materials are processed locally by a private firm. Except within the Town of Farmville, it is up to the generators to take their recyclables to these facilities. The Town of Farmville provides curbside pick-up of plastics, newsprint, and clear glass. A private firm in the area picks up cardboard from some businesses within the County. For calendar year (CY) 2003, Prince Edward County realized a recycling rate of 13.24%. For CY 2005 it was 20.4%. This represents an increase of 54.1% over the CY 2003 recycling rate.

There currently are no solid waste treatment programs within Prince Edward County as that term is defined in the VSWMR. There are currently no plans to implement any such programs in the future. If there are advances in solid waste management technology that would result in plans to implement given treatment processes, the Solid Waste Management Plan will be revised to reflect the change or changes.

Prince Edward County currently utilizes inmate work crews, overseen by VDOC and scheduled by VDOT, to keep primary and some secondary highways clear of litter. In addition, individuals who receive community service sentences are assigned to other secondary roads within the County to pick-up litter. These individuals usually have to pick up a certain amount of trash, (measured in filled bags) to successfully complete their sentences.



LEGEND:

- ★ ACTIVE LANDFILL
- PUBLIC CONVENIENCE AREAS
- ROLL ON / ROLL OFF SITES

NOTES:

1. APPENDIX G LISTS ALL SOLID WASTE DISPOSAL FACILITIES IN THE REGION (BOTH CLOSED AND ACTIVE AS APPEARS IN THE DEQ SOLID WASTE DATABASE)
2. ALL LOCATIONS ARE APPROXIMATE

FIGURE 2
SOLID WASTE MANAGEMENT FACILITIES



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In the future, Prince Edward County plans to augment these two programs with an "Assign-a-Highway" program. In this program, judges will assign a stretch or segment of a highway to individuals who are on probation or parole. The individuals would be responsible for periodically picking up litter along the assigned highway during the time the court oversees them. Prince Edward County operates its own Subtitle D Landfill. It constructed its third lined cell, Cell C in the Summer of 2004. The capital costs associated with the continued operation of the landfill as related to new disposal cell construction and partial closures are shown in Appendix D.

The Prince Edward County Sanitary Landfill is located off of State Route 648 in Prince Edward. The nearby counties of Buckingham and Cumberland also have used the facility. The landfill site encompasses approximately 99± acres. There are approximately 65 acres that are currently being used or are proposed for use as sanitary landfill space. The operation of the facility is contracted out to a private firm.

Only municipal solid waste acceptable for disposal at sanitary landfills are disposed of at the facility. No medical, infectious, or hazardous waste are accepted at this facility. Animal carcasses, such as cats, dogs, and farm animals, are accepted.

Brush and certain yard wastes are burned at the landfill to reduce the volume of solid waste placed in disposal cells. The County reuses waste materials such as cinder blocks, asphalt and brick for access roads and ramps at the landfill. Special programs that the County, periodically engages in includes property clean-ups with trustees from the Piedmont Regional Jail; public education on recycling within the County through pamphlets available from the County Administrator's Office; and the clean-up of illegal tire dump sites.

Prince Edward County presently has a landfill capital fund that takes in approximately \$300,000 annually. In the past, General Fund revenues have been used to supplement the landfill capital fund as needed. General Fund revenues also have been used to fund other County solid waste management and recycling programs. General fund revenues will continue to be used to supplement future capital expenditures not fully covered by the landfill capital fund during the planning period. Prince Edward County maintains a fund balance of between \$3 - 5 million so there should be sufficient monies available for all future solid waste management projects undertaken during the planning period.

B. Cumberland County

Cumberland County closed its three landfills in the mid-nineteen nineties and constructed public convenience centers at each of the three sites. The Hamilton Landfill was closed in August 1994; the Madison Landfill in July 1995; and the Randolph Landfill in June 1997. Wastes are transported from these facilities to a recycling facility pursuant to the County's contract with Container Rentals LLC. The convenience centers are manned and open Monday through Sunday. It is up to the waste generator to get the waste from his/her premises to the public convenience centers. The approximate location of each of these facilities is shown on Figure 2.

Recycling containers are located at each of the public convenience centers. Materials collected for recycling include glass containers (all colors), aluminum cans, plastics (#1 and #2), cardboard, newsprint, mixed papers, tires (at Madison) and white goods. Yard waste and brush also are collected at the Madison Facility. Recycled materials are collected and processed locally by private firms. For CY 2003 Cumberland County realized a recycling rate of 33.7%, for CY 2004 it was 33.5%, and for CY 2005 it was 27.6%.

Cumberland County's current litter control efforts include participation in: the Community Diversion Incentive programs operated in direct coordination with the general district court; the Adopt-a-Spot and Adopt-a-Highway programs sponsored by VDOT; periodic community and/or organization sponsored roadside litter pickups and campaigns; and, periodic river cleanups in partnership with the Friends of the Appomattox.

Cumberland County periodically promotes public participation in abandoned vehicle recovery efforts and special household hazardous waste collection events. The success of these programs is due in part to public education efforts by the county to increase participation in the event or events. Cumberland County encourages, and will continue to encourage, participation in community anti-litter and cleanup campaigns through educational and guest program presentations to schools, individuals, and civic or social organizations.

In the future, Cumberland County will continue its efforts in litter control by actively participating in and/or promoting the above programs. Special programs in which the County periodically engages include participation in an abandoned vehicle recovery program and special household hazardous waste collection events.

Cumberland County does not have an operating landfill. However, funding of its current solid waste management programs, such as its convenience centers, have been from General Fund revenues. Continued funding of these programs for the duration of the planning period will either be from the general fund or through host fees if a privately owned and operated municipal solid waste landfill is sited within the County.

Green Ridge Recycling and Disposal Facility, LLC (Green Ridge), a private waste disposal company, is proposing to site and permit a new Solid Waste Management Facility in Cumberland County, Virginia. The proposed facility is considered to be in general conformance with this Solid Waste Management Plan as well as the County's Comprehensive Plan and future development plans. The actual siting and permitting of this proposed facility is subject to permit approvals by the DEQ in accordance with the Virginia Solid Waste Management Regulations (VSWMR). The proposed landfill will be located approximately eight miles east of Cumberland County Courthouse on US Route 60. Figure 3 shows the approximate location of the proposed landfill. Access to the proposed facility will be from Route 60. The specific location of the proposed access road will be subject to VDOT approval.

The proposed Green Ridge landfill will be a sanitary landfill accepting Municipal Solid Waste (MSW) primarily serving Cumberland County and the rest of Virginia, including the Richmond Metropolitan Area. Under the terms of the Host Agreement with Cumberland County, MSW can also be accepted from a 500-mile radius of the landfill. Waste Generation for Cumberland County is not projected to increase significantly in the near future, and the estimates provided in Table 4 are considered valid.

The landfill's regular operating hours will be twenty-four hours per day on weekdays, opening at 6:00 a.m. on Monday morning and closing at 11:59 p.m. on Friday evening, and 6:00 a.m. to 4:00 p.m. on Saturdays.

The proposed landfill would operate under a DEQ permit to be obtained within the next 2 to 3 years. No changes to current solid waste disposal practices would occur until such time as permits for the new facility are obtained from DEQ. Actual facility details will be determined during the DEQ permitting process. The disposal area is expected to contain approximately 550 acres. The planned gross capacity of the facility has been calculated based on conceptual information at approximately 55 million

cubic yards. The net airspace will be determined during the design of these systems and development of the operational parameters for the facility during the DEQ Part A and Part B application process. The allowable waste stream acceptance rate will be limited by the Host Agreement, which also provides for free solid waste disposal and recycling to residents of Cumberland County. The maximum amount of waste that can be accepted on any given day will be 5000 tons. At this rate the life of the proposed facility is estimated at _____ years. Because

the average annual waste receipt and effective in-place waste densities will vary, the practical life of the facility will range from 35 to 50 years. The longer life assumes a higher in-place waste density and a lower average annual waste receipt.

Due to the conceptual nature of the proposed facility, additional amendments to the Plan, if necessary, will be implemented at the appropriate time in accordance with 9 VAC20-130-10 et seq., Amendment 1. Any such amendments are anticipated to be Minor Amendments.

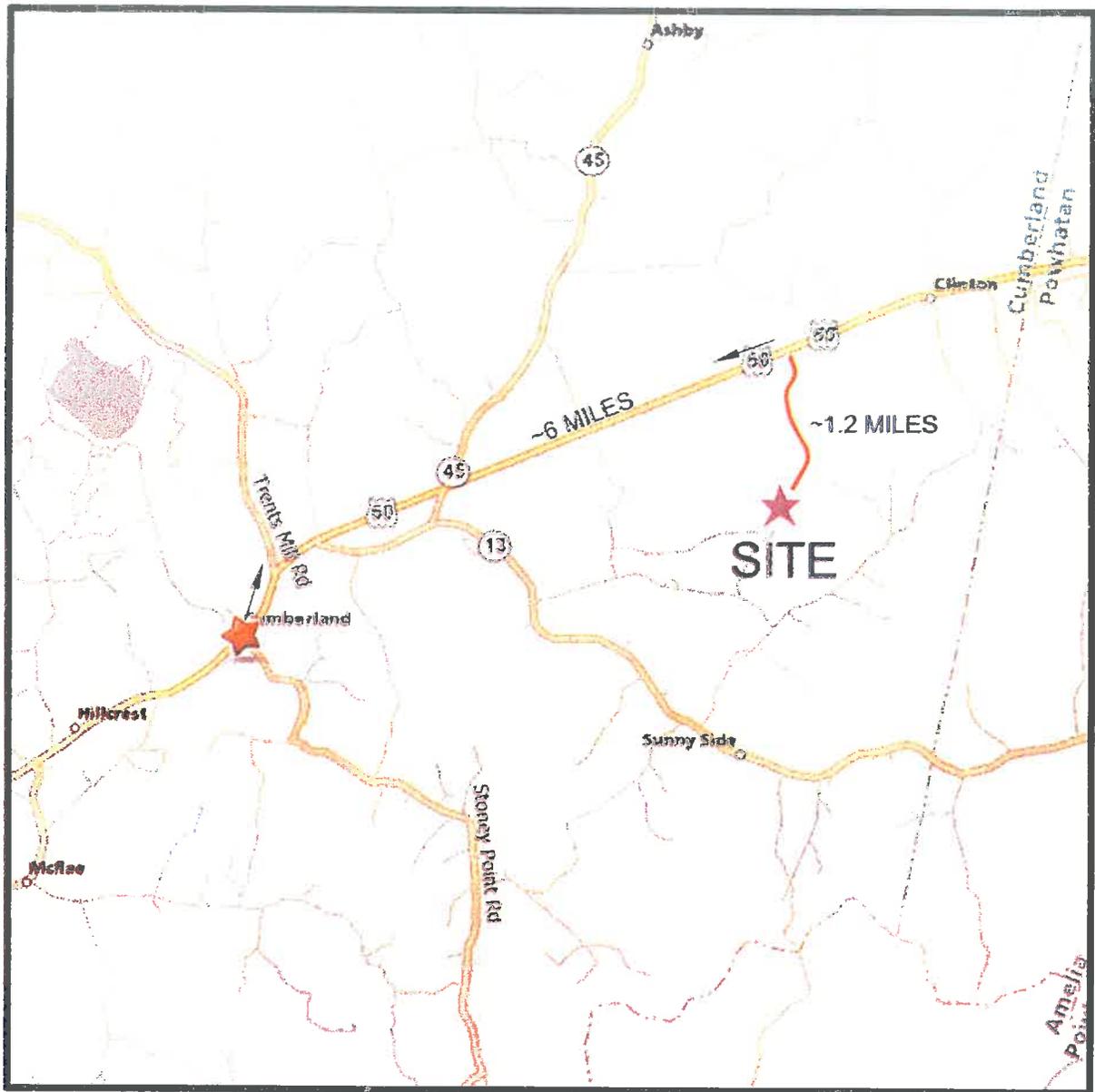
C. Solid Waste Management Planning (SWMP) Unit Recycling Rate

The recycling rate for the region is approximately 22.4%. The population density for the region based upon 2000 Census data (28,737) and a total 649 square miles is approximately 44.28 people per square mile. As of July 1, 2006, the mandatory recycling rate for a Solid Waste Management Planning Unit (SWMPU) with a population density of less than 100 people per square mile is 15%. The Prince Edward County / Cumberland County SWMPU meets this requirement.

The Counties will continue to look for improvements in recycling activities and practices during the planning period. If the recycling rate for the SWMPU drops below the current goal of 15%, then the Solid Waste Management Plan will be amended to incorporate a recycling action plan. The recycling action plan will cover the required milestones to meet the 15% recycling rate goal.

D. Collection/Transfer

The existing system of solid waste collection and transportation throughout the SWMPU is to be continued through the planning period. The existing system is functioning well and no significant changes are proposed. The counties will continue to evaluate the collection and handling of solid wastes and look for improvements that can be made to the system during the planning period. It is not intended at this point to supplant the public convenience facilities that faithfully serve the needs of the residents within the SWMPU with larger and more expensive transfer stations given the nearness of the disposal sites. In the event that a change in the current collection and transportation system is warranted, the Solid Waste Management Plan will be amended to reflect the change.



NOTES:

1. ALL LOCATIONS ARE APPROXIMATE
2. INFORMATION PROVIDED BY BROWN AND CALDWELL

FIGURE 3
 PROPOSED NEW LANDFILL LOCATION
 CUMBERLAND COUNTY, VIRGINIA

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E. Central Archive

The United States Environmental Protection Agency and the Virginia Department of Environmental Quality maintain data on sites and facilities that have been permitted as disposal sites under the Solid Waste Management facility regulations, and of sites and facilities that have been permitted as treatment, storage, and disposal sites under the Hazardous Waste Management Regulations. The office of the County Planner of Prince Edward County in Farmville, Virginia will be the local Central Archive to receive and record information on permitted and closed disposal sites. Such information will be available for public scrutiny. To make current information available for public review, the Prince Edward County Planner will request periodically during the planning period that the Virginia Department of Environmental Quality provide copies of its latest database of permitted and closed sites. Similarly, the Prince Edward County Planner will periodically request the latest lists of Superfund sites and sites with potentially hazardous issues from the EPA. Sites with potential waste disposal issues are frequently identified by private entities during the Environmental Site Assessment process. To the extent that the results of these site assessments are provided to the Prince Edward County Planning Office, the inventory of active and closed disposal sites will be updated and forwarded to the director of the DEQ. Similarly, new disposal sites will be documented and recorded with a copy of that information sent to the director of the DEQ.

The office of the County Planner for Prince Edward County in Farmville, Virginia will also serve as the local Central Archive to receive and record information on the amount of solid waste produced within the SWMPU. The waste records from the Prince Edward County landfill are maintained in this office as well the County's records relative to recycling. Information on waste generation records and recycling records from Cumberland County will be submitted to this office. This information will, in turn, be submitted to the director of the DEQ.

F. Recycling Markets

Recyclables from the SWMPU are taken to three different privately owned and operated facilities.

White goods and other metals are taken to J & J Recycling in Farmville, VA. J & J is a scrap metal and salvage yard that collects, processes and transports metals to different end users in the mid-Atlantic area.

Tires are taken to Emmanuel Tire's Appomattox location and then are transported to Emmanuel's main processing plant in Baltimore, MD.

Household recyclables (cardboard, newspaper, plastic containers, and clean glass containers) are taken to STEPS, Inc., a recyclable material brokerage and processing facility in Farmville, VA. After processing and or sorting, STEPS transports the materials by truck to Chesapeake Fibers in Richmond, VA.

CHAPTER 5- WASTE GENERATION AND COMPOSITION

A. Waste Generation

The projected rate of filling and site life of the Prince Edward County Landfill is based on weight records from 1997 through 2000. The rate of filling was calculated based on an in-place density of the waste of 1250 lbs./cu. yd (estimated from a density evaluation performed after Cell A had been in operation for approximately at least one year). At present, the facility receives approximately 82 tons of solid waste per day. This amount was escalated by 1 percent per year in accordance with area population projections.

Cells A through F of the Prince Edward County Landfill have a combined disposal airspace volume (waste and daily/intermediate cover materials) of approximately 1,805,954 cubic yards. Based on the above escalation rate, the proposed cells will have a projected site life of approximately 24 years.

Table 4 provides an estimate of the amount of solid wastes generated within Prince Edward County and Cumberland County coincident with the population projection for the Area. Published data from the United States Environmental Protection Agency was used for per capita generation. This number is 4.51 pounds per capita per day. As a comparison, tonnages received at the landfill and escalated as described above, are also provided. The quantities differ by about 7%.

**TABLE 4
WASTE GENERATION PROJECTIONS**

	2000	2010	2020	2030
Cumberland County Population	9,017	10,100	11,000	11,800
Prince Edward County Population	19,720	22,500	24,900	27,200
Total Population for Planning Area	28,737	32,600	35,900	39,000
MSW Generation Based Upon 4.51 Lbs./capita/day	23,700	26,800	29,500	32,100
MSW Generation Based Upon Weight Records	25,600	28,300	31,200	34,500

B. Waste Composition

No published waste composition studies for either Prince Edward County or Cumberland County are available. Annual locality recycling rate reports only provide information or quantities of materials pulled from the waste stream prior to landfilling. Table 5 presents typical material percentages as published by the EPA and other sources.

**TABLE 5
TYPICAL COMPOSITION* OF MUNICIPAL SOLID WASTE**

Material	Current U.S. Average	1993 Westchester Co., NY	1953 Chandler, AZ
Paper and Paperboard	37.4%	39%	42.7%
Glass	5.5	8	7.5
Metals	7.8	9	9.8
Plastics	10.7	7	0.4
Rubber & Leather	2.7	2	1.0
Textiles	4.0	2	1.9
Wood	5.5	3	2.3
Food Scraps	11.2	10	21.8
Yard Trimmings	12.0	18	1.3
Miscellaneous	3.2	2	11.3
	100%	100%	100%

*By Weight

In reviewing the above information, it is important to note, in particular, the increasing role of plastics, not only over the last half century, but also over the last 10 years. This has a direct impact on recycling rate estimates that are based solely on weight. In actuality, we may be recycling more food and beverage containers, but because product packaging continues to shift to plastics away from heavy glass and metal containers, it appears that we are seeing little or no increase or, in some cases; even a decrease in our recycling programs.

C. Waste Character

Based upon the most recent data from Form DEQ 50-25 (Solid Waste Information and Assessment Program Reporting Table), the following represents a current percentage breakdown of the waste stream in the defined categories.

Construction/Demolition Debris (CDD)	7.4%
Land Clearing Debris (LCD)	1.5%
Industrial Waste (IND)	0.3%
Tires	0.1%

Since the SWMPU is primarily rural in character, and is expected to generally remain that way based upon population projections, it is not expected that these percentages will vary significantly in the future. Table 4A presents a forecast of these waste categories.

**TABLE 4A
WASTE GENERATION PROJECTIONS BASED UPON CATEGORY**

Year	2000	2010	2020	2030
Category				
MSW (tons)	25,600	28,300	31,200	34,500
CDD (tons)	1,895	2,095	2,310	2,555
LCD (tons)	385	425	470	520
IND (tons)	80	85	95	105
Tires (tons)	26	28	31	35

CHAPTER 6- SOLID WASTE NEEDS ASSESSMENT

A. Prince Edward County

Prince Edward County owns and operates its own Subtitle D Sanitary Landfill with an estimated capacity that spans the 20-year Plan period. This considers the continuation of accepting waste from both Cumberland County and Buckingham County during this time frame.

The strategic location of the public convenience centers and accompanying recycling centers will serve the citizens of the County well during the planning period.

The closure of the County's landfill scheduled to occur just beyond the tail-end of the planning period will require the County to consider alternative disposal options starting midway through the planning period.

B. Cumberland County

Cumberland County currently has no active disposal facility located within its borders. It transports waste that are collected at the public convenience centers to a recycling facility pursuant to the County's contract with Container Rentals LLC

The planned Green Ridge facility, if permitted, will provide disposal capacity for the foreseeable future at no charge to County residents by the terms of the Host Agreement, a copy of which is available for review in the County's offices and on the County's website.

The strategic location of the three public convenience centers in the north, central and southern parts of the County should continue to serve the citizens well for the remainder of the planning period.

The closure of the Prince Edward County Landfill just beyond the end of the planning period and the continuing availability of other regional landfills are critical issues for the County to periodically review and evaluate.

Based on initial projections of capacity and waste receipts, the proposed facility would have an expected life of 35 to 50 years.

CHAPTER 7 - PREFERRED WASTE MANAGEMENT SYSTEM

A. General

It is important to recognize that the most appropriate waste management system for a given municipality or region is dependent on the demographics, geology, and resources of that municipality or region. Thus the extent to which the different elements of the Solid Waste Management Hierarchy are incorporated in the plan will often vary considerably from municipality to municipality or region to region. The Solid Waste Management Hierarchy (originally developed and promoted by the USEPA) is usually depicted as a pyramid with the most preferred element at the top and the least preferred at the bottom:

Source
Reduction
Reuse, Reuse, Reuse
Recycling, Recycling, Recycling
Resource Recovery, Resource
Recovery
Incineration, Incineration, Incineration,
Incineration
Landfilling, Landfilling, Landfilling, Landfilling,
Landfilling,

Ironically, the least preferred element (landfilling) is the foundational element for the remaining elements and is the one element common to all integrated waste management strategies. Although, source reduction, reuse and recycling in certain locations can have a significant impact on reducing the amount of solid waste material and filled, it is not practical to consider that these three elements, in the foreseeable future, would dramatically reduce the amount of waste that will have to be landfilled.

Source Reduction:

This element of the solid waste management hierarchy, along with reuse, is for all intents and purposes, out of the direct control of the municipal jurisdiction within the service area of this plan. It could involve such disparate entities as manufacturers designing,

manufacturing, and packaging products to minimize waste, and consumers purchasing products and services with an eye towards reducing the generation of waste materials. Because the goal of source reduction is not to produce waste, it is difficult to gauge the effectiveness of educational programs (indirect measures) that may be instituted by a locality. Source reduction practices are not tracked within the service area of this plan.

Reuse:

Very similar to source reduction, this element could involve one time or multiple reuse of containers or packaging materials such as plastic or paper grocery bags and food containers (such as plastic margarine tubs); and donating clothes (in good condition) to charitable organizations for redistribution to others. Reuse practices also are not tracked within the service area. Expansion of reuse practices would rely heavily upon educational programs, but as with source reduction, it would be difficult to measure the effectiveness of dollars spent on such educational programs.

Thus it is that the top two preferences are difficult to implement and problematic to measure. However, the counties will continue to look for economical ways to promote source reduction and reuse during the planning period. Existing recycling information available to the public will be augmented with educational and informational programs on reduction and reuse as public funding will allow.

Recycling:

Recycling provides businesses, individuals, and families the opportunity to return valuable resources (both renewable and non-renewable) back to the manufacturing/industrial sector to produce new products. In the process, it reduces the amount of virgin materials needed and the production process likely will use less energy using recycled feedstocks of metals, glass, plastics, and paper.

Localities in the service area of the plan can have an impact on recycling activities through programs and facilities provided or made available to businesses and residences within their respective

jurisdictions. Drop-off areas and public convenience facilities have been designed or upgraded to include recycling boxes or containers. Future considerations would include limited curbside recycling programs in more density populated areas within the service area covered by this plan.

The mandated recycling rate for the region (SWMPU) is being met. If the rate drops below the currently mandated 15% for rural areas, the Solid Waste Management Plan will be amended to include implementation timelines incorporated therein.

Resource\Recovery\Incineration

Resource recovery, also referred to as Waste-to-Energy (WTE), is not a cost effective element of the hierarchy for implementation in a service area of the size associated with this plan. Most existing WTE facilities are in the 1000 TPD or greater through-put capacity. At a per capita generation rate of 4.51 lbs./day this would reflect a service area population of about 440,000. Such facilities also are difficult to site and permit because of stricter air emissions requirements, difficulties with jurisdictional political agreements, and intense public opposition. Incineration is the same as WTE except that energy (usually in the form of steam or electricity) is not recovered from the burning process.

Landfilling:

Landfilling, in the simplest terminology, is the engineered burial of solid wastes. Modern landfill facilities incorporate composite liner systems of soils and flexible membranes to serve as barriers to preclude the contamination of groundwater beneath the facility. Porous media and piping in a "leachate collection zone" above the liner system allows for the contaminated liquids to flow to a collection point where it is removed and treated on site or hauled or pumped to a treatment plant. Gas generated from the decomposition of wastes is vented and/or recovered. Groundwater and landfill gas monitoring points represent fail safe mechanisms alerting an owner to potential problems.

Landfilling of municipal solid waste generation within

the region covered by this plan will remain the most viable and economic method for the management of the waste stream. Landfilling will be integrated with viable recycling programs and, therefore, recycling and landfilling will form the cornerstone of the integrated waste management strategy for the region covered by this plan. Waste reduction and reuse will be promoted as funding permits.

B. Prince Edward County

Reduction/Reuse

As public funding allows, existing education and public information proposed for increasing participation in recycling will be augmented to include education/ informational programs on waste reduction and reuse.

Recycling:

The preferred recycling program will continue to be the operation of the drop-off centers at the public convenience centers and the curbside collection within the Town of Farmville. The County currently has plans to convert the Pamplin roll on/roll off site to a public convenience center and recycling drop-off center. This should increase recycling activity within the County.

Institution of curbside collection in more densely populated parts of the County could be a program to consider to increase participation rates and recyclable collections. Education and public information efforts will continue to be a component of the recycling program. The private sector will be relied upon to process and market recovered materials.

Based upon public hearing comments, Prince Edward County will research the economics of adding waste oil and antifreeze recycling capabilities at one or more of the public convenience centers.

Disposal:

The method of disposal for Prince Edward County will be the continued use of its Subtitle D Landfill.

About 10 years into the planning period (2014), the County needs to assess whether it can expand its existing facility; transport wastes out of County to an existing or future facility; or implement a new or emergent technology to handle its disposal needs.

C. Cumberland County

Reduction/Reuse: As public funding allows, existing education and public information proposed for increasing participation in recycling will be augmented to include education/ informational programs on waste reduction and reuse.

Recycling: The preferred recycling program for Cumberland County is to continue the operation of its drop-off centers located at each of its three public convenience centers. Education and public information programs will continue to be relied upon to increase participation rates and the collection of recyclables. The private sector will continue to provide for the processing and market of recovered materials.

Disposal: Cumberland County will continue to rely upon the services of Container Rentals LLC for the recycling and disposal of its solid waste. The County will periodically evaluate, during the planning period, the development of a new County landfill; the use of any new landfill within the planning area or nearby as its primary means of disposal; or the development of new or emergent technology to manage its solid waste disposal needs.

For both Counties, existing public and private sector partnerships in the collection, and transport of municipal wastes, in the collection, transport and processing of recyclables and in the operation of disposal facilities will be maintained.

CHAPTER 8 -IMPLEMENTATION ISSUES

There are no significant implementation issues as the two counties are currently managing their solid wastes. Recycling is not mandatory within each county, but if either County would decide to implement curbside collection in more densely populated areas, the mechanisms would have to be developed to define the area, insure participation, and cover the costs. Provisions of disposal services would be accomplished through agreements or contracts with providers. If new public or private disposal facilities are identified, be they landfill or a new/emergent technology, local, state, and/or federal permits will need to be filed with their requisite public participation programs involving public meetings, public hearings, and comment periods.

In essence the Solid Waste Management Plan for Prince Edward County and Cumberland County is self-implementing upon formal approval of the plan by each County and approval of the plan by the Department of Environmental Quality. The existing system of solid waste management throughout the planning area is functioning well and no significant changes are proposed in the near future.

Cumberland County is the site of a proposed municipal waste landfill being developed by Green Ridge Recycling and Disposal Facility, LLC. If this site applies for and receives the necessary local government and state government approvals and/or permits, it will be the primary disposal facility for Cumberland County.

The Counties will continue to look for improvements to the management system during the planning period. In the event that a change is necessary, the Solid Waste Management Plan will be amended to reflect that change.

REFERENCES

A. Publications

1. Piedmont Planning District Commission; 1997 Solid Waste Management Plan Update; July 1, 1997.
2. Resource International, Ltd.; Prince Edward County Sanitary Landfill Permit No. 584, Permit Amendment Application No.3; April, 2003.
3. Piedmont Planning District Commission; 2003 Comprehensive Economic Development Strategy (CEDS).
4. Virginia Employment Commission; "Statistical Labor Market Information"; Count Question Resolution Program; May 2, 2003.
5. American City Business Journals; "Where's the Best Place to Live in America"; May, 2004.
6. Central Virginia Waste Management Authority; Central Virginia Solid Waste Management Plan; February, 2004.
7. American Public Works Association; Municipal Refuse Disposal; 1966.
8. Herbert Jr. Lund; The McGraw-Hill Recycling Handbook; 1993.
9. Loudoun County Solid Waste Management Planning District; Public Review Draft Solid Waste Management Plan; March, 2003.
10. Virginia Department of Environmental Quality, Recycling and Litter Prevention - Mandatory Recycling Rates for Localities; 3 pages; July 2006.
11. Virginia Department of Environmental Quality. The Virginia Annual Recycling Rate Report- CY 2004 Summary.

B. Personal Interviews

1. Judy Ownby; County Administrator, County of Cumberland, Virginia.
2. Jack E. Houghton; Executive Director, Piedmont Planning District Commission; Farmville, Virginia.
3. Jonathan Pickett; County Planner, County of Prince Edward, Virginia.
4. Sherry Swinson; Assistant County Administrator, County of Cumberland, Virginia.
5. Ray McGowan, BFI Waste Systems of Virginia, LLC
6. Steve Batiste, Brown and Caldwell

APPENDICES

APPENDIX A
EXCERPTS FROM PPDC COMPREHENSIVE
ECONOMIC DEVELOPMENT STRATEGY

2003
COMPREHENSIVE ECONOMIC DEVELOPMENT
STRATEGY (CEDs)

PIEDMONT PLANNING DISTRICT



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2004. The key issues of DMA2K are that States and localities must have an approved mitigation plan in place prior to receiving post-disaster Hazard Grant Program funds. After November of 2004, communities that do not have a mitigation plan may not be eligible to receive post-hazard mitigation funds. The purpose of this program is to establish a pre-disaster mitigation program as a planning tool that can be used when monies become available to address problems that can minimize natural hazards. Having this planning process in place helps to streamline the disaster relief response, if one occurs. The Virginia Department of Emergency Management is working with Planning District Commissions to try and make this process simpler. The key requirements of DMA2K are the development and adoption of a plan, plan strategies, a plan process, risk identification and vulnerability analysis as well as a plan maintenance (updating every 5 years).

Commission staff contacted all the localities as to the interest in developing a Regional All-Hazard Mitigation Plan to cover the localities of the District, per the Disaster Mitigation Act of 2000 (DMA2K) as described above. The region may be eligible to receive FEMA grant funds to cover 75% of cost with the 25% match coming from the localities. The cost per county including all incorporated towns is estimated to be \$2,000 each. Six (6) of the 7 counties and 9 out of 11 towns expressed interest in participating in a Regional All-Hazard Mitigation Plan. The Commission received from the State Mitigation Officer in April 2003 an invitation to submit a letter of intent for the grant funds. The Commission submitted a request for \$42,000, with the Commission supplying the \$14,000 match. The total project budget is \$56,000. An application will be submitted by the Piedmont Planning District Commission in July 2003.

The Commission assisted five (5) fire departments in applying to the 2002 FEMA Assistance to Firefighters Grant Program in April 2002. From this competition, Darlington Heights Fire Department (Prince Edward County) was successful in receiving \$54,595 in funding to purchase personal protective equipment. Presently, the Commission is providing grant administration for this project. The equipment was bid out in February 2003. All equipment has been purchased.

In April 2003, the Commission assisted four (4) fire departments in applying to the 2003 FEMA Assistance to Firefighters Grant Program. The purpose of this program is to award grants directly to fire departments for the purpose of enhancing their ability to protect the health and safety of the public, as well as that of the firefighting personnel, facing fire and fire-related hazards. The primary goal of this program is to identify fire departments that lack the basic tools and resources to protect the public and their personnel. The four (4) fire departments included Phenix Volunteer Fire Department (Purchase a New Fire Truck); Rice Volunteer Fire Department (Purchase of Personal Protective Equipment); Victoria Volunteer Fire Department (Purchase a New Fire Truck); and Drakes Branch Volunteer Fire Department (Purchase of Personal Protective Gear). It is anticipated that FEMA will begin making announcements in July 2002 and will continue until all funds are awarded.

In April 2003, Daniel Gwinner, Environmental Senior Engineer, Department of Environmental Quality (DEQ) appeared before the Full Commission to discuss the Regulations for Solid Waste Management Planning, Amendment 1, which was passed in August of 2000. The new regulations stipulate that every city, town and county in the Commonwealth shall develop a Solid Waste Management Plan and submit it no later than July 1, 2004. These new regulations replace the regulations previously adopted in 1990. Definitions were changed to comply with current statutes and regulations and the recycling rate was fixed at 25% and the calculation methodology revised. The new regulations provide for withholding issuance permits for solid waste management facilities unless a valid plan is in place. The new regulations also allow for amendments to the plan instead of updates. There are also annual reporting requirements. Waste information for permitted facilities will be due March 31st of each year. A Recycling Rate Report will be due by April 20th of each year.

The Commission held a Forum at the Commission Offices on April 7, 2003 pertaining to the Solid Waste Management Planning. The Commission contacted all of the local contact persons, including County Administrators, Town Managers and Town Clerks, and invited them to attend the Forum to participate in a Forum discussion on the topic. Included in the packet of information submitted to all the local contact persons was a form with three options for meeting the July 1, 2004. These options were as follows: 1) each of the seven counties and eleven town develop independent local plans for their own jurisdiction; 2) a county and its incorporated Towns develop a min-regional plan; 3) regional plan which may include more than two county jurisdictions and up to all seven counties and eleven towns within the Piedmont Planning District. Option 3 could be implemented by local government personnel, other agency personnel (e.g. PPDC or other), or by contract services (consultant). As a result of the forum and the discussions held on the option, the staff was able to determine that the majority of the localities were leaning towards Options 1 and 2, with localities representing 64% of the region's population favoring one of these plans. Therefore, there was no consensus for a Regional Solid Waste Management Plan.

In May 2003, the Commission assisted the Town of Farmville in applying for funding to establish a new Emergency Operations Center in Farmville. This year the Congress appropriated \$56 million dollars Nationwide for States and local units of government to establish Emergency Operations Center. This action was in response to 9/11. An Emergency Operations Center is more than a dispatch center, it is a command center for emergencies that can be utilized by multiple agencies including FEMA, the Fire Department, Police Department, Media, etc.

The Commission continues to provide administrative personnel and assistance to the Piedmont Regional Disability Services Board (PRDSB). Under State legislation, it is mandated that localities create and maintain either a local or regional Disability Services Board. The localities of the Piedmont Planning District, with the assistance of the Piedmont Planning District Commission, created a Regional Disability Services Board. The Piedmont Planning District Commission, at the request of the localities and the State, provides State support to the PRDSB with the State providing funding for staff support. Commission staff are responsible for executing directives, policies and assignments in the furtherance of the PRDSB mission, goals and objectives. Duties of the Commission staff for the PRDSB include developing agendas, preparing minutes, maintaining records pertaining to the financials, prepare the biennale Disability Services Needs Assessment for the District,

administer the Rehabilitation Service Incentive Fund (RSIF) grant application process, responsible for the administration, monitoring and reporting to the State for RSIF grants and overall assistance and advise to the Board. In February 2003, the PRDSB 2003 Needs Assessment was completed. It was the conclusion of the Assessment that there was a lack of coordination of distributing information on services that are available to the disabled. PRDSB recommended that the current director of services be updated.

In June 2002, Dr. Charles Brownell, Professor of Art & History at VCU gave a presentation on the Jeffersonian Courthouses National Historic Landmark Theme Study. In 2002, the Commission began assisting the Virginia Department of Historic Resources in completing a study of Jeffersonian Courthouses to prepare nominations for National Historic Landmarks. These Courthouses are either designed by Thomas Jefferson or provided direct supervision or training. All of the Courthouses that were studied are already listed on the Virginia Landmark National Register. However, the goal of this project was to provide National recognition to these Courthouses so that door will be opened to funding to help preserve them historically in the future. According to Dr. Brownell work will continue through the summer to document three Courthouses two (2) Courthouses within the District: Charlotte and Lunenburg. Also included will be Goochland, however it is outside the District. The Charlotte County's Courthouse is the only Courthouse in Virginia that is documented to have been designed by Thomas Jefferson himself.

11. Provide Technical Assistance to Local Jurisdictions in the Implementation of Various Strategic

OTHER BUSINESS

Mr. Houghton stated that Mr. Harvey Whitaker, who has served as the alternate on the Commission for the Town of Farmville, and in past year's the Elected Representative, has been replaced by Ms. Anne Nase. Mr. Green moved and Mr. James Moore seconded to adopt a resolution of appreciation to be given to Mr. Whitaker for his years of service to the Commission. Motion carried. -

April 3, 2003 – Full Commission MeetingINFORMATION ITEMS-WATER!!!, Ms. Katie Register, Executive Director, Clean Virginia Waterways

Ms. Cindy Morris introduced Ms. Katie Register. Ms. Register is the Executive Director of Clean Virginia Waterways (CVW), a Statewide, nonprofit organization dedicated to improving the cleanliness and quality of Virginia's waterways through education and citizen stewardship. CVW is affiliated with Longwood University's Department of Natural Sciences. Ms. Register is the adjunct instructor in Environmental Sciences at Longwood University and is co-Director of the Appomattox River Quality Monitoring Program. Ms. Register also serves on the Virginia Water Monitoring Council.

Ms. Register gave a power point presentation on Water. Ms. Register began by stating that the Appomattox River Quality Monitoring Program mentioned in her introduction is a program that has been ongoing for the past three (3) years. Data has been gathered on area rivers including the Appomattox and some of its tributaries, as well as a few rivers in Charlotte County. Ms. Register brought charts displaying some of the data that has been collected on these rivers. Fecal Coliform has been identified as the leading impairment in these rivers and is the leading impairment in Virginia's streams and rivers. Ms. Register stated anyone wishing to look at these charts may contact her office.

Ms. Register stated that Clean Virginia Waterways (CVW) does a lot of water education activities and stewardship. CVW runs the international coastal cleanup throughout the whole State, which includes getting old tires and old refrigerators out of the rivers and off of the beaches.

Water is a very unique. Water is vital to human life. Agriculture is the number one use of water in the United States. Water is used for many things, including domestic use, commercial fisheries, recreational, habitat for fish and wildlife, industry and hydropower. The Water Cycle is the never-ceasing movement of water between the sky, land and sea. The radiant heat of the sun and earth's gravity power this dynamic cycle that includes evaporation, condensation, precipitation, transpiration (water returning to atmosphere from plants), and infiltration of water into soil or rock crevices. The majority of the earth's surface is water, with 98% of it being salt water, which leaves only 3% of freshwater. A large part of the 3% freshwater is in glaciers and therefore, there is very little fresh water left for groundwater, rivers and lakes. This alone should make us take care of the water we have more carefully. Water can purify itself, as long it is not polluted faster than it can purify itself and as long as ground water is not taken out faster than it can percolate in.

Ms. Register stated that a watershed is land area that drains water to a particular stream, river, lake, bay or ocean. Watersheds like the Chesapeake Bay Watershed can be very large, containing thousands of smaller watersheds. There are 49,350 miles of perennial rivers and streams; which is approximately 2,500 square miles of estuaries in Virginia. Virginia's Department of Environmental Quality monitors the health of about 40% of these streams. Some of the types of water pollution include, chemical (pesticides), physical (erosion, trash), or biological. The sources of water pollution include point source pollution and nonpoint sources. Point sources are easy to identify and include factories & sewage treatment facilities. Nonpoint sources are not as easy to identify and are more expensive to clean up. Nonpoint source pollution includes; runoff pollution from urban areas, lawns, parking lots, farm fields, septic systems, and atmospheric deposition.

One of the biggest pollutants in the Chesapeake Bay region is Nutrient Enrichment, primarily phosphorus and nitrogen. Over-enriched water leads to excessive algae growth that blocks light to aquatic plants which leads to loss of grass beds, which is food for waterfowl and habitat for other creatures. Also, when algae die, their decomposition depletes the dissolved oxygen in the water. Some of the sources of nutrient include, fertilizers, human waste, animal waste and atmospheric deposition of nitrogen.

Water can be protected by modifying our behavior through education and regulation.

Mr. Daniel Gwinner, Environmental Senior Engineer, Department of Environmental Quality (DEQ)

Mr. Gwinner stated he had come to discuss the Regulations for Solid Waste Management Planning, Amendment 1, which was passed in August of 2000. These regulations are available on the DEQ website at : www.deq.state.va.us/waste/wastereg130.html. This new regulation replaces the regulations previously adopted in 1990. In 1998, Executive Order #25 stipulated that all regulations be reviewed every three (3) years to see if they needed to be amended. It has been ten (10) years since the last Solid Waste Management Plans have been adopted and therefore, it was decided that a new plan needed to be adopted. Solid Waste Management Plans help prevent long-term problems such as water and soil contamination. It helps promote recycling and improves the tracking and management of solid waste.

In 1991, plans could be developed by Town, City, County or Region. Eighty-one (81) plans were submitted and approved including a plan from the Piedmont Planning District for this region. Mr. Gwinner stated the previously established regions are still in effect. Plan updates were required every five (5) years from the 1991 deadline. The Recycling Rate was set at 10% for 1991, 15% for 1993 and 25% by 1995.

The new regulations stipulate that every city, county and town in the Commonwealth shall develop a Solid Waste Management Plan and submit it no later than July 1, 2004. DEQ will return comments on plan deficiencies within 90 days or notify applicants when review will be completed. Plans will need to be resubmitted within 90 days after notified of deficiencies. Plans that are approved will be effective upon notification. Some of the definitions were changed to comply with current statutes and regulations and the recycling rate was fixed at 25% and the calculation methodology revised. The new regulations provide for withholding issuance of permits for solid waste management facilities unless a valid plan is in place. The new regulations also allow for amendments to the plan instead of updates. There are two kinds of amendments; major and minor. There are also annual reporting requirements. Waste information for permitted facilities will be due March 31st of each year. A Recycling Rate Report will be due by April 30th of each year.

Mr. Gwinner then went over the actual format of the plan. Several people questioned whether they could just update their old plan. Mr. John Ely, Director of Waste Programs, DEQ, stated that localities or regions can look at their old plan and bring it up to date and then send it in.

Mr. Houghton stated that in 1991, the Commission prepared the plan for this region including; Amelia, Buckingham, Charlotte, Cumberland, Lunenburg and Prince Edward and incorporated Towns in these localities. Nottoway County and the Towns included in Nottoway did their own plan and therefore, were not included in the regional plan. This plan did not cost the localities anything because the State provided funding for regional plans at that time. Mr. Houghton stated it is his understanding that there is no State funding this time for preparing a regional plan. Mr. Houghton stated he is concerned, that having gone through this process once before, the Commission does not have the resources to prepare another plan without funding from some source. Mr. Houghton stated the localities of this region will need to decide how they plan to address the new planning requirements. Mr. Houghton stated the Commission would be receptive to taking on this task as a project, but funding would have to come from some source to support this activity. This project would take approximately one (1) year to complete.

Mr. Ely stated that while he understands that funding is an issue, he does not anticipate the State, with its current budget crisis, being able to provide funding for the preparation of Solid Waste Management Plans. DEQ will be going out to different regions of the State to explain the process and answer any questions that may arise. Mr. Ely

stated that Solid Waste Management Planning is a vital task that localities need to do to identify what they will be doing with their waste in the future. These regulations also help guide localities to plan to dispose of their waste in better ways instead of putting it into the ground.

Mr. Houghton stated that some localities are under the misunderstanding that if they do not operate a landfill they do not have to submit a plan. This is not true. All localities, regardless of how they dispose of their waste, have to submit a new plan by July 1, 2004.

Discussion was held on this issue. Several Commissioners were concerned about the unfunded mandates that are being handed down by the State thus, putting the burden of funding on localities.

Mr. Houghton stated several scenarios of how this plan could be completed. Each locality could prepare its own plan and submit it on their own but the dis-economies of seven (7) Counties and eleven (11) Towns doing this would be enormous. A Regional Plan could be prepared by someone, possibly the Commission or a Consultant. If the Commission is asked to do this, we would sit down with DEQ to draw up a scope of work and work out a budget. This information would then be presented to the localities of the region to see who would like to opt to have the Commission prepare the plan. It is also a possibility that the Commission could procure a Consultant to do the Regional Plan for those participating localities.

Mr. Smyth asked what would happen if the localities did not submit by the July 1, 2004 deadline, could they receive an extension? Mr. Ely stated, at this point, the State would not like to be discussing extensions, this would come much later in the process. Mr. Ely reminded the localities that this process is supposed to help the communities plan for the future and not be a burden to the communities.

Mr. Jerome stated that this requirement is based on State Law that is created by the Legislature. Mr. Jerome stated that if the localities feel this is an onerous requirement, then the localities should contact their representatives to see if they can get some mitigation, whether it be time or requirements. Mr. Jerome stated he did not feel that we should just "roll over" without going to the source first.

Mr. Houghton asked the Commissioners how they would like to proceed on this matter. It was the general consensus of those present that the regional approach would be the course to take.

COMMISSION ACTION ITEMS

Action Items - Requests

Mr. Houghton stated due to the meeting going late, all the requests will be handled in block. Mr. Houghton stated he did want to note how many requests the staff are handling, considering the staff is down to five (5) people. Ms. Hampton asked if the Commission charges for working on all of the requests listed? Mr. Houghton stated that the Commission does not charge for all project requests. Mr. Houghton stated he would indicate which projects the Commission charged for and which ones we did not. The requests are the following:

- Request from the Town of Kenbridge for Assistance in Applying for VDOT Enhancement Funds - No Charge for Preparing Application
- Request from Lunenburg County for Assistance in Applying for VDOT Enhancement Funds - No Charge for Preparing Application

by the Counties will cover the Towns within those jurisdictions. Mr. Houghton stated that the majority of localities in the District have responded affirmatively. The Commission has received from the State Mitigation Officer an invitation to submit a letter of intent for the grant funds. There will be \$200,000 available Statewide. The Commission has submitted a request for \$42,000, with the Commission supplying the \$14,000 match. The total project budget is \$56,000. The project schedule will require one year to complete this project.

-PPDC Letter of Support for Road Segments in the State's Six-Year Plan

Mr. Houghton reported that at last month's meeting the Commission voted to send a letter to VDOT Commissioner Shucet to include two road segments (improvements to Route 307 & four-laning of Hwy. 15 from Farmville to Kingsville) in the Six-Year Planning Process. This letter was sent on March 17th. The Commission received a response from VDOT on March 25th. This response was included in the Commission packet for review.

-VDOT Enhancement Program Workshops

Ms. Morris reported that VDOT will be accepting applications for the Enhancement Program on July 1, 2003. There is approximately \$15 million dollars available for this year's competition. VDOT will be holding several workshops across the State, with two workshops in this area. One will be held on April 22nd at the VDOT Richmond VDOT Office at 1:00 p.m. The other workshop will be held on April 29th at the VDOT Shop in Farmville at 10:00 a.m. VDOT staff will be reviewing the new scoring and selection process for the program. The Commission is currently under contract to assist several localities with specific projects under this program. Ms. Morris stated any locality wishing to apply for Enhancement Funds for either an existing project or a new project, should provide a brief written request for assistance to the Commission. Anyone with questions concerning this program may contact the office. Ms. Morris stated Mayor Morrisette notified the Commission that Burkeville will be submitting a written request for assistance in applying for additional Enhancement Funds. Mr. Houghton stated that Buckingham County delivered a request for assistance by Mr. Luke at tonight's meeting. Ms. Morris stated Commission staff will be attending the Farmville workshop.

May 1, 2003 – Full Commission Meeting

INFORMATION ITEMS

-SCOPE/Meals on Wheels, Mr. Hoke Currie, Coordinator

Mr. Currie recognized Mr. Jim Ray, Chairman of the Meals on Wheels and also the Food Services Director of Southside Community Hospital. Mr. Currie stated that the Piedmont Planning District Commission has more clout than any other organization he had spoken to recently. Mr. Currie stated that SCOPE has delivered meals to over 211 people in the past 2 ½ years. In 2002 alone, SCOPE delivered 17,185 meals. Mr. Currie gave examples of the clients that they serve, all of which have recently passed away. One client was a male who was 88 and had been served meals for the past year and a half. Another was a female who was 71 and had been served meals for about 2 ½ months. Clients pay for the meals according to their income. One of the mentioned clients paid \$3 per meal the other did not pay anything. Mr. Currie stated SCOPE currently serves mainly Prince Edward, with a limited number of clients in Cumberland, Buckingham and Lunenburg counties. Mr. Currie stated they basically serve an area within 20 miles of Farmville. Mr. Currie stated this program will not save anyone's life, but it will allow people to live better and longer and to stay in their homes longer than they would otherwise. Mr. Currie stated the SCOPE/Meals on Wheels program enjoys great support from the community. Mr. Currie directed attention to a newsletter that he passed out that listed the supporters that ranged from individuals, businesses, clubs & organizations, churches, corporations, FEMA and Prince Edward County. Mr. Currie stated that SCOPE

also serves meals to clients who come to the Dialysis Center in Farmville, but may be from a neighboring County. Mr. Currie stated if any of the other localities are interested in starting a Meals on Wheels program in their locality, he stated he is sure they will have the same level of support from their community. Mr. Currie stated the planning for their program took 2 ½ years to develop before they served their first meal. Mr. Currie also passed out statistical information on their program. Mr. Currie stated this program also assists clients in other ways. Sometimes, when drivers deliver the meals, they may find the client in need of medical assistance and can call for assistance. Clients also enjoy the company.

Mr. Currie stated there are four (4) components needed for a Meals on Wheels program 1) Food Services/Preparation, 2) Volunteers, 3) Funding and 4) Administration. Mr. Currie stated he would be happy to go and speak to any group that is interested in starting a Meals on Wheels program. Mr. Currie stated that the SCOPE program is already serving hot meals to its distance capacity. To expand this program would require that new satellite programs begin in other communities.

Mr. Currie asked for general support for the SCOPE/Meals on Wheels program and to also pass the word to other communities that may be interested in beginning a similar program. Mr. Currie did state however, that SCOPE is always interested in finding new funding sources and would be interested if the Commission was aware of any funding opportunities. Commissioners discussed different ideas on how to begin new programs in other communities.

Mr. Green moved and Mr. Scarborough seconded for the Commission staff to contact other localities to see if there is interest in Meals on Wheels in their locality. Motion carried.

COMMISSION ACTION ITEMS

-Request for Assistance in Applying for VDOT Enhancement Funds - Buckingham County, Town of Drakes Branch, Town of Burkeville, Town of Victoria, and Town of Blackstone

Ms. Morris stated that the Commission had received request from the following localities for assistance in applying for VDOT Enhancement funds:

Buckingham - New Project for Courthouse Enhancement Project
 Drakes Branch - Existing Project for Downtown Enhancement
 Burkeville - Existing Project for Train Station Relocation and Renovation
 Victoria - Existing Project for Railroad History Park
 Blackstone - New Project for a Transportation Museum

Ms. Morris stated that with these five (5) new requests, this brings the total of Enhancement Projects that the Commission staff are working on to eleven (11). Ms. Morris stated that the Commission has received a lot of phone calls and requests for assistance on this program. Ms. Morris noted that with limited staff, the more projects that the staff take on, the less time there is to spend on each of these projects.

Mr. James Moore moved and Ms. Swinson seconded to approve the listed requests for assistance. Motion carried.

Request from the Town of Blackstone for Assistance in Performing and Environmental Review on the Cox Road Self-Help Project

Ms. Morris stated the Commission received a request from the Town of Blackstone for Assistance in Performing an Environmental Review on the Cox Road Self-Help Project.

Ms. Swinson moved and Mr. Smyth seconded to give the Executive Director authorization to assist the Town of Blackstone. Motion carried.

-Memorandum of Agreement Between the Town of Blackstone and PPDC for Technical Assistance

Ms. Morris reported that in anticipation of the Commission's approval for the request to assist the Town of Blackstone, the Commission has already prepared a Memorandum of Agreement between the Commission and the Town of Blackstone.

Ms. Swinson moved and Ms. Pugh seconded to give authorization to the Executive Director to execute the agreement between the Commission and the Town of Blackstone. Motion carried.

-Request from Prince Edward County for Assistance for the Rice Fire Department in Applying for FEMA Fire Grant Monies

Ms. Morris reported that enclosed in the Commission packet is a request from Prince Edward County for Assistance for the Rice Fire Department in applying for FEMA Fire Grant monies. Ms. Morris stated due to time constraints, the Commission has already assisted Rice with this application.

Mr. James Moore moved and Mr. Reid seconded to approve the request from Prince Edward. Motion carried.

-Solid Waste Management Plan Status Report

Ms. Morris stated that enclosed in the packet is a Solid Waste Management Planning Status Report from the Executive Director. Ms. Morris stated that this report is basically a summary of the process the Commission staff have undertaken since the last Commission meeting. Ms. Morris stated all local contact persons, including County Administrators, Town Managers and Town Clerks, were invited to attend a April 17th Forum that was held at the Commission offices to participate in a forum discussion on Solid Waste Management Planning. Those in attendance were representatives from Amelia, Buckingham, Charlotte, and Prince Edward counties, as well as a representative from the Town of Charlotte Court House. Included in the packet of information sent to each local contact person was a form with three options for meeting the July 1, 2004 plan requirements.

The first option is for each of the seven counties and eleven towns to develop independent local plans for their own jurisdiction. This could be accomplished by the local government personnel and/or by contract services (consultant).

The second option is for a County and its incorporated Towns to develop a mini-regional plan. Each jurisdiction participating would be addressed individually. This option could be implemented by local government personnel and/or contract services (consultant).

The third option would be a regional plan that may include more than two county jurisdictions and up to all seven counties and eleven towns within the Piedmont Planning District. This option could be implemented by local government personnel, other agency personnel (eg. PPDC or other), or by contract services (consultant).

In 1991, six counties and eight incorporated towns participated in the development of one regional plan directed and implemented by the Piedmont Planning District.

Ms. Morris stated that the memo report states that, as of this date, the Commission has heard back from 77% of the localities in the region. At this time, a consensus appears to be shaping up in favor of Options 1 and 2, collectively representing four counties and five towns (64.4% of the region). One county and one town are in favor of Option 3, the regional plan. Two counties and five towns have not expressed their individual wishes and are not otherwise covered by an other option. Nottoway County and its incorporated

towns did not participate in the 1991 Regional Plan. Nottoway County has indicated they will again be submitting a Plan for the County and it's incorporated Towns in 2004.

With the information that the Commission has received, it appears that while a regional plan may be submitted, it will not be of the magnitude of the one prepared and submitted by the Commission in 1991. The Commission could still consider some form of a regional solid waste plan if a stronger consensus emerges in the coming weeks, but the smaller number of participating jurisdictions will mean that each participating jurisdiction will have to bear a larger individual share of the total project cost. The Commission has checked on the cost for preparing plans and those costs vary tremendously depending on the localities circumstances. If a locality owns and operates their own landfill, they may need to hire an engineer, which is more costly as opposed to localities that do not own their own landfill. Ms. Morris stated that the Virginia Department of Planning and Budget did an Impact Study and Analysis on the cost and projected the cost to be \$10,000 to \$20,000 per plan.

Ms. Morris stated that representatives from Hayes, Mattern & Mattern, Inc. were present and may have some further information to share on the subject.

Mr. John Payne, Hayes, Mattern & Mattern, Inc. stated the Solid Waste Management Plan submitted in 1991 is similar to the current waste assessment reports that localities have to submit to DEQ. The Plan submitted in 1991 did not have to include the annual recycling report that is submitted to DEQ by the localities. The annual recycling report will be required to be included in the 2004 Plan. The cost for plans can vary a lot. Mr. Payne stated he called other consultants to see what the current cost are for plans. Mr. Payne stated one consultant stated they are doing a regional plan in for three localities in Pennsylvania that will cost \$70,000. However, the localities in that region also participate in landfill mining as well as running a landfill and recycling. Mr. Payne stated that localities will get a better price, the more localities that go together. Mr. Payne stated that this region will probably be on the lower end of the cost range for developing a plan. It will depend however, on how well organized a locality is in keeping records and data on solid waste management. Mr. Payne also stated that public participation is a requirement that includes a citizen advisory committee. Mr. Payne stated the Plan that is due in 2004 is a good opportunity for localities to analyze what they are currently doing and plan for the future. This could include hiring a consultant to prepare a report that would include options for expanding their current operations or to close their current land fill and receive bids from private firms to haul the trash to other landfills. There are many avenues that could be analyzed in such a report. Mr. Payne stated that on the recycling side of the issue, in this area recycling is market driven and therefore the localities are at the mercy of the market. However, if a locality is interested in developing a recycling facility, this could also be analyzed. Mr. Payne stated that would probably not be feasible for this area.

Mr. James Moore asked what Roanoke is currently doing? Mr. Payne stated that the City of Roanoke, Roanoke County and the Town of Vinton share a regional landfill. However, the City of Salem has their own landfill. Each locality is responsible for their own recycling.

Mr. Smyth asked if a waste to energy facility were located in the region wouldn't this serve as an important ingredient to the resolve of recycling. Mr. Payne stated that the big consideration with a waste to energy facility would be, is there enough demand for the energy.

Mr. Payne stated that DEQ does not expect localities to foresee everything for the next twenty years. However, they do expect localities to start with what they are doing now and utilizing 20 year population projections and the current waste tonnage, project what they plan to do in the future. Whether it be open a new facility, expand or close the current facility or have the waste hauled elsewhere.

Mr. Smyth stated he felt that none of the localities would have the personnel to do a plan on their own. Mr. Smyth also stated he felt hiring a consultant would be cost prohibitive. Mr. Smyth felt that localities would need to go together to do a regional plan.

Ms. Morris stated included in Mr. Houghton's memo is a recommendation that states there is insufficient consensus for the development of a Regional Solid Waste Management Plan. Mr. Houghton recommends that the Commission suspend further consideration of a 2004 Solid Waste Management Plan and prepare to provide technical assistance to interested localities in the form of needed demographic statistical data and solid waste generation projections. In the event that individual jurisdictions seek further assistance, those requests will be negotiated on a case by case basis.

Ms. Swinson asked what constitutes a regional plan? Ms. Morris stated she had a phone call into Mr. Gwinner to answer that question, but Mr. Gwinner had not returned the call. Mr. Payne stated his understanding was that because each locality (County, City & Town) had to prepare a plan, any combination of these would constitute a regional plan.

Ms. Swinson asked Ms. Morris if she could find out if non-contiguous counties/towns could do a regional plan together.

Mr. Smyth stated that the position Lunenburg is taking is that first the July 2004 deadline is ridiculous, and two that this is another unfunded mandated. Mr. Smyth stated the Board is writing a letter to all the legislators and copying all the county supervisors and administrators and also asking them to contact the legislators. The County is asking that this legislation be changed. Mr. Smyth stated Lunenburg's position is that they want to address the legislators first to get the legislation changed to give them more time and possibly monies like they did last time to complete this plan. Ms. Morris asked if Mr. Smyth could copy the Commission also in the letter.

Mr. James Moore moved and Mr. Reid seconded to table the matter until next month. Motion carried.

-Comprehensive Economic Development Strategy (CEDs) Draft Goals, Objectives and Strategies

Ms. Hickman stated enclosed in the Commission packet is the Draft Goals, Objectives and Strategies. Ms. Hickman stated that as reported last month, all 18 jurisdictions in the Planning District were contacted as well as 76 local service providers involved in economic and community development issues for comments on the 2003 Goals, Objectives and Strategies. The deadline for comments was April 1st. Ms. Hickman recommended that the Commission approve including this section in the final 2003 Comprehensive Economic Development Strategy.

Ms. Swinson moved and Mr. Goin seconded to include the draft Goals, Objective and Strategies in the final 2003 Comprehensive Economic Development Strategy. Motion carried.

INFORMATION ITEMS

-Longwood College Intern Report, Ms. Jan Shelton

Ms. Morris introduced Ms. Jan Shelton who is an intern that has been working for the Commission since January of 2003. Ms. Shelton is a Senior, Social Work Major at Longwood University. Ms. Shelton stated this internship fulfilled one of two internships that she would be completing.

Ms. Shelton presented a power point presentation on the Cumberland County Water Project. Ms. Shelton stated that the Commission staff completed field survey work in the Cumberland Courthouse area in order to collect information for a Virginia Community Development Block Grant application. The survey included questions on the income of the residents in order to determine if the resident was a low-to-moderate income household. There were a total of 317 people and 109 households in the proposed project area. After completing the survey, it was evident that 56.9% of the population in the project area were low-to-moderate income. The survey also indicated that 33% of the households were in favor of the project, 43% were not in favor of the project, and 24% are undecided. Ms. Shelton showed in the presentation

funds requested for projects that are selected. The Transportation Board also will require that projects be completed within four (4) years of the availability of funds.

Ms. Morris stated with only two months left until the July 1st deadline, Commission staff have already begun working on these proposals. Ms. Morris stated that it is important that the Commission know which localities will be requesting assistance so that the staff can make the best use of the personnel time. Requests will be accommodated on a first come, first serve basis. Ms. Morris stated any locality that would like assistance that has not already contacted the Commission will need to do so immediately.

-FEMA Fire Grant Program Status Report

Ms. Foster stated the FEMA Assistance to Firefighters Grant Program 2003 competition deadline was April 11th. This year there is \$750 million dollars available Nationwide. Over the last two program years over \$442 million dollars has been awarded to local fire departments and fire service organizations across the Nation. This district has been very successful with this program. Over the last two years this district has received \$296,715 in grant funds for Fire Departments.

This year, the Commission assisted four (4) Fire Departments in applying for FEMA Assistance to Firefighters Grant funds. They are as follows:

- | | |
|--|---|
| -Drakes Branch Volunteer Fire Department | Purchase of Personal Protective Equipment |
| -Phenix Volunteer Fire Department | Purchase Fire Truck |
| -Rice Volunteer Fire Department | Purchase of Personal Protective Equipment |
| -Victoria Volunteer Fire & Rescue Department | Purchase Fire Truck |

Ms. Foster stated that again this year the applications were e-applications that were completed and submitted through the internet. Application review will begin in May with announcements being made in early June and will continue until all funds are awarded. Good luck to all of the Fire Departments!

June 5, 2003 – Full Commission Meeting

INFORMATION ITEMS

-Status Report on Jeffersonian Courthouses, National Historic Landmark Theme Study, Dr. Charles Brownell, Professor of Art & History at VCU.

Mr. Bob Carter stated that a little over a year ago the Commission began assisting the Virginia Department of Historic Resources in completing a study of Jeffersonian Courthouses to prepare nominations for National Historic Landmarks. Mr. Carter stated these Courthouses are either designed by Thomas Jefferson himself or he provided direct supervision or training. Mr. Carter stated all of the Courthouses that were studied are already listed on the Virginia Landmark National Register. Mr. Carter stated, however the goal of this project is to provide National recognition to these Courthouses so that doors will be opened to funding to help preserve them historically in the future. Mr. Carter stated the PPDC seemed to be a natural partner in this study because the greatest number of the most significant Jeffersonian Courthouses are in the counties served by the PPDC. Mr. Carter stated the Virginia Department of Historic Resources was able to receive funding to hire Dr. Charles Brownell of VCU to conduct this study of the Jeffersonian Courthouses. Dr. Brownell is the author of several award winning books on the history of Virginia architecture and the role of Thomas Jefferson in making this history. Mr. Carter stated the PPDC's role has been to make contact with the localities in question and set up meeting times and dates to go and see these Courthouses

and also to provide information to the public. Mr. Carter stated hence the invitation for Dr. Brownell to give the presentation at tonight's meeting.

Dr. Brownell gave a presentation on the "Jefferson's Reform of Virginia Architecture and the County Courthouse". Dr. Brownell stated he would give a brief presentation on the Jeffersonian Courthouse Study. Dr. Brownell passed out a handout that included pictures of all of the Courthouses in the study. Dr. Brownell stated he wanted to get one point across during this presentation that would be carried home with everyone. Dr. Brownell stated that Thomas Jefferson succeeded in transforming the civic architecture of Virginia by setting in motion a series of designs that sprang up all over the State that are still valued even today. Thomas Jefferson achieved a reform of architecture design that is still highly regarded today and is still used today. The second largest idea that Thomas Jefferson had for civic architecture was; 1) he wanted plans that were based on Virginia custom 2) he wanted solid masonry construction that wouldn't decay and 3) he wanted a splendid display of columns at each building.

Dr. Brownell went over Thomas Jefferson's history in architecture. Thomas Jefferson learned most of what he knew about architecture from European books and the architecture that already existed in Virginia. Thomas Jefferson was a reformer and disapproved of Virginia buildings. Specifically, Thomas Jefferson disapproved of Virginia buildings not using the classical order of columns and Virginia buildings are made from construction that will decay and are not made from solid materials. Thomas Jefferson wanted to reform Virginia buildings to make them more beautiful and splendid. Thomas Jefferson did not like buildings that, like that of Hanover County Courthouse, looked utilitarian and did not display the dignity that columns displayed. Thomas Jefferson disliked Courthouses that were made of wood the most. One illustration was pointed out of the second Charlotte County Courthouse that was made of wood and was painted a patriotic red, white and blue. Thomas Jefferson detested this Courthouse. Thomas Jefferson designed the Virginia Capitol after a Roman Temple in the South of France with the interior of the Capitol designed after the interior of the Williamsburg Capitol tucked inside a Temple shaped exterior. In the early 1800's, Thomas Jefferson turned to reforming Courthouses in Virginia. A sample of the sketch drawing of the layout of Jefferson's early Courthouses was reviewed by Commissioners in the handout. Dr. Brownell stated that the recent archaeological excavation of the early Buckingham Courthouse revealed that this first Courthouse that burned was a lost Jeffersonian Courthouse that was modeled after one of the first Jefferson plans. Dr. Brownell stated the Charlotte County Courthouse is a surviving Jeffersonian Courthouse. Dr. Brownell stated that the Goochland Courthouse is an example of how shrewd Jefferson was in getting localities across the State to begin building similar structures in design and layout to begin the reform of Virginia architecture. The Goochland Courthouse is almost identical to the Charlotte County Courthouse, but was not designed by Jefferson but by a contractor that was trained by Jefferson. Thomas Jefferson began training contractors and architects at the University of Virginia in the Jefferson Reform of Architecture. Dr. Brownell also pointed out that the Lunenburg Courthouse is also similar in architecture but was not designed by Jefferson but by a builder that was guided by a person who was trained by Jefferson. This passing on of knowledge began the Jefferson legacy of Virginia architecture. These buildings were replicated over and over throughout Virginia in the following two decades.

Mr. Carter stated that Dr. Brownell and his assistants will be working throughout the summer to document the three Courthouses Charlotte, Lunenburg and Goochland and hopefully by December will be including others that are of significance for National recognition. Dr. Brownell stated that Charlotte County's Courthouse is the only Courthouse in Virginia that is documented to have been designed by Thomas Jefferson himself.

Dr. Brownell stated that several other presentations will be made to the various localities on their Courthouses. A symposium on the subject will be held in November that will be much more informative and will include a slide presentation. Mr. Carter stated he would let the Commission know the date and time so that Commissioners and the public may attend. Mr. Carter stated he would also make sure the Commission gets a copy of the detailed study once it is completed.

Mr. Houghton stated the Commission would like to invite Dr. Brownell back once the study is complete to make a longer presentation in our area.

COMMISSION ACTION ITEMS

-Request from Cumberland County for Assistance in Applying for VDOT Enhancement Funds

Ms. Hickman stated the Commission received a request from Cumberland County for the Commission to assist them in applying for Enhancement Funds from VDOT. The County will be holding a public hearing on this matter on June 11, 2003. This project will be phase III of the Court House revitalization project. The County has previously received \$195,000 in Enhancement funds. The proposed project this year will be for landscaping, sidewalks and lighting in the Courthouse Green and the renovation/adaptive reuse of the old Jail into a Museum/Visitor's Center. The application will be submitted July 1, 2003.

Mr. James Moore moved and Mr. David Moore seconded to approve the request for the Commission to assist Cumberland County in applying for an Enhancement Grant. Motion carried.

-Solid Waste Management Plan Status Report

Mr. Houghton stated that at the April Commission meeting representatives from the Virginia Department of Environmental Quality gave a presentation to the Commission on the Solid Waste Management Program. Mr. Houghton stated that during this presentation, representatives stated that all local units of government in Virginia would be required to update their Solid Waste Management Plans by 2004. Following this meeting, the Commission staff developed three different options for localities to come into compliance with the Solid Waste Management requirements. These three options included 1) development of local plans, 2) County plans plus towns and 3) a regional plan. A regional discussion forum was held on April 17th at the Commission offices with local government representatives in attendance. The purpose of this forum was to try and form a consensus on how the localities wanted to proceed with this subject. As a result of this forum and other conversations with local government representatives, the staff was able to determine that the majority of localities were leaning towards options 1 and 2, with localities representing 64.4% of the regions population favoring one of these plans. The Regional Plan Option only had 12.8% of the localities region's population support. Mr. Houghton stated that at the May Commission meeting, the Commission was given this report and tabled the matter until the June meeting, pending further information from localities. Mr. Houghton stated since that time the Commission has received only one additional letter from the Town of Drakes Branch. Mr. Houghton stated that since the Town of Drakes Branch is a Town within Charlotte County, this did not change the weighted preference of options chosen. Therefore, there is no consensus for a Regional Solid Waste Management Plan.

-Comprehensive Economic Development Strategy (CEDS), Draft Strategic Action Plan & 2003-2004 Work Program

Ms. Hickman stated enclosed in the Commission packet is a copy of the DRAFT 2003 Strategic Action Plan and 2003-2004 Work Program section. Ms. Hickman stated there are thirteen (13) Work Program Elements and are the same as last year.

Mr. Fowlkes moved and Mr. James Moore seconded to request that the proposed Strategic Action Plan and 2003-2004 Work Program be included in the final 2003 Comprehensive Economic Development Strategy as presented. Motion carried.

Ms. Hickman stated that the Commission has received all of the support letters and resolutions for the 2003 CEDS except from one locality. It is expected that this locality will be sending theirs in soon.

Ms. Hickman stated the Commission's present EDA Planning Assistance Grant would be expiring on June 30, 2003. Each year during the month of June, the Commission receives an invitation to submit an

APPENDIX B
RESOLUTIONS OF PLAN APPROVAL

July 14, 2004

The following is an excerpt of the minutes of the regular meeting of the Prince Edward County Board of Supervisors held July 13, 2004.

In Re: Adoption of Prince Edward - Cumberland Solid Waste Management Plan

County Planner, Jonathan L. Pickett, reported that the Commonwealth of Virginia requires each locality, either individually or as part of a region, to adopt a solid waste management plan every five years. In past years, Prince Edward County was party to the Piedmont Planning District Solid Waste Management Plan. However, due to increased technical requirements, the Piedmont Planning District did not feel it could adequately develop a plan for the entire region. Therefore, Prince Edward County coupled with Cumberland County in a joint plan.

It was further explained that a required public hearing was held on June 28, 2004 with three residents in attendance. The residents commented they would like to see a manned convenience center in the Pamplin area, and be able to dispose of used motor oil and used anti-freeze at at least two of the convenience centers. Mr. Pickett indicated comments from the public hearing had been included in the final plan.

During discussion, Mr. Ward stated the Pamplin site had become an "eyesore" and asked if trash pickups could be increased. County staff was very aware of the problem, and Chairman Fore indicated he was actively trying to find land in order to relocate the site away from Route 460 where it is utilized by residents from Appomattox and Charlotte counties, as well as Prince Edward.

Mrs. Gilfillan suggested additional cans be installed. She was advised that six cans were on site but because of the size and configuration of the lot, the three front cans were often overflowing while relatively little was put in the back cans.

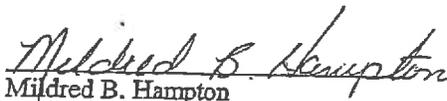
Board members also commented on the condition of the driveway and asked if it could be improved using County personnel and equipment. Mr. Pickett indicated he would look into it.

Mr. Moore moved adoption of the Solid Waste Management Plan. The motion carried by the following vote:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

Nay: None

CERTIFIED TRUE COPY


Mildred B. Hampton
County Administrator



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

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www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

July 16, 2004

Mr. Jonathan L. Pickett
Prince Edward County, County Planner
P.O. Box 302
Farmville, VA 23901

Subject: Solid Waste Management Plan for Prince Edward & Cumberland Counties

Dear Mr. Pickett:

This letter is to acknowledge the receipt of the Solid Waste Management Plan for Prince Edward and Cumberland Counties by the Department of Environmental Quality on July 2, 2004. In accordance with 9 VAC 20-130-110.C, the Department will conduct its review no later than 90 days from the date of receipt. If not, the sender will receive notification as to when the review can be completed.

Thank you for the submission of your plan. If you have any questions about the progress of the review of your plan, please call me at 804-698-4218.

Sincerely,

DSG

Daniel S. Gwinner
Environmental Engineer Senior

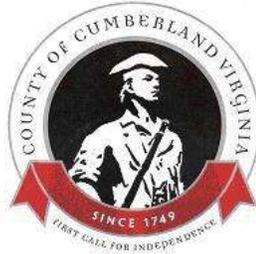
cc: DEQ Regional Waste Compliance Manager
Edward J. Hollos; Resource International, LTD.; P.O. Box 6160; Ashland, VA 23005

Received
2-1-04

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STAFF REPORT
CUP 18-10
Precision Cell Salem Church Rd Tower
Conditional Use Permit
Cumberland County, Virginia
Board of Supervisors Public Hearing

General Information:

Processing schedule: The Planning Commission unanimously recommended this proposal on November 26, 2018. The Board of Supervisors hold a public hearing on January 8, 2019.

Application Information:

Owner: Johnnie Ralph Asal, Trustee
Applicant: Precision Cell, LLC
Agent: Bobby McAvoy
Requested Action: Conditional Use Permit for: Communication station and/or tower
Tax Parcel Number: 81-A-3
Address: 86 Salem Church Rd
Election District: 4
Existing Zoning: A-2
Proposed Zoning: A-2 with CUP
Size: .057 acres of an 82.05 acre parcel
Existing land uses: Agricultural
Comp. plan area: Not in a growth area
Overlay districts: None

Surrounding Area Information:

<u>Direction</u>	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Comp. Plan Area (2013)</u>
All	Residential and Agricultural	A-2	Not in a growth area

Summary of Request and Background Information:

This application is for a 280’ self-support tower. The facility would be unmanned and in operation 24-hours a day. The site is located on an 82 acre parcel, but would only consist of a space that measure 50’ x 50’. The compound would be enclosed by a 7’ security fence and accessed by a 375’ access road.

This tower would support up to 4 wireless carries, and Shentel (dba Sprint) would be the anchor tenant. Self-contained equipment shelters or cabinets would be placed within the compound on concrete pads or steel equipment platforms.

Consistency with the 2013 Comprehensive Plan:

The policy of Section IV, Section F, Objective 3 of the Comprehensive Plan is to “Provide appropriate infrastructure (water, sewer, **telecommunications**, and electrical power) to support basic industry in the Cumberland Courthouse area and other areas where infrastructure can be feasibly extended...”

Consistency with the Zoning Ordinance:

Subdivision III. - Communications Antennas and Towers

Sec. 74-731. - Definitions.

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

Alternative tower structure means manmade trees, silos, clock towers, bell steeples, light poles, utility poles, buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any apparatus designed for telephonic, data, radio or television communications through the sending and/or receiving of electromagnetic waves.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height, when referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term "tower" includes television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures, and the like.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Cross reference— Definitions generally, § 1-2.

Sec. 74-732. - Purpose, goals and intent of use regulations.

- (a) The purpose of supplementary regulation in this subdivision is to establish general guidelines for the siting of towers and antennas. These goals are to:
- (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the county;
 - (2) Encourage strongly the joint use of new and existing tower sites and use of existing utility transmission rights-of-way;
 - (3) Encourage towers to be located in areas where the adverse impact on the county is minimal;
 - (4) Encourage users of towers and antennas to locate, design and configure them in a way that minimizes the adverse visual impact of the towers and antennas and makes them compatible with surrounding land uses to the extent possible;
 - (5) Provide adequate sites for the provision of wireless communication services with minimal negative impact on the resources of the county;
 - (6) Encourage the siting of towers along St. Routes 60, 45, and Route 13 corridors;
 - (7) Encourage public/private partnerships, where possible, that promote the communications needs of the county, especially fire and emergency rescue services; and
 - (8) Strongly encourage the use of monopoles and camouflaging for towers located in or near residential areas.
- (b) The supplementary regulation in this subdivision is intended to comply with all federal and state regulations.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-733. - Applicability.

The supplementary regulation in this subdivision shall govern the location of towers that exceed 50 feet in height, and antennas that are installed at greater than 50 feet in height.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-734. - Amateur radio and receive-only antennas.

The supplementary regulation in this subdivision shall not govern any tower or the installation of any antenna that is operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas for amateur radio station operation.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-735. - Existing structures and towers.

The placement of an antenna on or in an existing structure such as a building, sign, light pole, utility pole, including placement within an existing transmission/utility tower, or tower, water tank, or other freestanding structure or existing tower or pole shall be permitted without the need for a conditional use permit by special exception so long as the addition of the antenna shall not add more than 20 feet or 25 percent (whichever is less) to the height of the structure or tower and shall not require additional lighting pursuant to FAA or other applicable requirements. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with the antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-736. - General guidelines and requirements.

- (a) *Principal or accessory use.* For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this supplementary regulation shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (b) *Inventory of existing sites.* Each applicant for an antenna and or tower shall provide to the county an inventory of its existing facilities that are either within the locality or within five miles of the border, including specific information about the location, height, and existing use and available capacity of each tower. The county may share such information with other applicants applying for approvals or a conditional use permit by special exceptions under this supplementary regulation or other organizations seeking to locate antennas within the jurisdiction of the county; however, the county shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
- (c) *Design; lighting.* The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this supplementary regulation:
 - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, nonreflective color with no logos.
 - (2) At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- (4) Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the county may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (5) No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
- (6) To permit collocation, the tower shall be designed and constructed to permit extensions to a maximum height of 199 feet, except as otherwise provided in the approved conditional use permit by special exception.
- (7) Towers shall be designed to collapse within the lot lines in case of structural failure.
- (8) Except where the provisions of an approved conditional use permit by special exception or other governmental regulations restrict the height of the tower or where a stealth design is used, an engineering report, certifying that the proposed tower is compatible for collocation with a minimum of four users, including the primary user, must be submitted. If the height of the tower is restricted or a stealth design is used and the tower cannot accommodate four users, a report must be submitted that describes the design limitations for collocation.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-737. - Federal requirements.

All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. This requirement includes meeting all regulatory emission control standards established by the FCC.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-738. - Building codes.

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is designed and maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-739. - Information required.

Each applicant requesting a conditional use permit by special exception under this supplementary regulation shall submit the following:

- (1) A scaled plan and a scaled elevation view and other supporting drawings, calculations and other documentation, signed and sealed by a state-licensed professional engineer, showing the location and dimensions of all improvements, including information concerning topography, zoning, vegetation buffers, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses and adjacent buildings.

- (2) A statement justifying the need for the project.
- (3) A certification from a licensed professional engineer experienced with the design and operation of towers and antennas that the emissions from the facility will not exceed the maximum permissible exposure (MPE) standard established by the FCC.
- (4) Verifiable evidence from the applicant of the lack of space on suitable existing towers, buildings or other structures to locate the proposed antennas and the lack of space on existing tower sites to construct a suitable tower for the proposed antenna. A certified statement from a licensed professional engineer must be provided if radio-frequency interference or signal quality is used as the rationale for eliminating collocation on an existing facility.
- (5) A signed statement from the applicant of the willingness and ability to allow collocation on the proposed tower and collocation of a second tower on the site (where appropriate). The statement must be signed by an officer of the company or individual authorized to commit the company.
- (6) A signed statement from the applicant describing the efforts considered and taken to screen or camouflage the facility and reduce its visual impact. This statement should consider at a minimum design, height, location and landscaping alternatives.
- (7) A proposed construction schedule.
- (8) A figure depicting the radio frequency coverage (or propagation map) of the proposed facility and all nearby facilities.
- (9) The applicant shall provide at least two actual photographs of the site that include simulated photographic images of the proposed tower. The photographs with the simulated image shall illustrate how the facility will look from adjacent roadways, nearby residential areas, or public building such as a school, church, etc. The county staff reserves the right to select the location for the photographic images and require additional images. The applicant shall also conduct a balloon test to demonstrate the height of a proposed tower and provide the county with a 48-hour notice of the test.
- (10) An affidavit must be submitted attesting to the fact that the lease agreement does not prohibit or discourage collocation, or if so the reasons for such provisions.
- (11) The county may require other information deemed necessary to assess compliance with this subdivision.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-740. - Factors considered in granting a conditional use permit by special exception for new towers.

The applicant shall obtain a conditional use permit by special exception from the county before erecting towers or antennas covered by this subdivision. The following factors and those standards described in this division will be used in determining whether to issue a conditional use permit by special exception:

- (1) Height of the proposed tower;
- (2) Proximity of the tower to residential structures, residential district boundaries, and other visually sensitive facilities such as churches and schools;
- (3) Nature of the uses and impacts of the proposed facility on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) Proposed ingress and egress;
- (8) Collocation policy and efforts to collocate;
- (9) Consistency with the comprehensive plan and the purposes to be served by zoning;
- (10) Availability of suitable existing towers and other structures as discussed in section 74-741;
- (11) Proximity to private airports;
- (12) Proposed methods of mitigation for the visual impacts of the project, including proposed landscaping or screening; and
- (13) Communications needs of the county.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-741. - Availability of suitable existing towers or other structures.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the county that no existing tower or structure can accommodate the applicant's proposed antenna and that the facility is needed to provide reasonable signal coverage. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
- (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
- (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;

- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
- (5) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable;
- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-742. - Security fencing.

Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-743. - Landscaping.

The following requirements shall govern the landscaping surrounding towers for which a conditional use permit by special exception is required:

- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the facilities. The applicant may propose off-site landscaping if that better mitigates the visual impacts of the proposed facility. In such cases, a written agreement must be provided, including approval by the owner of the parcel on which the landscaping will be done.
- (2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the county may determine that the natural growth around the property perimeter may be sufficient buffer.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-744. - Local government access.

Owners of towers shall provide the county collocation opportunities as a community benefit to improve communication for county departments and emergency services, provided it does not conflict with the collocation requirement of section 74-736(c)(8). The county shall have the right of first refusal to any available collocation space at no cost to the county; however, the county shall be responsible for placing and maintaining its own equipment.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-745. - Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of each such antenna or tower (or its successors or assigns) shall remove the

antenna within 90 days of receipt of notice from the county notifying the owner of such removal equipment requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, this section shall not become effective until all users cease using the tower. The county shall require a bond, letter of credit or other appropriate surety as approved by the county in the amount needed to cover the demolition costs and site restoration costs. The applicant must submit the estimated costs for demolition and site restoration prior to the issuance of bonds, which will be reviewed and approved by the county. If the bond expires or is not renewed, the conditional use permit by special exception may be revoked or terminated.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-746. - Required yearly report.

The owner of each such antenna or tower shall submit a report to the county once a year, no later than July 1. The report shall state the current user status of the tower. Each company shall also submit an annual plan that describes the company's expected needs (countywide) for new towers and antennas for the next year (based on the county's fiscal year).

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

Sec. 74-747. - Fees.

The fee for a conditional use permit shall be imposed to cover the cost of any professional consultation required by the county not less than \$2,000.00 and shall be in addition to the \$550.00 regular conditional use permit fee.

(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000; Ord. of 9-13-2005(2), § 2) Secs. 74-748—74-780. - Reserved.

Public Notification:

Notice was published in the Farmville Herald on December 26, 2018 and January 2, 2019.

Adjoining property owners were sent a notice for the public hearing via certified mail on December 4, 2018.

Conclusion:

The proposed use in this area is compliance with the Comprehensive Plan and the intent of the A-2 zoning district.

Recommendation:

The Planning Commission recommend approval of the proposal with the following conditions:

1. The permit holder must, at all times, comply with all applicable federal, state, and local statutes, codes, regulations, and ordinances. A violation at any time of any federal, state, or local statute,

code, regulation, or ordinance will constitute a violation of this conditional use permit, regardless of whether enforcement action of the violated law, regulation, or ordinance is undertaken or is successful. This conditional use permit will terminate immediately upon such violation.

2. This Conditional Use Permit will automatically expire three (3) years from the date of its issuance if the development authorized by the permit has not commenced, and no substantial construction, alteration, demolition, excavation, or other similar work required by the permit is completed.

Respectfully submitted by:
JP Duncan
Planning Director



COMMONWEALTH OF VIRGINIA
COUNTY OF CUMBERLAND

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

Application for Conditional Use Permit

Last revised 7/07/10

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

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

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

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

Proposal: _____

Location: _____

Tax Map Parcel(s): _____

Zoning: _____ Comprehensive Plan Area: _____

Election District: _____

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

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

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

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

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

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

Address: _____ City: _____ State: _____ Zip: _____

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

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

Johnnie Ralph Asal, Trustee

Address: 324 Asal Road City: Farmville State: VA Zip: 23901

Daytime Phone: (434) 547-7358 Fax #: () Email: johnnyasalsr@gmail.com

Applicant (who is the contact person representing?): Precision Cell, LLC

Address: 9069 Cottleston Circle City: Mechanicsville State: VA Zip: 23116

Daytime Phone: (804) 218-5465 Fax #: () Email: mcavoyb@precisioncell.net

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

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

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

Provide a written statement demonstrating that:

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

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

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

This request is for the construction and operation of a communication facility, including a 280' self-support tower.

This facility will be unmanned and in operation 24-hours a day. No offices or habitable buildings will be on site, therefore, water and sewer will not be required. This site is located on a 82.05 acre parcel, and will occupy an approximate area of 50' x 50'. The compound will be enclosed by a 7' security fence. In addition to the compound, there will be a 375' access road. A portion of the access road is pre-exisitng, and the reaminging portion will be covered with gravel.

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

The compound dimensions are 50' x 50' and will be graded for positive drainage. A 280' self-support tower, capable of supporting 4 wireless carriers, will be constructed within the compound. Shentel (dba Sprint) is the anchor tenant.

Small self-contained equipment shelters or cabinets will be placed within the compound on concrete pads or steel equipment platforms.

Attachments Required – provide two (2) copies of each

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

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

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

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

Owner/ Applicant Must Read and Sign

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

Robert McAvoy

October 8, 2018

Print Name of Owner/ Applicant

Date

Robert McAvoy

804.218.5465

Signature of Owner/ Applicant

Daytime Phone # of Signatory

Traffic Impact Analysis Information Sheet:

How do I know if a T.I.A. is required to be submitted with my application?

If the proposed development will increase the number of vehicle trips during peak hours on roads maintained by VDOT by 250 trips for a commercial development or 100 trips for a residential development you likely will need to submit a T.I.A.

How do I know if my proposal will increase the traffic to the amount that would require a TIA?

Below is a listing of some general guidelines as provided by VDOT's T.I.A. administrative guidelines:

For a **residential** development, a TIA may be required if the development proposes:

- 100 or more single family dwelling units;
- 150 or more apartment units; or
- 190 or more condo/townhomes

For a **commercial** development, a TIA may be required if the development proposes a(n):

- light industrial building of 260,000sf or more;
- hotel containing 300 rooms or more;
- elementary school of 600 students or more or a high school of 550 students or more;
- hospital of 110 beds or more;
- general office building 150,000 sq. ft. or larger;
- business park 170,000 sq. ft. or larger;
- shopping center 20,000 sq. ft. or larger;
- home improvement store 60,000 sq. ft. or larger;
- drive thru bank containing 5 bays or more;
- fast food restaurant with a drive thru window of 4,000 sq. ft. or larger; or
- gas station with convenience store containing 16 hoses or more.

What are the fees associated with VDOT's T.I.A?

This fee is collected directly by VDOT and is separate and in addition to the County's application fee. Both are required before an application is deemed complete.

- \$250.00 for a low-volume road;
- \$500.00 for less than 100 vehicles per peak hour; or
- \$1,000.00 for more than 100 vehicles per peak hour.

What is the background and purpose for the TIA requirements and where can I find additional information?

Chapter 527 of the 2006 Acts of Assembly added § 15.2-2222.1 to the Code of Virginia. The amendment establishes procedures by which localities submit proposals that will affect the state-controlled transportation network to VDOT for review and comment. The chapter also directs VDOT to develop regulations to carry out the provisions of the statute.

The regulation VDOT prepared is titled, Traffic Impact Analysis Regulations (24 VAC 30-155), sets forth procedures and requirements governing VDOT's review of and submission of comments regarding comprehensive plans and amendments to comprehensive plans, rezoning proposals, and subdivision plats, site plans and plans of development and the accompanying traffic impact analyses. The regulation also identifies when those documents must be submitted, and the documents and information that must be submitted to VDOT to facilitate the required review and submission of comments. The regulation also establishes the scope and nature of the review and a schedule of fees to be paid upon submission of a proposal to VDOT for review.

The regulation includes standards for when traffic impact analyses must be submitted to VDOT for different types of development proposals as well as what must be contained in the analyses (Information provided by VDOT). VDOT has prepared the following website on the Chapter 527 requirements:

<http://www.virginiadot.org/projects/chapter527/default.asp>

Below, are the new small cell and tower siting laws that went into effect on July 1, 2018. I am including these in this application for completeness. There are certain requirements in the Cumberland County Zoning Ordinance that conflict with the new laws. I will highlight those instances where I believe there is a conflict. That said, I am 100% committed to working with Cumberland County to provide it with the information it deems necessary to review and approve this Conditional Use Application.

VIRGINIA ACTS OF ASSEMBLY - CHAPTER 835

An Act to amend and reenact § 15.2-2316.3 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-2316.4:1, 15.2-2316.4:2, and 15.2-2316.4:3, relating to zoning for wireless communications infrastructure.

[H 1258]

Approved April 18, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2316.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-2316.4:1, 15.2-2316.4:2, and 15.2-2316.4:3 as follows:

§ 15.2-2316.3. Definitions.

As used in this article, unless the context requires a different meaning:

"Administrative review-eligible project" means a project that provides for:

1. The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or

2. The co-location on any existing structure of a wireless facility that is not a small cell facility.

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Base station" means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

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"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Department" means the Department of Transportation.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

"New structure" means a wireless support structure that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval.

"Project" means (i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the co-location on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of § [15.2-2316.4](#) apply.

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

"Standard process project" means any project other than an administrative review-eligible project.

"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

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"Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

"Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

"Wireless services provider" means a provider of wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

§ 15.2-2316.4:1. Zoning; other wireless facilities and wireless support structures.

A. A locality shall not require that a special exception, special use permit, or variance be obtained for the installation or construction of an administrative review-eligible project but may require administrative review for the issuance of any zoning permit, or an acknowledgement that zoning approval is not required, for such a project.

B. A locality may charge a reasonable fee for each application submitted under subsection A or for any zoning approval required for a standard process project. The fee shall not include direct payment or reimbursement of third-party fees charged on a contingency basis or a result-based arrangement. Upon request, a locality shall provide the applicant with the cost basis for the fee. A locality shall not charge market-based or value-based fees for the processing of an application. If the application is for:

1. An administrative review-eligible project, the fee shall not exceed \$500; and

2. A standard process project, the fee shall not exceed the actual direct costs to process the application, including permits and inspection.

C. The processing of any application submitted under subsection A or for any zoning approval required for a standard process project shall be subject to the following:

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1. *Within 10 business days after receiving an incomplete application, the locality shall notify the applicant that the application is incomplete. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application. If the locality fails to provide such notice within such 10-day period, the application shall be deemed complete.*

2. *Except as provided in subdivision 3, a locality shall approve or disapprove a complete application:*

a. *For a new structure within the lesser of 150 days of receipt of the completed application or the period required by federal law for such approval or disapproval; or*

b. *For the co-location of any wireless facility that is not a small cell facility within the lesser of 90 days of receipt of the completed application or the period required by federal law for such approval or disapproval, unless the application constitutes an eligible facilities request as defined in 47 U.S.C. § 1455(a).*

3. *Any period specified in subdivision 2 for a locality to approve or disapprove an application may be extended by mutual agreement between the applicant and the locality.*

D. *A complete application for a project shall be deemed approved if the locality fails to approve or disapprove the application within the applicable period specified in subdivision C 2 or any agreed extension thereof pursuant to subdivision C 3.*

E. *If a locality disapproves an application submitted under subsection A or for any zoning approval required for a standard process project:*

1. *The locality shall provide the applicant with a written statement of the reasons for such disapproval; and*

2. *If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality shall identify them in the written statement provided under subdivision 1. The locality's subsequent disapproval of an application for a project that incorporates the modifications identified in such a statement may be used by the applicant as evidence that the locality's subsequent disapproval was arbitrary or capricious in any appeal of the locality's action.*

F. *A locality's action on disapproval of an application submitted under subsection A or for any zoning approval required for a standard process project shall:*

1. *Not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and*

2. *Be supported by substantial record evidence contained in a written record publicly released within 30 days following the disapproval.*

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G. An applicant adversely affected by the disapproval of an application submitted under subsection A or for any zoning approval required for a standard process project may file an appeal pursuant to subsection F of § [15.2-2285](#), or to § [15.2-2314](#) if the requested zoning approval involves a variance, within 30 days following delivery to the applicant or notice to the applicant of the record described in subdivision F 2.

§ [15.2-2316.4:2](#). Application reviews.

A. In its receiving, consideration, and processing of a complete application submitted under subsection A of § [15.2-2316.4:1](#) or for any zoning approval required for a standard process project, a locality shall not:

1. Disapprove an application on the basis of:

a. The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;

b. The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or

c. The wireless facility technology selected by the applicant for use at the project;

2. Require an applicant to provide proprietary, confidential, or other business information to justify the need for the project, including propagation maps and telecommunications traffic studies, or information reviewed by a federal agency as part of the approval process for the same structure and wireless facility, provided that a locality may require an applicant to provide a copy of any approval granted by a federal agency, including conditions imposed by that agency;

3. Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application. A locality may adopt reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities;

4. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other types of financial surety, to ensure that abandoned or unused wireless facilities can be removed, unless the locality imposes similar requirements on other permits for other types of similar commercial development. Any such instrument shall not exceed a reasonable estimate of the direct cost of the removal of the wireless facilities;

5. Discriminate or create a preference on the basis of the ownership, including ownership by the locality, of any property, structure, base station, or wireless support structure, when promulgating rules or procedures for siting wireless facilities or for evaluating applications;

6. Impose any unreasonable requirements or obligations regarding the presentation or appearance of a project, including unreasonable requirements relating to (i) the kinds of materials used or (ii) the arranging, screening, or landscaping of wireless facilities or wireless structures;

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7. *Impose any requirement that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by a locality, in whole or in part, or by any entity in which a locality has a competitive, economic, financial, governance, or other interest;*

8. *Condition or require the approval of an application on the basis of the applicant's agreement to allow any wireless facilities provided or operated, in whole or in part, by a locality or by any other entity, to be placed at or co-located with the applicant's project;*

9. *Impose a setback or fall zone requirement for a project that is larger than a setback or fall zone area that is imposed on other types of similar structures of a similar size, including utility poles;*

10. *Limit the duration of the approval of an application, except a locality may require that construction of the approved project shall commence within two years of final approval and be diligently pursued to completion; or*

11. *Require an applicant to perform services unrelated to the project described in the application, including restoration work on any surface not disturbed by the applicant's project.*

B. Nothing in this article shall prohibit a locality from disapproving an application submitted under subsection A of § [15.2-2316.4:1](#) or for any zoning approval required for a standard process project:

1. *On the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 50 feet above ground level, provided that the locality follows a local ordinance or regulation that does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; or*

2. *That proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, if:*

a. *The undergrounding requirement or comprehensive plan objective existed at least three months prior to the submission of the application;*

b. *The locality allows the co-location of wireless facilities on existing utility poles, government-owned structures with the government's consent, existing wireless support structures, or a building within that area;*

c. *The locality allows the replacement of existing utility poles and wireless support structures with poles or support structures of the same size or smaller within that area; and*

d. *The disapproval of the application does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and nonpublic providers of cable television and electric services.*

Supplemental Zoning Information

HB 1258

C. Nothing in this article shall prohibit an applicant from voluntarily submitting, and the locality from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of a new structure or facility.

D. Nothing in this article shall prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.

§ 15.2-2316.4:3. *Additional provisions.*

A. A locality shall not require zoning approval for (i) routine maintenance or (ii) the replacement of wireless facilities or wireless support structures within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller. However, a locality may require a permit to work within the right-of-way for the activities described in clause (i) or (ii), if applicable.

B. Nothing in this article shall prohibit a locality from limiting the number of new structures or the number of wireless facilities that can be installed in a specific location.

2. That any publicly-owned or privately-owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing by county, city, and town enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless services. Notwithstanding any other provision of law, the Department shall maintain the confidentiality of company-specific data but may publicly release aggregate data.

PROPERTY INFORMATION

- 1 PARCELS 01 & 02 (11-1-11)
ADJACENT TO SOUTHWEST (14 HIGHWAY)
AREA 200 ACRES
- 2 PARCELS 03 & 04 (11-1-11)
ADJACENT TO SOUTHWEST (14 HIGHWAY)
AREA 120 ACRES
- 3 PARCELS 05 & 06 (11-1-11)
ADJACENT TO SOUTHWEST (14 HIGHWAY)
AREA 200 ACRES
- 4 PARCELS 07 & 08 (11-1-11)
ADJACENT TO SOUTHWEST (14 HIGHWAY)
AREA 200 ACRES
- 5 PARCELS 09 & 10 (11-1-11)
ADJACENT TO SOUTHWEST (14 HIGHWAY)
AREA 200 ACRES
- 6 PARCELS 11 & 12 (11-1-11)
ADJACENT TO SOUTHWEST (14 HIGHWAY)
AREA 200 ACRES
- 7 PARCELS 13 & 14 (11-1-11)
ADJACENT TO SOUTHWEST (14 HIGHWAY)
AREA 200 ACRES
- 8 PARCELS 15 & 16 (11-1-11)
ADJACENT TO SOUTHWEST (14 HIGHWAY)
AREA 200 ACRES

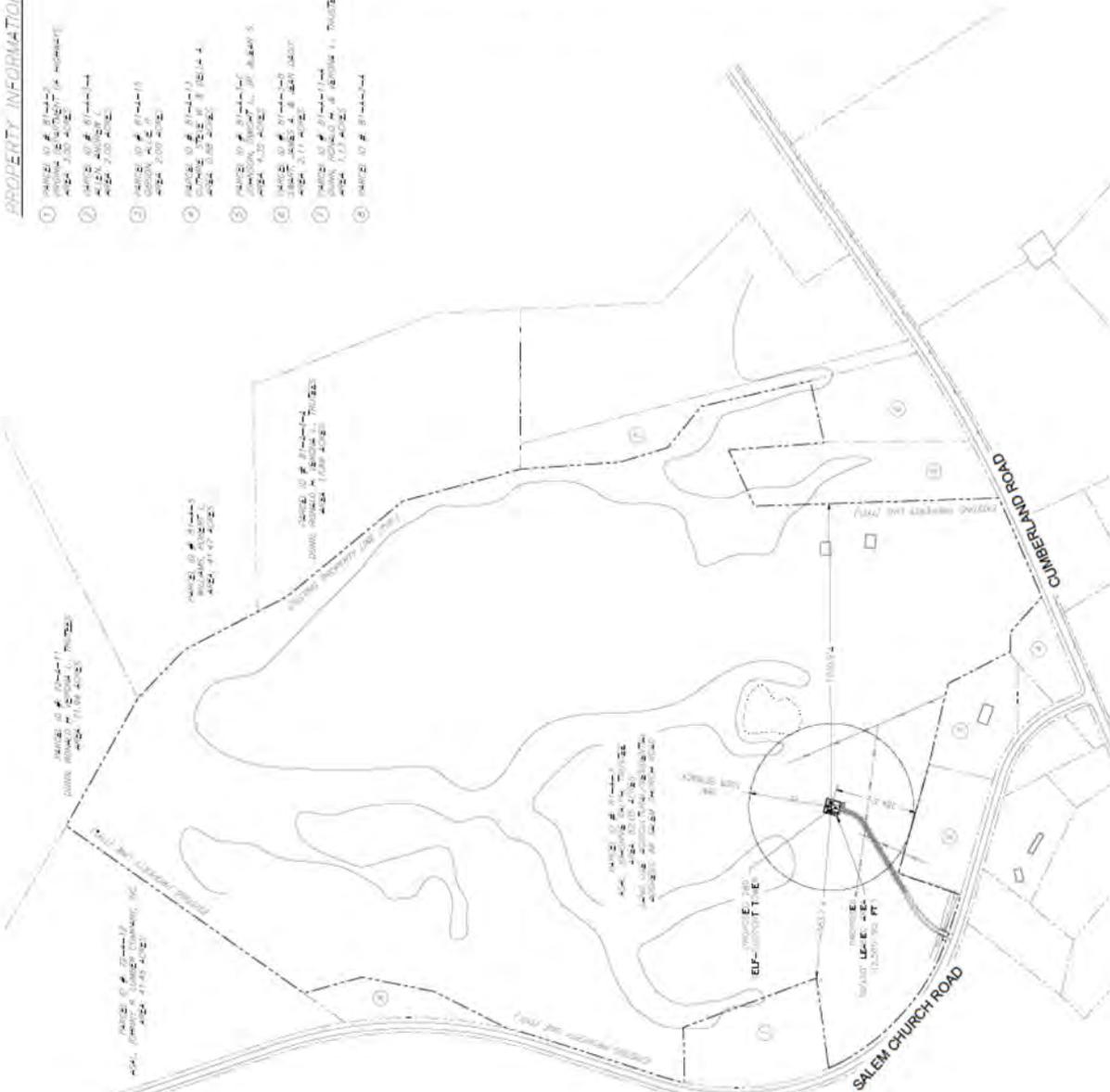


ZONING INFORMATION	
PROPERTY ADDRESS	10000 S. 10000 E.
SECTION	14
TOWNSHIP	10N
RANGE	10E
PROJECT NO.	74-739
DATE	10/1/11
DESIGNER	DAVID L. BROWN
CLIENT	DAVID L. BROWN
PROJECT NAME	10000 S. 10000 E. PROJECT
PROJECT TYPE	RESIDENTIAL
PROJECT AREA	10000 S. 10000 E.
PROJECT AREA	10000 S. 10000 E.

LEGEND	
-----	PROPERTY BOUNDARY

GENERAL NOTES

- 1 THE PLAN IS SUBJECT TO ALL EXISTENT AND ESTIMATED EASEMENTS.
- 2 THE PROJECT WILL BE SUBJECT TO THE ZONING REGULATIONS OF THE COUNTY.
- 3 THE PROJECT WILL BE SUBJECT TO THE ZONING REGULATIONS OF THE COUNTY.
- 4 THE PROJECT WILL BE SUBJECT TO THE ZONING REGULATIONS OF THE COUNTY.
- 5 THE PROJECT WILL BE SUBJECT TO THE ZONING REGULATIONS OF THE COUNTY.
- 6 THE PROJECT WILL BE SUBJECT TO THE ZONING REGULATIONS OF THE COUNTY.
- 7 THE PROJECT WILL BE SUBJECT TO THE ZONING REGULATIONS OF THE COUNTY.
- 8 THE PROJECT WILL BE SUBJECT TO THE ZONING REGULATIONS OF THE COUNTY.
- 9 THE PROJECT WILL BE SUBJECT TO THE ZONING REGULATIONS OF THE COUNTY.
- 10 THE PROJECT WILL BE SUBJECT TO THE ZONING REGULATIONS OF THE COUNTY.



GRAPHIC SCALE

1" = 100'

1" = 200'

1" = 400'

1" = 800'

1" = 1600'

1" = 3200'

1" = 6400'

1" = 12800'

1" = 25600'

1" = 51200'

1" = 102400'

1" = 204800'

1" = 409600'

1" = 819200'

1" = 1638400'

1" = 3276800'

1" = 6553600'

1" = 13107200'

1" = 26214400'

1" = 52428800'

1" = 104857600'

1" = 209715200'

1" = 419430400'

1" = 838860800'

1" = 1677721600'

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Section 74-739, Paragraph (2)

STATEMENT OF JUSTIFICATION

Precision Cell, LLC as lessee, hereby applies for a Conditional Use Permit to allow a telecommunication facility and accessory structures on leased land. The leased land is located on property know by Tax Map Parcel 81-A-3. The parcel is located at 86 Salem Church Road and is approximately 0.25 miles west of Route 45. The property is owned by Johnnie Ralph Asal, Trustee.

Precision Cell is requesting a Condition Use Permit to allow a self-support tower, measuring 280 feet in height with a 4-foot lightning rod (total structure height of 284 feet), to be located on a leased area measuring 50 feet by 50 feet. The facility is designed to allow for collocation on the tower, and within the fenced compound. The design will support four (4) wireless carriers (e.g., Shentel, Verizon, AT&T, and T-Mobile) using a “typical” antenna configuration.

The leased parcel is 82.05 acres and is zoned A2. The Cumberland County zoning ordinance allows for the placement of such facilities within this zone with a Condition Use Permit. Cumberland County zoning also encourages the siting of towers along the Route 45 corridor.

Precision Cell develops telecommunications facilities for collocation, and typically requires and anchor, or committed, tenant before beginning the development process. In the case of this site, Shentel (d/b/a Sprint) has committed to collocating on this structure. Based upon proximity to surrounding tower structures, and the current lack of wireless coverage in the area of the site, Precision Cell believes this location is ideal for future collocation by other wireless carriers.

The FCC has authorized several wireless carriers to provide services in this part of Cumberland County. Those carriers include: Shentel, Verizon, AT&T, and T-Mobile. Precision Cell will actively market this site for collocation.

This facility will be in continuous operation but will not interfere with other types of communications including: radio, television, cable TV, and consumer electronic equipment. No offices will be constructed on the site, thus there is no requirement for sewer or water. The facility will produce no refuse, noise, vibration, dust, glare, odor, or fumes. Neither Precision Cell or its tenants will introduce hazardous or toxic substances to the site. After completion of construction, the only traffic associated with the site will be infrequent visits by technicians (typically monthly) to maintain, test, or replace equipment components.

This facility will provide the opportunity for wireless carriers to significantly improve wireless service in this area of Cumberland County.

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and conditions. Precision Cell is not seeking any wavier or variance for the proposed use at this time. Precision Cell respectfully requests the approval of this Conditional Use Permit application.

Signed: 
Bobby McAvoy
President

Date: October 8, 2018

Section 74-739, Paragraph (3)

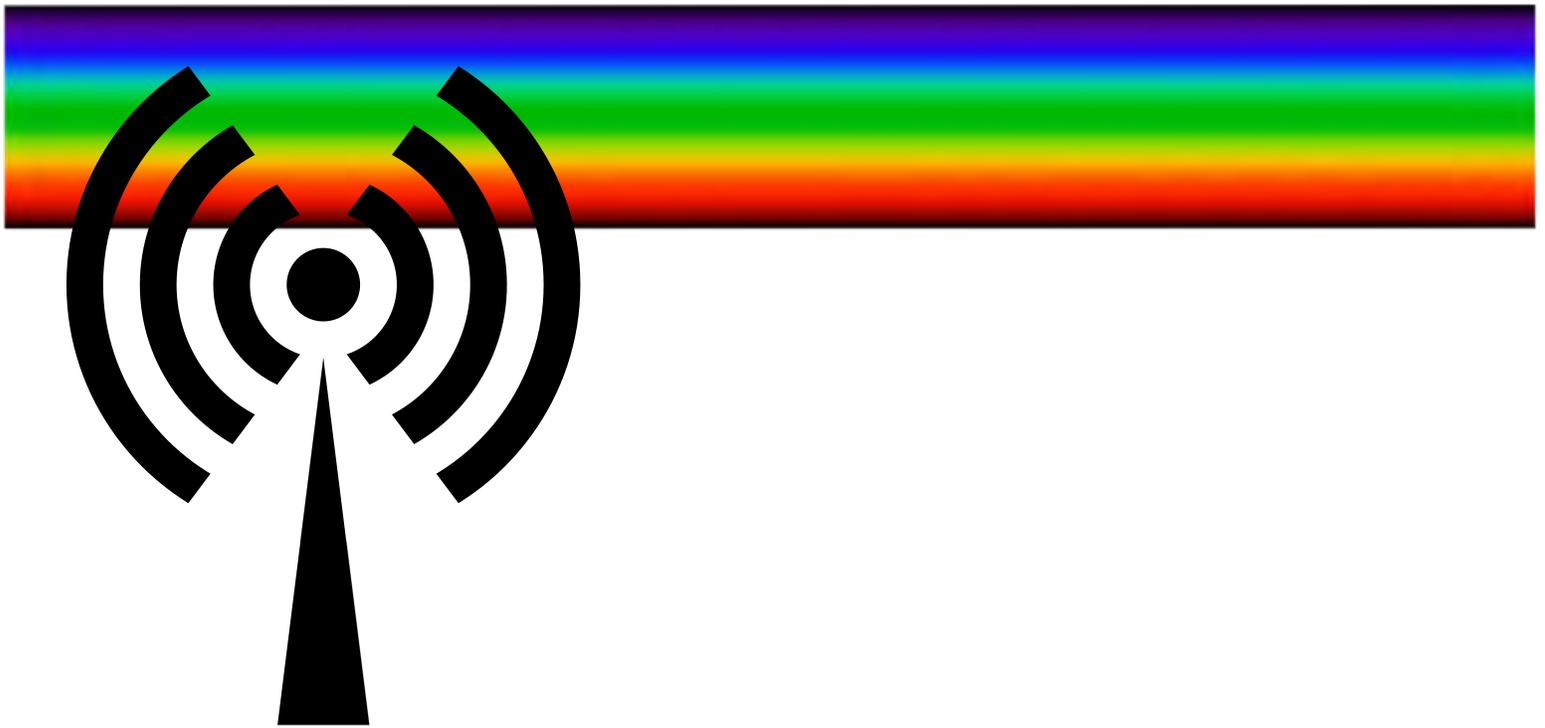
STATEMENT OF MAXIMUM PERMISSIBLE EXPOSURE

Based on a conservative analysis performed by Sublight Engineering, the maximum RF exposure levels on the ground from this site will be 0.0022 mW/cm², which is 0.32% of the exposure limit, and more than 300 times below the exposure limit.

For this analysis all of Sprints FCC licensed operating bands have been modeled along with all of the licensed bands of the three (3) additional nationwide wireless operators.

Signed: 
Bobby McAvoy
President

Date: October 8, 2018



Hawk – Salem Church Road

RF Exposure Assessment – Engineering Report

SEPTEMBER 19, 2018

Proposed Tower with Sprint and potentially 4 total operators

86 Salem Church Road, Cumberland, Virginia 23040

N 37° 25' 36.1"

W 78° 20' 54.9"



Precision Cell requested that Sublight Engineering PLLC perform a radio frequency (RF) exposure analysis and assessment of their proposed 280-foot tower at 86 Salem Church Road in Cumberland, Virginia.

Sprint will be the first proposed wireless operator and will mount their equipment and antennas at the top of the tower. Precision Cell hopes to attract other operators to collocate on the tower.

Based on a conservative analysis the maximum RF exposure levels on the ground from this proposed analysis will be 0.0022 mW/cm², 0.32% of the exposure limit or over 300 times below the limit.

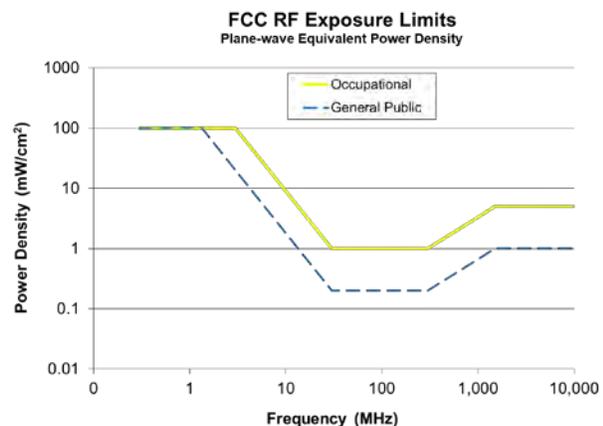
This site will be in compliance with FCC regulations on exposure to radio frequency energy.

For this analysis all of Sprints FCC licensed operating bands have been modeled along with all of the licensed bands of the 3 additional nationwide wireless operators. This is a high estimate of the maximum configuration possible for this tower.

Because of the height of the proposed installation and the directional nature of the antennas deployed at wireless base stations, the amount of RF energy and hence RF exposure is very low at ground level.

The Federal Communications Commission (FCC) is required to evaluate RF exposure by the National Environmental Policy Act (NEPA) of 1969. The FCC rules, particularly §1.1310 *Radiofrequency radiation exposure limits*, sets forth limits for Maximum Permissible Exposure (MPE) to radiofrequency electromagnetic fields.

The exposure limits are different for trained workers who are exposed as part of their job (Occupational) and for all other (General Public). The limits are dependent on the frequency of the RF energy (see chart). Power density is the measure of exposure. The FCC provides guidance on calculating worst-case power density using the formula below¹.



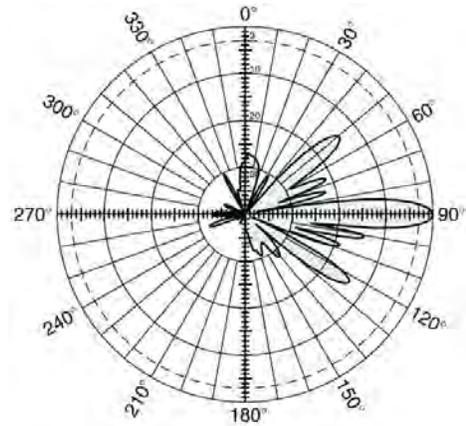
¹ Evaluating Compliance With FCC Guidelines for Human Exposure to Radio frequency Electromagnetic



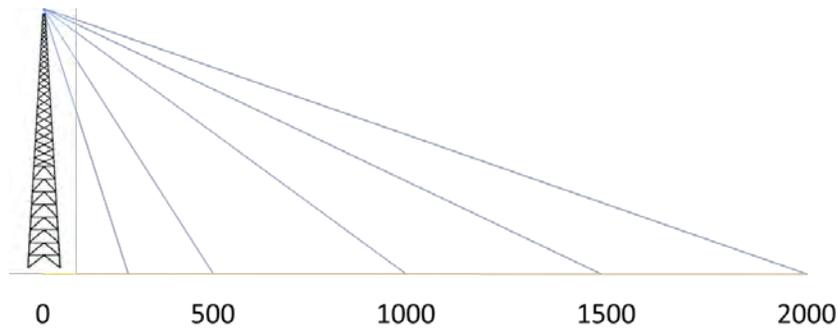
$$S = \frac{1.6^2 EIRP}{4\pi r^2}$$

Antennas used by the operators to provide mobile wireless service have most of their energy directed to the horizon. Three sets of antennas are used to provide coverage in all directions. There is little overlap between these antennas, or sectors, to prevent interference and allow multiple users on the same frequencies. Because of this it makes sense to just analyze one sector for each operator.

RF energy is spread relatively evenly over the intended coverage area. Because of this very little energy is focused down or near the tower. The representative pattern to the right is an example of the antennas that will be deployed at this site.



The analysis in this report calculates the power density at various distances from the tower using the slant distance as shown below. A simplified but conservative vertical antenna pattern is used for each operator and frequency band.



Fields, OET Bulletin No. 65 (August 1997).



The operators, heights, frequencies, and powers used in this study are detailed below. The power density limit for each band is also indicated.

Operator	Height (ft)	Power (watts) for each Frequency (MHz) Band							
		600	700	800	850	1,900	2,100	2,300	2,500
Sprint	275			120		120			80
Verizon	263		120		120	120	120		
AT&T	251		120		120	120	120	80	
T-Mobile	239	120	120			120	120		
Power Density Limit		0.40	0.47	0.53	0.57	1.00	1.00	1.00	1.00

The results below show that the combined RF exposure level from all potential operators on this tower is well within exposure limits.

Distance (ft)	S (mW/cm ²)	% GP
0	0.0004	0.06%
100	0.0001	0.02%
200	0.0014	0.21%
300	0.0022	0.32%
400	0.0013	0.19%
500	0.0008	0.12%
600	0.0006	0.08%
700	0.0004	0.06%
800	0.0003	0.05%
900	0.0003	0.04%
1000	0.0002	0.03%
1100	0.0002	0.03%
1200	0.0001	0.02%
1300	0.0001	0.02%
1400	0.0001	0.02%
1500	0.0001	0.01%
1600	0.0008	0.12%
1700	0.0007	0.11%
1800	0.0006	0.10%
1900	0.0006	0.09%
2000	0.0005	0.08%
Maximum	0.0022	0.32%



Because the antennas at this location are mounted at a height greater than 10 meters (approximately 30 feet) on a tower, they are categorically excluded from routine environmental evaluation for RF exposure².

Information used in this report was provided by our client and/or sources believed to be accurate.

Sublight Engineering PLLC is a Virginia Professional Engineering firm located in Arlington, Virginia. If you have any questions, please contact Matt Butcher at 703 493 0549 or matt@sublight.net.

² 47 CFR §1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared. Table 1.

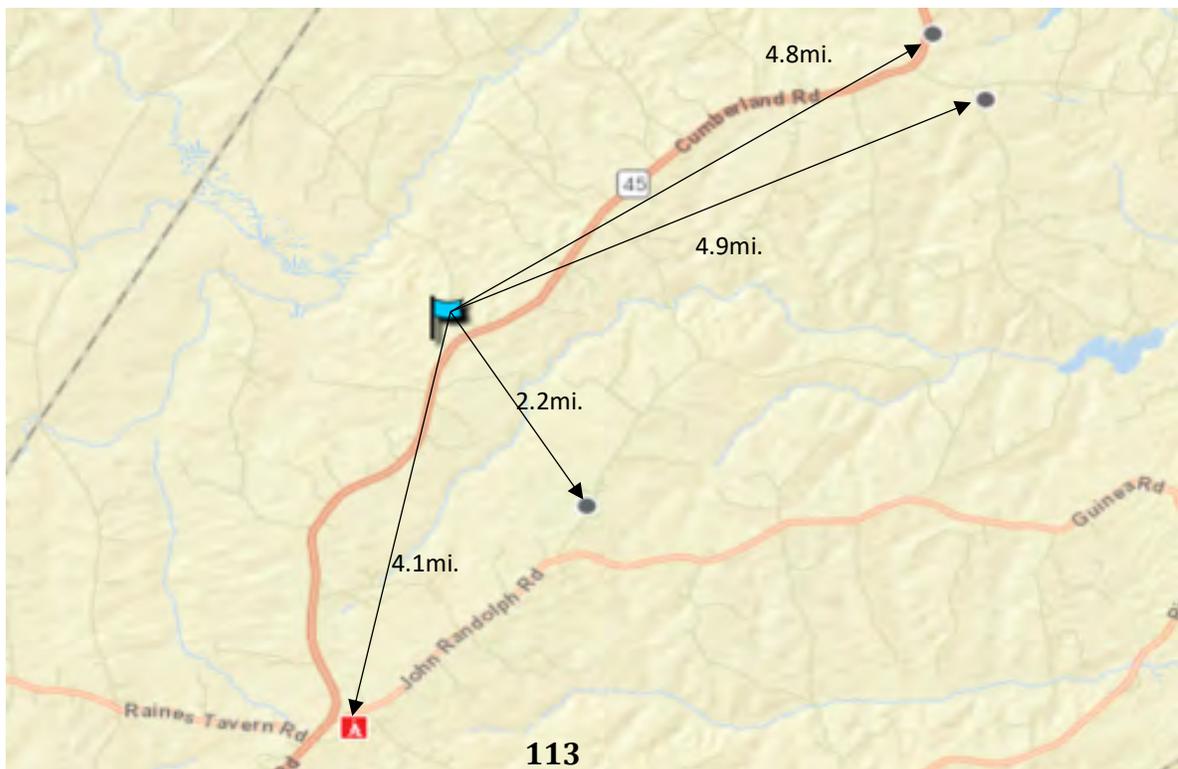
Section 74-739, Paragraph (4)

STATEMENT OF COLLOCATABLE STRUCTURES

Precision Cell, LLC has verified there are no other suitable structures within the search area capable of meeting the Shentel coverage objectives. The proposed site is located in close proximity to Salem Church Road and Route 45. The closest towers to the proposed site are as follows: 1) a tower northeast on Route 45 that is approximately 4.8 miles, 2) a tower northeast and slight east of Route 45 that is approximately 4.9 miles, 3) a tower due south just off of Route 45 that is approximately 4.1 miles, and 4) a tower southeast on Holman Mill Road that is approximately 2.2 miles.

Signed: Robert McAvoy
Bobby McAvoy
President

Date: October 8, 2018



Section 74-739, Paragraph (5)

STATEMENT OF WILLINGNESS TO ALLOW COLLOCATION

Precision Cell is a developer of communication facilities and is licensed to do business in the state of Virginia. This tower will be designed to support four collocations and can be reinforced to support additional collocation if necessary. Precision Cell will actively market and solicit collocations for this tower.

Signed: *Bobby McAvoy*
Bobby McAvoy
President

Date: October 8, 2018

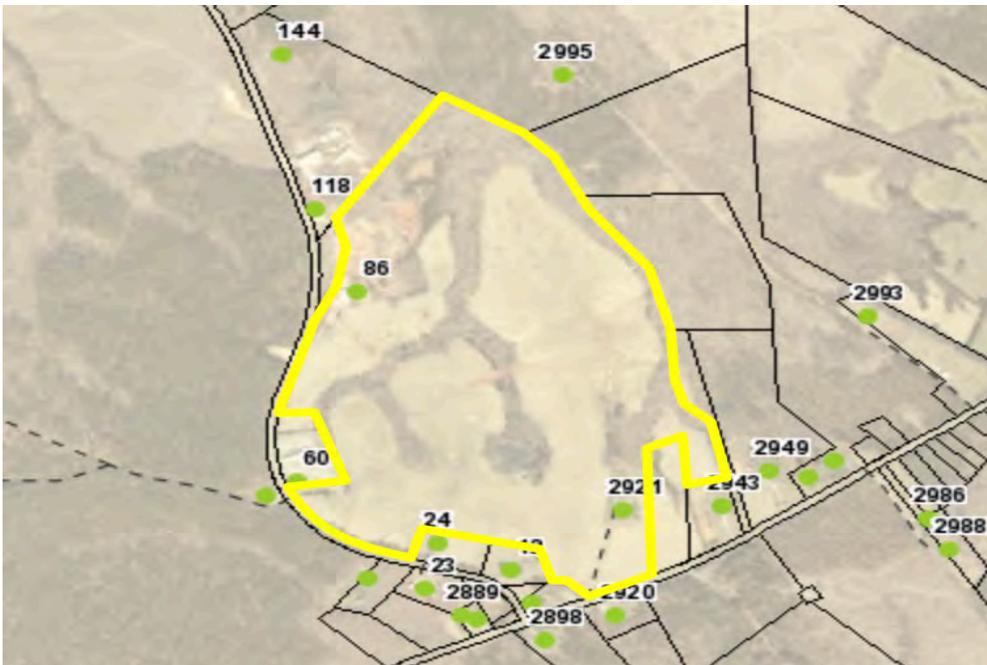
Section 74-739, Paragraph (6)

VISUAL IMPACT STATEMENT

The proposed tower will be located within an 82.05-acre parcel of land owned by Johnnie Ralph Asal, Trustee. The parcel is zoned A-2, as are the surrounding parcels, and the area is rural. The tower will be built at a height and strength to promote collocation of other wireless carriers, and thus eliminate the need for additional towers in the area in the future. The tower finish will be dull galvanized steel. The tower will be visible to some residents in the area, but existing trees will block the view of most residents.

Signed: *Bobby McAvoy*
Bobby McAvoy
President

Date: October 8, 2018



Section 74-739, Paragraph (7)

PROPOSED CONSTRUCTION SCHEDULE

Following BOS approval:

- Months 1 – 3: Soil borings, foundation design, contractor selection.
- Months 3 – 6: Site work (excavating and grading), tower foundation installation, and stacking of tower.
- Months 6 – 9: Finalize site work.
- Months 9 – 12: Installation of Shentel’s equipment.

Signed: 
Bobby McAvoy
President

Date: October 8, 2018

Section 74-739, Paragraph (8)

PROPOGATION MAPS

From the VIRGINIA ACTS OF ASSEMBLY - CHAPTER 835:

In its receiving, consideration, and processing of a complete application submitted under subsection A of § 15.2-2316.4:1 or for any zoning approval required for a standard process project, a locality shall not:

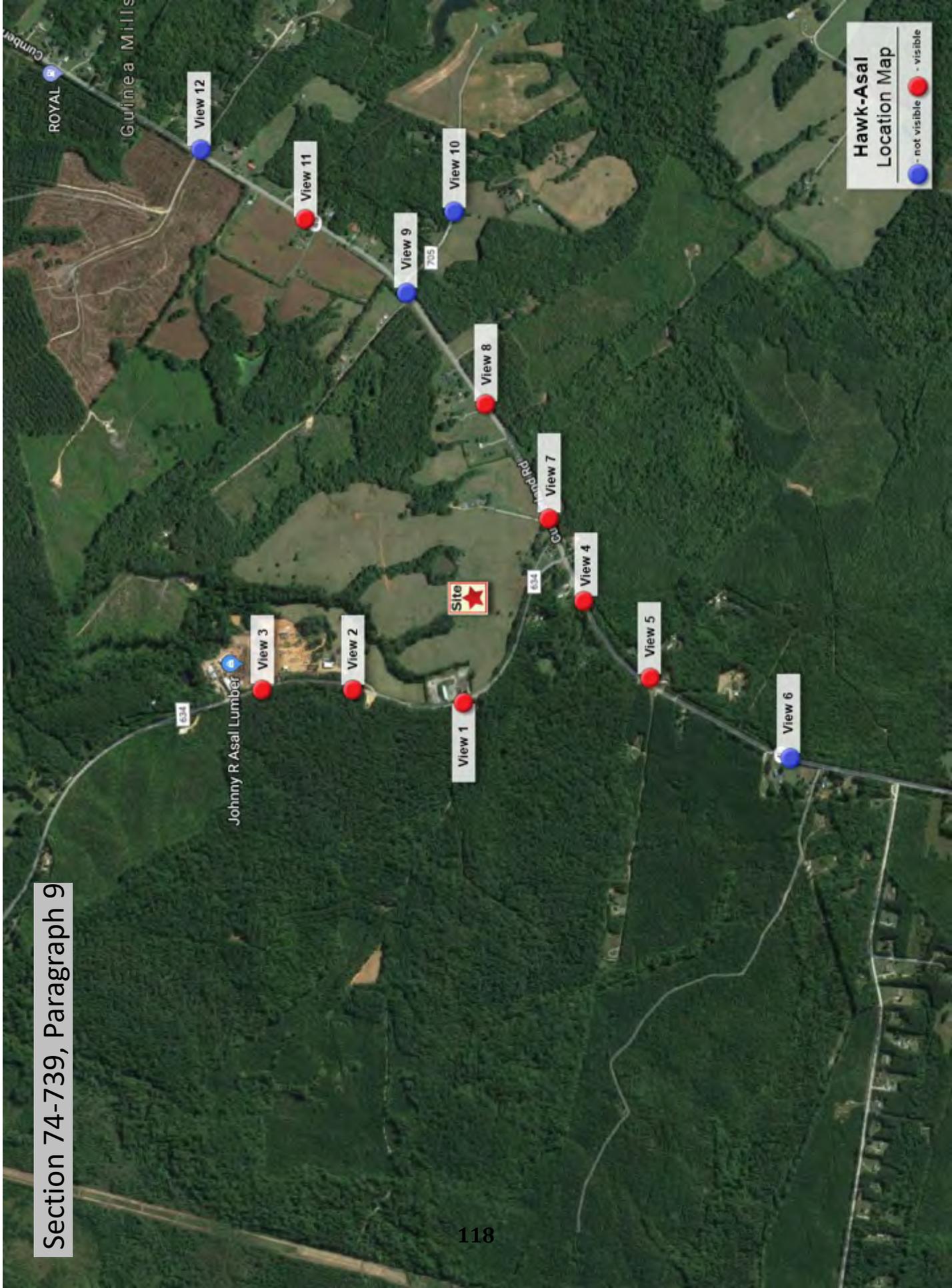
- Require an applicant to provide proprietary, confidential, or other business information to justify the need for the project, including propagation maps and telecommunications traffic studies, or information reviewed by a federal agency as part of the approval process for the same structure and wireless facility...

As a result of this language, I did not request propagation maps from Shentel. However, Shentel directed me to search for this site because of its lack of coverage and poor service in the area. It should also be noted that I experienced poor service while using my Verizon phone in the area of the site.

Signed: 
Bobby McAvoy
President

Date: October 8, 2018

Section 74-739, Paragraph 9



**Hawk-Asal
Location Map**

● - not visible ● - visible

Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 1-Salem Church Road
View from the West
Showing the Balloon Fly

NBCU
TOTALLY COMMITTED.

Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 1-Salem Church Road
View from the West
Showing the Proposed Site





Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 2-Salem Church Road
View from the Northwest
Showing the Balloon Fly

NBIC
TOTALLY COMMITTED.



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

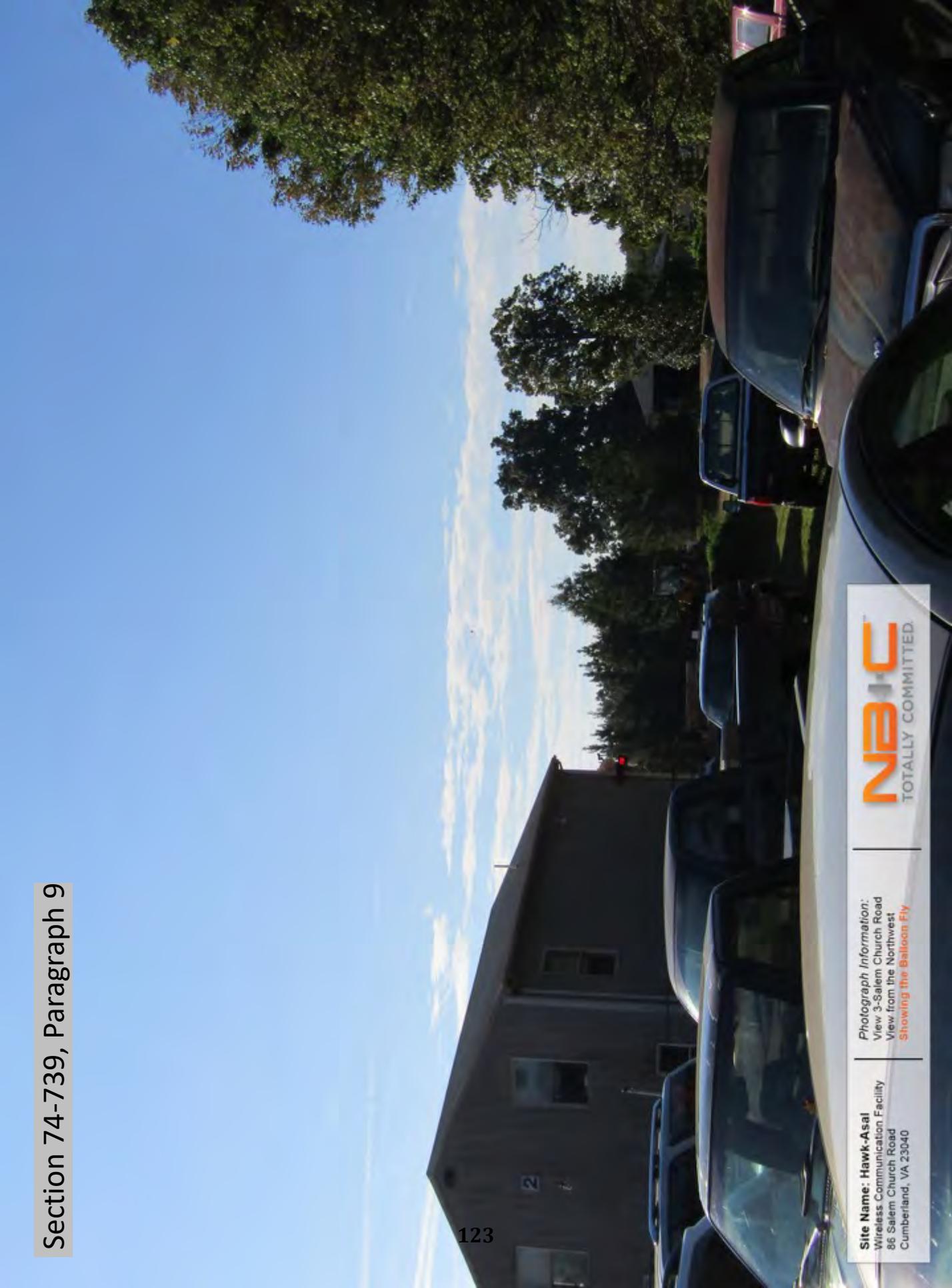
Photograph Information:
View 2-Salem Church Road
View from the Northwest
Showing the Proposed Site



Section 74-739, Paragraph 9

Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 3-Salem Church Road
View from the Northwest
Showing the Balloon Fly



Section 74-739, Paragraph 9



Photograph Information:
View 3-Salem Church Road
View from the Northwest
Showing the Proposed Site

Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040



Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 4-Cumberland Road
View from the South
Showing the Balloon Fly



Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 4-Cumberland Road
View from the South
Showing the Proposed Site

NBCU
TOTALLY COMMITTED

Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 5-Cumberland Road
View from the Southwest
Showing the Balloon Fly



Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 5-Cumberland Road
View from the Southwest
Showing the Proposed Site

NBIC
TOTALLY COMMITTED.

Section 74-739, Paragraph 9

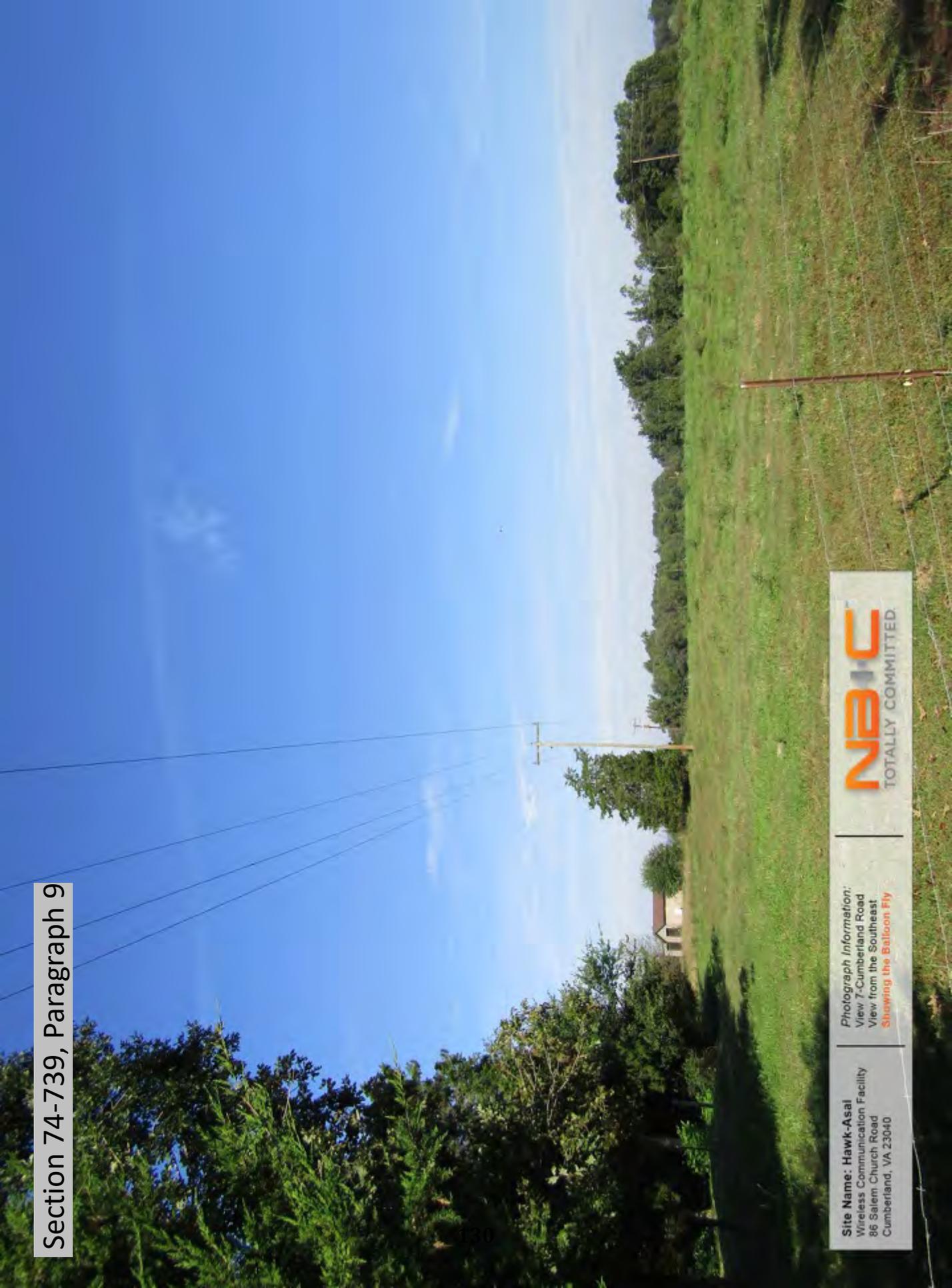


Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 6-Cumberland Road
View from the Southwest
SITE NOT VISIBLE

NBCU
TOTALLY COMMITTED

Section 74-739, Paragraph 9

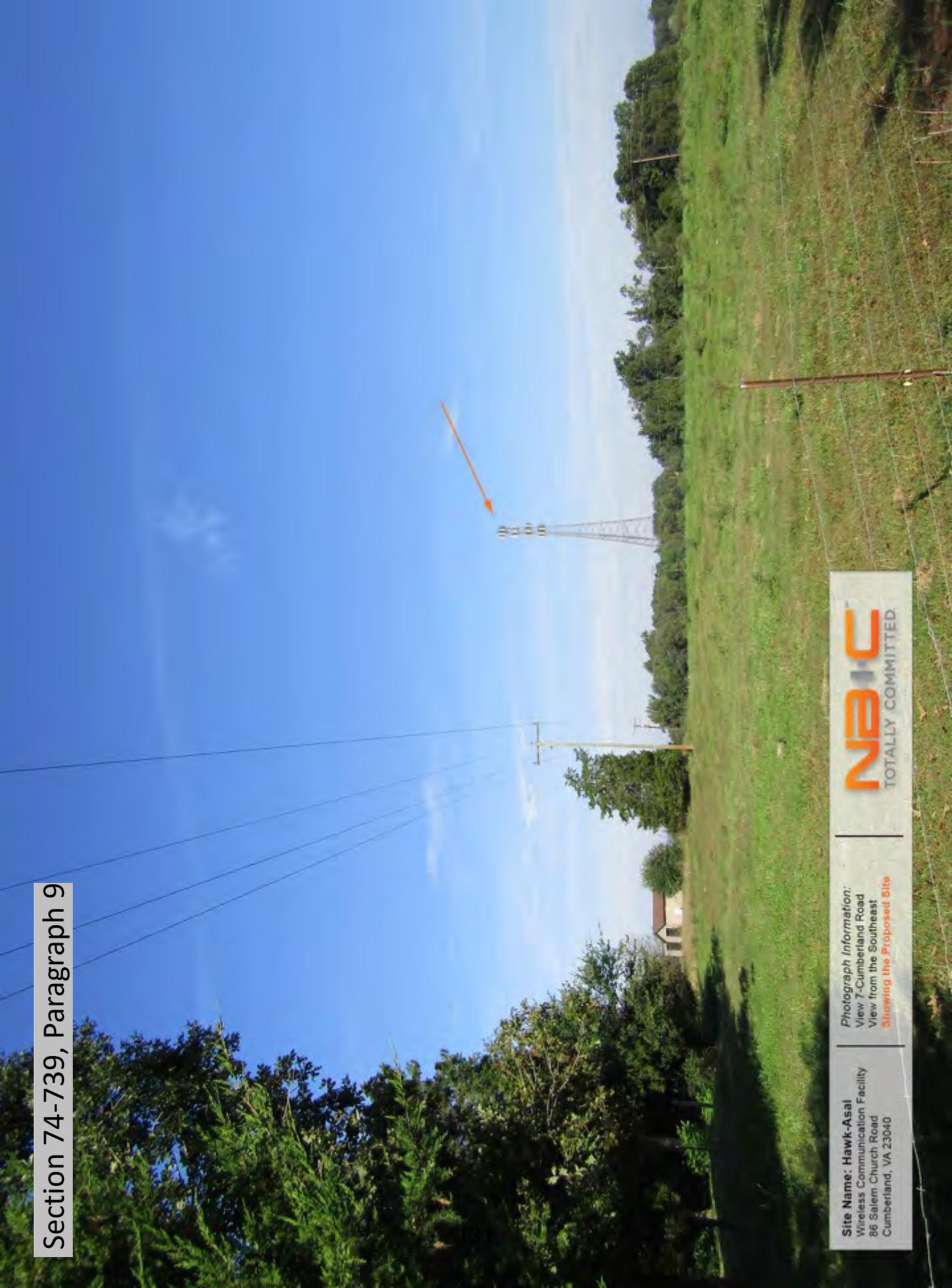


Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 7-Cumberland Road
View from the Southeast
Showing the Balloon Fly



Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 7-Cumberland Road
View from the Southeast
Showing the Proposed Site



Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 8-Cumberland Road
View from the East
Showing the Balloon Fly

NBIC
TOTALLY COMMITTED.



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 8-Cumberland Road
View from the East
Showing the Proposed Site

NBC
TOTALLY COMMITTED.

Section 74-739, Paragraph 9



<p>Site Name: Hawk-Asal Wireless Communication Facility 86 Salem Church Road Cumberland, VA 23040</p>	<p>Photograph Information: View 9-Cumberland Road View from the East SITE NOT VISIBLE</p>	 <p>TOTALLY COMMITTED</p>
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Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View, 10-Stone Drive
View from the East
SITE NOT VISIBLE



Section 74-739, Paragraph 9

Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 11-Side Road
View from the Northeast
Showing the Balloon Fly



Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View 11-Side Road
View from the Northeast
Showing the Proposed Site



Section 74-739, Paragraph 9



Site Name: Hawk-Asal
Wireless Communication Facility
86 Salem Church Road
Cumberland, VA 23040

Photograph Information:
View # 12-Burton Drive
View from the Northeast
SITE NOT VISIBLE

NBIC
TOTALLY COMMITTED.

Section 74-739, Paragraph (10)

COLLOCATION AFFIDAVIT

This Affidavit is to confirm the Ground Lease executed by and between Precision Cell and Johnnie Ralph Asal, Trustee does not in any way prohibit or impede the collocation of users on the tower provided their equipment is within the design parameters of the tower.

Signed: *Robert McAvoy*
Bobby McAvoy
President

Date: October 8, 2018

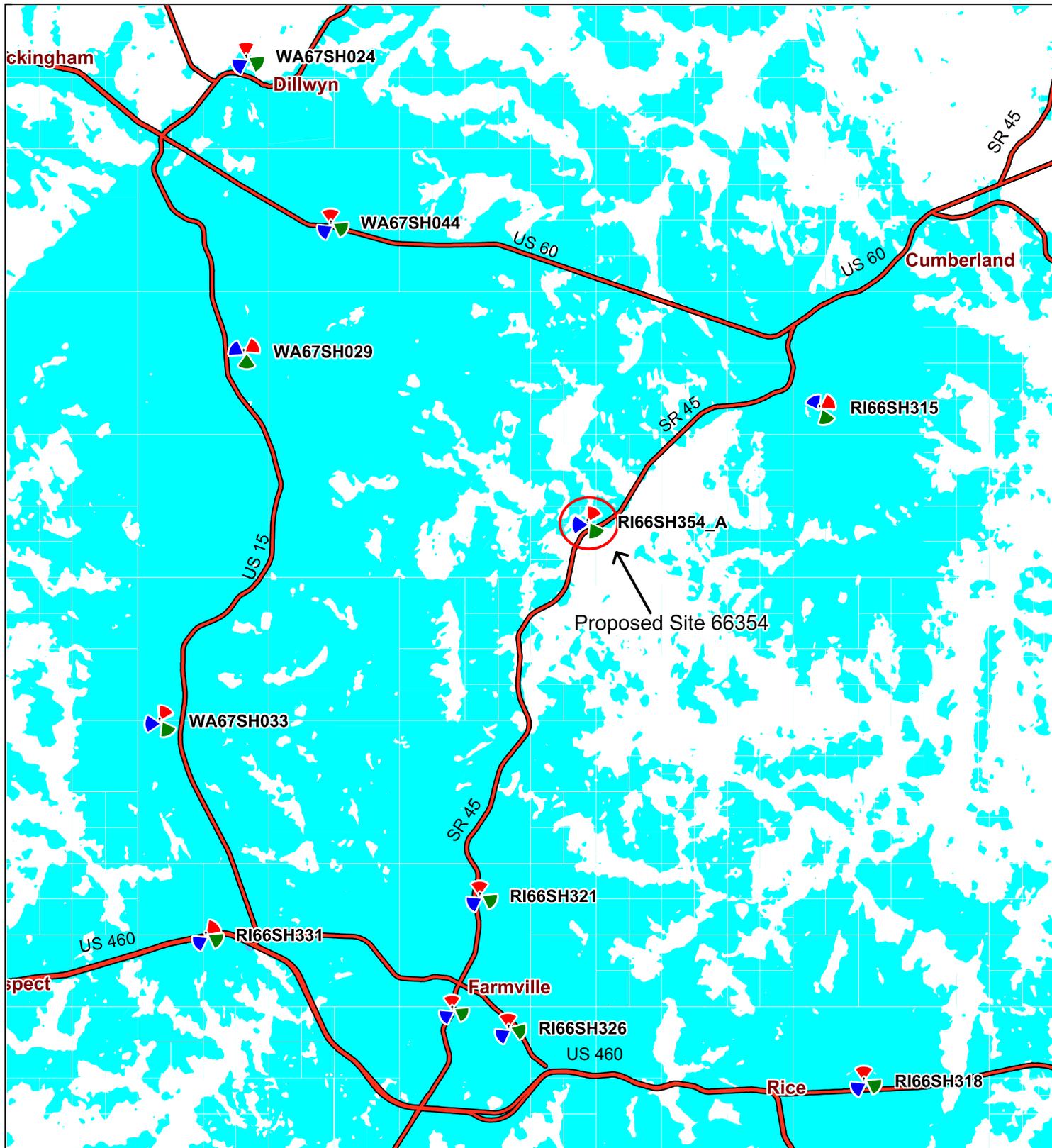
Section 74-739, Paragraph (11)

ADDITIONAL INFORMATION STATEMENT

In order to ensure compliance with all Cumberland County Zoning Regulations, Precision Cell will provide additional information and documentation requested by Cumberland County Officials with regards to this Conditional Use Request.

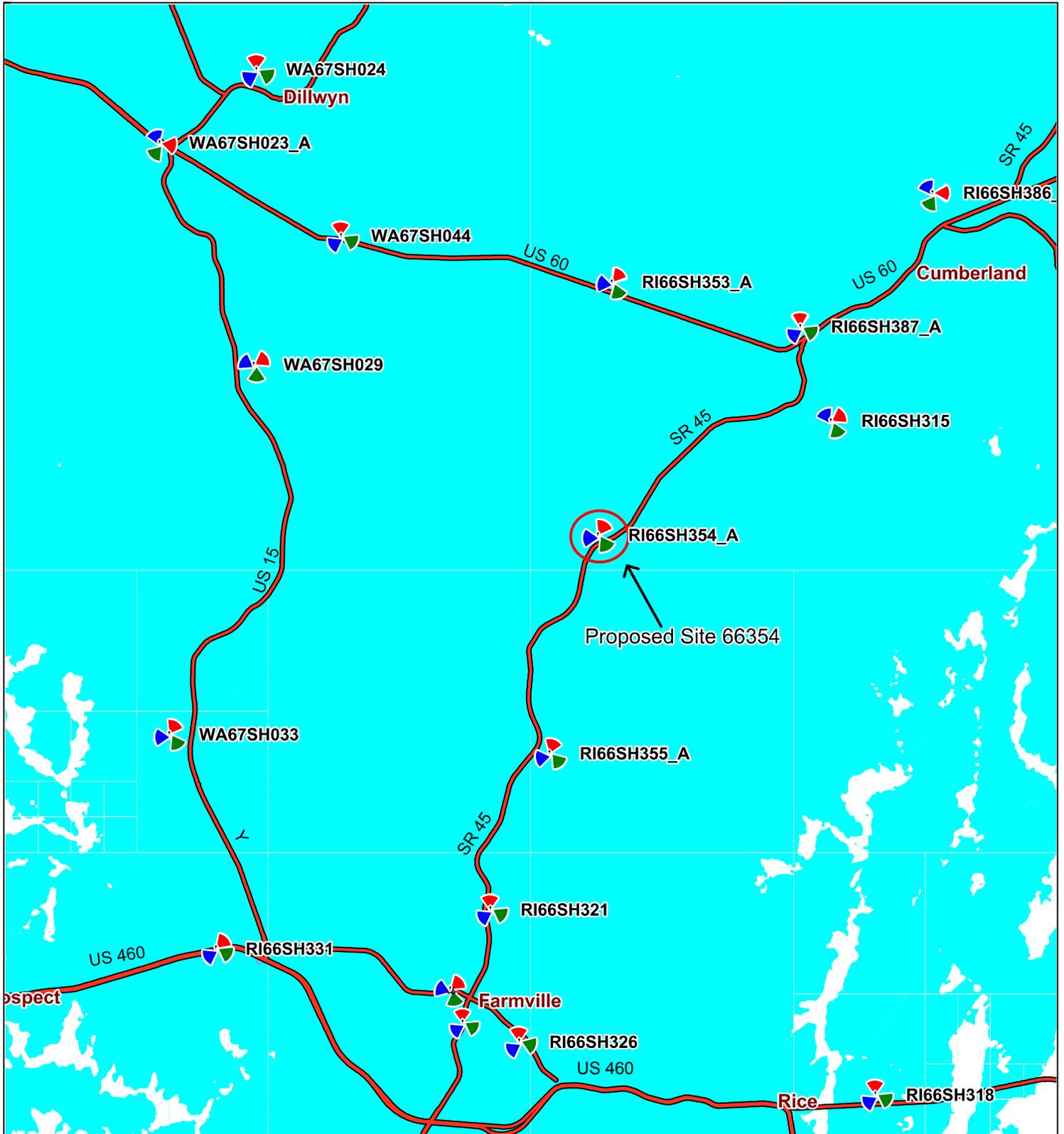
Signed: *Bobby McAvoy*
Bobby McAvoy
President

Date: October 8, 2018



 Existing outdoor coverage

 No coverage



 Existing and proposed outdoor coverage

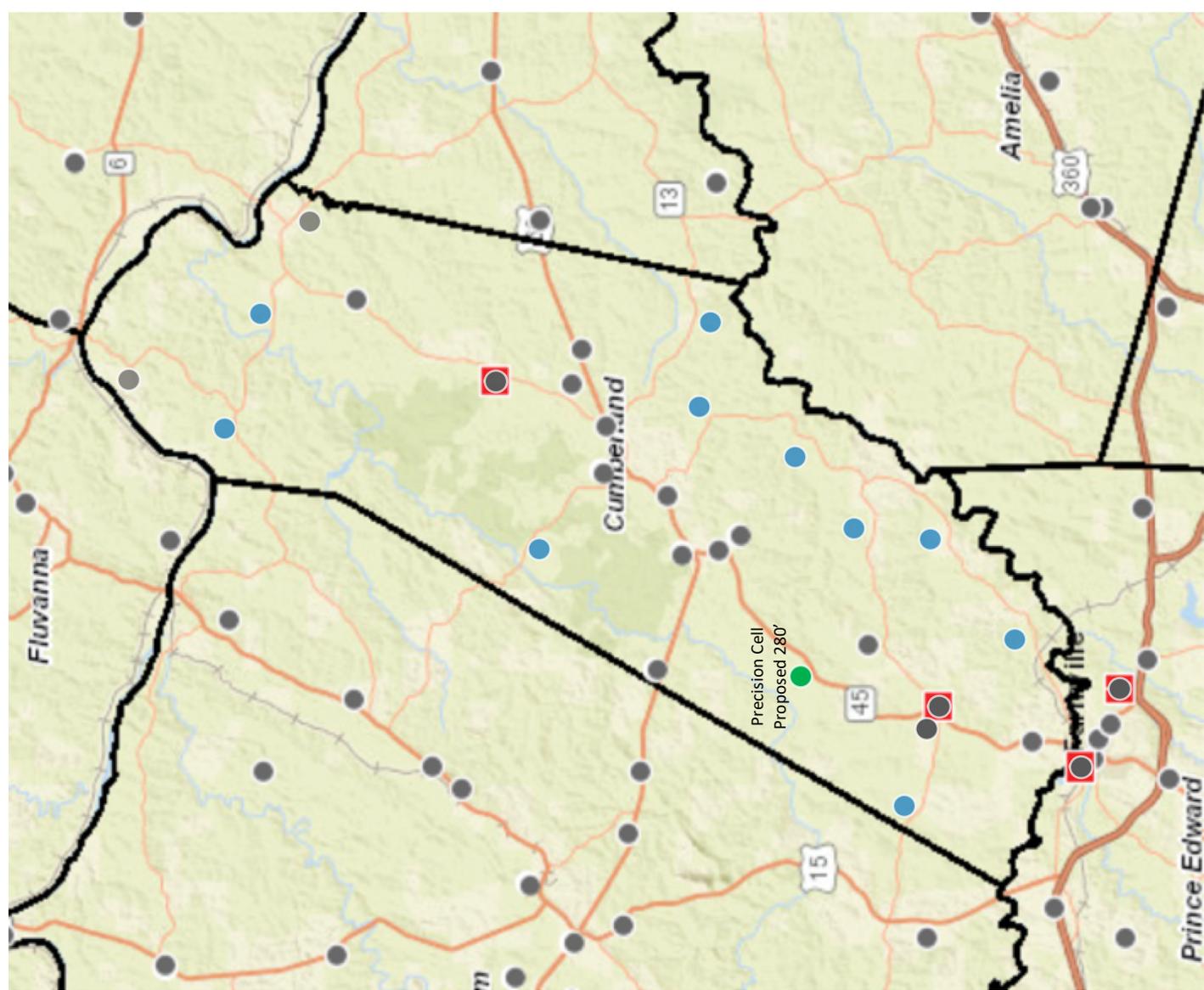
 No coverage

Black Dot = Existing Site

Green Dot = Precision Cell Proposed Site

Blue Dot = Other Site to Improve Coverage

- Note: Blue dots are a simple estimate. The total number could be more or less based on a detailed engineering analysis.





October 22, 2018

Precision Cell, LLC
Attention: Mr. Bobby McAvoy, President
9069 Cottleston Circle
Mechanicsville, VA 23116

RE: Non-Binding Letter of Interest for Proposed 280' New Telecommunications Tower

Dear Bobby:

This letter serves to notify you that Shenandoah Personal Communications, LLC ("Shentel"), a wireless telecommunications provider licensed by the Federal Communications Commission, and an affiliate of Sprint, to provide digital PCS service has evaluated the location you are proposing for the new telecommunications tower to be located at 86 Salem Church Road, Cumberland, VA at the following coordinates 37.4264/-78.3492. We have determined, assuming Shentel is provided a minimum 275' radiation center on this new tower, this site would be a suitable collocation site for Shentel.

Shentel supports Precision Cell, LLC in its efforts to secure any required zoning, permits or other local approvals necessary to develop the telecommunications tower as proposed. If we can be of any assistance to you or provide you with any information regarding your permit application to develop the property, please feel free to contact me.

Sincerely,

Debbie Balsler

Manager – Site Acquisition, VA South



STAFF REPORT
CUP 18-11
Timber Creek Event Barn
Conditional Use Permit
Cumberland County, Virginia
Board of Supervisors Public Hearing

General Information:

Processing schedule: The Planning Commission unanimously recommended this proposal on November 26, 2018. The Board of Supervisors hold a public hearing on January 8, 2019.

Application Information:

Owner: Larry & Deborah Thompson
Applicant: Whitney Lipscomb
Requested Action: Conditional Use Permit for: Event facility (indoor and outdoor)
Tax Parcel Number: 91-A-1
Address: 202 Timber Creek Farm Drive
Election District: 4
Existing Zoning: A-2 with CUP
Proposed Zoning: A-2 with CUP
Size: 1.7 acres of a 61.683 acre parcel
Existing land uses: Event facility
Comp. plan area: Not in a growth area
Overlay districts: None

Surrounding Area Information:

<u>Direction</u>	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Comp. Plan Area (2013)</u>
All	Residential and Agricultural	A-2	Not in a growth area

Summary of Request and Background Information:

The applicant has been using this property as an event facility for approximately two years. This is an amendment of CUP 16-01 Lipscomb.

The applicant has decided to add a bridal suite on the site for brides to prepare for their weddings. The building would be around 1,000 square feet with approximate dimensions of 24 feet by 42 feet. This would include a half bath and a small kitchenette. No overnight accommodations would be provided.

Consistency with the 2013 Comprehensive Plan:

The proposed use is within in an area not designated for growth in the 2013 Comprehensive Plan.

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

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

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

Objective 4: To encourage the development of essential employment opportunities within Cumberland County for the resident workforce.

Goal 3: It is the goal of this comprehensive plan to promote the wise and efficient utilization of lands within Cumberland to result in the sustainability of land resources and harmonious development of lands to serve the divergent interest and needs of the citizens of Cumberland County.

Objective 1: Through effective zoning, regulate future development to protect existing land use patterns within Cumberland County.

Consistency with the Zoning Ordinance:

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

Public Notification:

Notice was published in the Farmville Herald on December 26, 2018 and January 2, 2019.

Adjoining property owners were sent a notice for the public hearing via certified mail on December 4, 2018.

Conclusion:

This event facility has been in operation for around two years. Expansion of this use is a logical next step for the applicant.

Recommendation:

The Planning Commission recommend approval of the proposal with the following conditions:

1. Health Department permit: The Health Department has indicated that the proposal requires review by a PE to ensure the proper design of the waste disposal system.
2. Building, septic, well, and electrical: The applicant must comply with all federal, state, and local regulations pertaining to applicable building codes and private water, sewer, and electricity. The applicant shall provide a written letter from the Cumberland County Health Department indicating compliance with their codes for the facility.
3. Compliance with plan required: The applicant must comply with the site plan attached to the application in regard to the areas to be used for events and parking. In no case may driveways or parking areas be closer than any setbacks for the underlying zoning district. Such provisions shall at a minimum include gravel at the site entrance and, if necessary, at vehicle parking locations.
4. Community safety: If county or state law enforcement is required to respond to restore order to those on the property more than two (2) times in a thirty (30) day period, the conditional use permit may be reviewed by the Board of Supervisors and may be revoked at the Board's discretion.
5. Refuse disposal: After each event, all trash will be removed from the site within forty-eight (48) hours.
6. Noise control: Noise is restricted between the hours of 11:00 p.m. and 7:00 a.m. daily. At all times, noise and sound levels must not disturb residents of adjacent properties.
7. Lighting: Lighting must not produce glare or spillover onto adjacent properties.
8. Maximum attendance: Each event is limited to no more than three hundred (300) attendees.
9. The operator is required to request an annual fire and safety inspection by a Cumberland County Fire Marshall or other employee or volunteer who is authorized to perform such inspections and must implement within thirty (30) days all changes required by such inspector. The operator further must maintain the use of a thirty (30) foot easement by emergency services personnel.
10. Renewal of conditional use permit: Regular renewal of the conditional use permit is required in order to demonstrate continued compliance. For each renewal, the operator must provide all requested documentation from each applicable state and local agency regarding the applicant's performance and compliance with the criteria used to approve the use, as well as a review of any code infractions and/or violations. Renewals will occur on the following schedule:
 - a. 2 years after approval;
 - b. 5 years after approval;

- c. Every 5 years thereafter;
- d. Upon any change in operator.

Respectfully submitted by:
JP Duncan
Planning Director

**CUMBERLAND COUNTY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING**

Notice is hereby given that on January 8, 2019 the Cumberland County Board of Supervisors will conduct a public hearing, which may be continued or adjourned, as required under applicable law, with respect to the adoption by the Board of a resolution or resolutions, as may be necessary or convenient, regarding one or more proposed leases of County Property located at 2145 Cumberland Road, Cumberland, VA.

The public hearing, which may be continued or adjourned, will be conducted at 7:00 p.m., or as soon thereafter as the matter may be heard by the Board of Supervisors in the Circuit Courtroom of the Cumberland County Courthouse, Cumberland County, Virginia. Interested persons may appear at such time and place and present their views whether orally or in writing, or submit written comments prior to the hearing. The Board may set time limits on speakers and other rules and procedures for the conduct of this public hearing. Any persons with disabilities are urged to contact the County Administrator's Office at (804) 492-3800 prior to the public hearing to arrange for any necessary accommodations. For additional information, please contact the County Administrator's Office.

Vivian Giles, County Administrator
By Order of the Cumberland County
Board of Supervisors

Deed of Lease

This **DEED OF LEASE** (the "**Lease**") is dated the 15th day of February, 2009, between **CUMBERLAND COUNTY, VIRGINIA**, a public body politic and political subdivision of the Commonwealth of Virginia, as Grantor ("**Landlord**"), and the **RANDOLPH VOLUNTEER FIRE DEPARTMENT**, a tax-exempt nonprofit organization, as Grantee ("**Tenant**").

WITNESSETH

1. **PREMISES.** For and in consideration of the terms, conditions, covenants, promises and agreements herein made, Landlord leases to Tenant the following property or premises (the "Premises"), together with full rights of ingress and egress, in the County of Cumberland, Virginia. The Premises are more particularly described as:

6,060 square feet of space located at The Randolph Volunteer Fire Department, 2145 Cumberland Road, Farmville, Virginia 23901, inclusive of the exclusive use of bunkhouse and office space and the non-exclusive use of the bays, meeting room, kitchen, and restroom (the "Common Areas"), and the non-exclusive use of the parking areas.

A floor plan of the Premises is attached and incorporated herein as Exhibit A and also more fully describes the areas of exclusive use of the Premises, as well as the non-exclusive use of the Premises shown in cross-hatching (the "Common Areas"). Any further or future renovations, expansions, improvements, or additional appurtenances of the Premises are excluded from the Lease and will be provided for use by Tenant under separate agreement.

2. **USE OF PREMISES.** The Premises are to be used and occupied by Tenant for housing fire suppression personnel and equipment and related training and classroom instruction or for such purpose or purposes as Tenant may now or hereafter be empowered or authorized by Landlord to use same.

3. **TERM.**

- (a) The initial term of this Lease (the "Initial Term") shall be ten (10) years, beginning on February 1, 2009 (the "Commencement Date") and terminating on January 31, 2019 (the "Termination Date").

- (b) Landlord warrants that Landlord alone, at the time this Lease is executed, has the right to lease the Premises, without the consent of any other party. It is expressly understood and agreed that this covenant by the Landlord constitutes a warrant. If Landlord does not have this right, then Tenant, in addition to any other remedy available at law or in equity, may immediately declare this Lease null and void from its inception and of no force and effect, without notice. In such event, no

rent shall accrue or be deemed to have accrued for the term of this Lease, or for any part of the term.

4. **RENT.**

- (a) Tenant shall pay Landlord the sum of One Dollar and no/100 Dollars (\$1.00) as rent (the "Rent") for each year of the Initial Term which shall be paid in advance, at the beginning of each lease year. Rent is due and payable beginning on February 1, 2009, and each lease year thereafter for the Initial Term, including any renewal or extension thereof. The payment of all Rent shall be made payable to Cumberland County and mailed to:

Ms. Judy Ownby
County Administrator
P. O. Box 110
Cumberland, VA 23040

or to such other person or entity or at such other address as Landlord may designate from time to time by written notice to Tenant.

5. **POSSESSION AND CONDITION OF PREMISES.**

- (a) Landlord shall deliver quiet possession of the Premises to Tenant on the Commencement Date and shall provide quiet enjoyment of the Premises to Tenant during the Initial Term, and any renewals or extensions thereof.
- (b) On the Commencement Date, Landlord shall deliver the Premises to Tenant in good repair and in a condition suitable to the use for which it is leased.
- (c) Landlord, and its employees, agents and contractors, shall have the right to enter and pass through any part of the Premises, without prior notice, to perform its obligations in this Lease and in the case of an emergency. If Landlord, or Landlord's employees, agents or contractors, must enter the Premises in the case of an emergency, then as soon as practicable before or after such emergency entrance, Landlord, or Landlord's agent, shall contact the Fire Chief.
- (d) Landlord covenants that (i) the Premises and the building of which the Premises (the "Building") forms a part have been inspected by an Asbestos Inspector licensed by the Virginia Department of Professional and Occupational Regulation and the Building and the Premises are free of friable asbestos that is not managed under a management plan prepared by an Asbestos Management Planner licensed by the Virginia Department of Professional and Occupational Regulation; and (ii) any friable asbestos discovered in or on the Building or the Premises shall be promptly and properly removed by Landlord, at Landlord's sole expense, in compliance with applicable federal, state and local laws and regulations, provided

that, if the asbestos was introduced into the Premises by Tenant, the cost of the removal thereof shall be Tenants expense.

6. MAINTENANCE.

- (a) Landlord warrants that on the Commencement Date, the Premises and all its equipment, including the plumbing, heating, ventilation and air conditioning equipment and systems shall be in good repair and good working order.
- (b) Landlord shall equip the Premises and perform all alterations, replacements, improvements, decontamination, and additions to the Premises and the equipment upon the Premises, at Landlord's expense, as shall be necessary at any time during the Initial Term of this Lease, or any extension or renewal thereof, to comply with the provisions of Federal, State and local laws and regulations pertaining to health, safety, public welfare, and environmental protection, including laws and regulations pertaining to asbestos, carbon monoxide, polychlorinated biphenyls, urea formaldehyde, lead paint, radon, petroleum product storage tanks, and freon, regardless of the effective date of law or regulation unless the Premises are grandfathered from such laws or regulations. This subsection shall not apply if the necessity for compliance with these laws arises from an act of Tenant or its employees and Tenant is found by a court of competent jurisdiction to be liable for such acts under the Virginia Tort Claims Act.
- (c) It shall be the sole responsibility and obligation of Landlord, at its expense and in accordance with applicable laws, technical publications, manuals and standard procedures, to properly maintain, repair and replace all the structural portions of the Premises, including foundation, sub-floor, structural walls and roof. Tenant shall keep the Premises and all equipment and non-trade fixtures in good working order and perform any required repairs, replacement and maintenance, including keeping all plumbing, heating, air conditioning, electrical and mechanical devices, appliances and equipment of every kind or nature affixed to or serving the Premises in good repair, condition and working order. All equipment and systems shall be maintained to provide reliable, energy efficient service, without unusual interruption, disturbing noises, exposure to fire or safety hazards, uncomfortable drafts, excessive air velocities, or unusual emissions of dirt. As used herein, the word "repair" shall be deemed to include replacement of broken or cracked glass. Notwithstanding the above, Landlord shall provide for repairs, replacement, or maintenance when such expenses exceed \$500 for any such item. Further, any repairs, replacement, or maintenance items that are non-emergency items shall be submitted to Landlord for disposition during its annual capital improvement plan.
- (d) All other necessary or required maintenance, repairs and replacements to the Premises and common areas shall be the sole responsibility and expense of Tenant. Tenant's maintenance responsibilities shall include the supply and replacement of all supplies, materials and equipment necessary for such maintenance.

- (e) Landlord shall not be obligated to make any repairs to the Premises due to damage caused by the negligent or willful acts of Tenant, or its agents, employees, or contractors.
- (f) If Tenant fails to keep, repair and maintain the Premises and all plumbing, heating, air conditioning, electrical and mechanical devices, appliances and equipment of every kind or nature affixed to or serving the Premises in good repair, condition and working order as provided in this Section, then Landlord, at its option, may (i) terminate this Lease and all obligations hereunder with thirty (30) days written notice; (ii) charge Tenant for the cost incurred in fulfilling the Tenant's obligations under this Lease to fix, repair or otherwise render the Premises suitable for use and to fix, repair or replace any equipment which Tenant has herein agreed to keep, repair, and maintain; or (iii) both (i) and (ii) above. No notice of termination shall be given under this Section if Tenant has physically commenced such repairs or is causing such repairs to be made, and such repair work is being diligently and continuously pursued to completion in a good and workmanlike manner.
- (g) When and as snow and/or ice removal become necessary, Tenant shall promptly remove all snow and ice from all walkways, loading areas, common areas, and parking areas.
- (h) Tenant shall use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other fixtures, facilities and appliances in the Premises, and Tenant shall be responsible for any damage caused by its failure to comply with this requirement. Tenant shall give the Landlord prompt notice of any such damage to the Premises and Tenant shall be responsible for any damage caused its failure to comply with such notice requirement.
- (i) Nothing in this Section 6 shall be construed to require Landlord to maintain, repair or replace equipment, appliances, trade fixtures or the personal property of Tenant or Tenant's officers or agents that Tenant or Tenant's officers or agents purchases, installs, affixes or otherwise uses after the Commencement Date or that will remain or remains the property of Tenant or Tenant's officers or agents after the Initial Term. Landlord shall bear no liability or cost for the expense, upkeep, or installation of such Tenant equipment, appliances, trade fixtures or personal property of Tenant or Tenant's officers or agents.

7. DAMAGE OR DESTRUCTION OF THE PREMISES.

- (a) If the Premises are damaged by fire, lightning, windstorm, tornado, earthquake, civil disturbance, flood, acts of nature or other casualty loss, and, in the reasonable opinion of Tenant, the Premises are thereby rendered untenable or unusable for Tenant's purposes, this Lease shall immediately terminate, at the option of Tenant, upon written notice to Landlord.

- (b) If the Premises are damaged by fire or otherwise, but in the reasonable opinion of Tenant is not rendered totally untenable and unusable, upon being notified to do so by Tenant or its duly authorized agent, Landlord shall repair and restore the Premises as promptly as possible to their former condition, in which event there shall be a proportionate abatement of all Rent and other payments otherwise due to Landlord under the terms of this Lease, for the period during which the said repairs and restoration are being completed, for that portion of the Premises not substantially usable by Tenant during such period. If Landlord fails to make all repairs, replacement, restoration, or renovation as required in this subsection, or as otherwise required in this Lease where no other remedy is expressly provided, within a reasonable time after written notice to Landlord, then Tenant may choose to terminate this Lease by giving fifteen (15) business days written notice to Landlord. No notice of termination shall be given by Tenant under this subsection if Landlord, or its agents, has physically commenced repairs, replacement, restoration or renovation, and the work is being diligently and continuously pursued to completion in a professional and workmanlike manner.

8. **ALTERATIONS BY THE TENANT.** Tenant, at its sole cost and expense, may make alterations and additions to the Premises, as Tenant deems proper. Tenant, however, shall not make any structural alterations of the roof, foundation or exterior walls without the prior written consent of Landlord. Tenant, at its sole cost and expense, may install fixtures, partitions and make such other improvements as Tenant may deem proper and the title and ownership of materials used in such alterations and additions, and all fixtures, partitions, and other improvements made and/or installed by Tenant shall remain in Tenant. Upon termination of this Lease, Tenant may, at its option, remove the fixtures, partitions and other improvements made under this Section, in which event any damage to the Premises caused by removal, other than nominal damage (such as screw holes, bracket marks, etc.) shall be repaired by Tenant at its expense. If Tenant elects not to remove the improvements, it shall have no further responsibility for them or their removal.

9. **UTILITIES AND SERVICES; INSURANCE; TAXES.**

- (a) Tenant shall be responsible for, at Tenant's expense, the following utilities and services for the Premises: heating and air-conditioning as conditions require, electricity, gas, water and sewer, interior trash removal, telephone, telecommunication, internet or any other utility service to the Premises.
- (b) Landlord shall be responsible for all real estate taxes or charges in lieu of taxes applicable to the Premises.
- (c) Landlord, at Landlord's expense, shall keep the Premises insured against damage by fire, lightning, windstorm, tornado, earthquake, civil disturbance, flood, acts of

nature and casualty loss, under a broad form extended coverage or similar property loss policy. The policy shall cover at least eighty percent (80%) of the replacement cost of the Premises and the Building. In addition, Landlord shall maintain broad form general commercial liability insurance sufficient to ensure reasonable financial responsibility in the event of liability for injury, loss or damage at the Premises, the common areas and facilities. Tenant, at its expense, shall maintain insurance coverages for liability for injury, loss or damage at, around or near the Premises as a result of Tenant's operations and use of the Premises.

10. **CONDITION OF AND ACCESS TO COMMON AREAS.** Tenant, at Tenant's sole expense, shall maintain in a good condition, all Common Areas as well as common facilities, including all hallways, walkways, parking areas, and all related exterior lighting, to be used by Tenant in common with other tenants, Tenant's renters, Landlord, or Landlord's officials and agents. Tenant shall establish, maintain and implement a facility use policy for the use of Common Areas available for rent to third parties. Notwithstanding this, upon reasonable notice given by Landlord, Landlord shall be afforded use of the Common Areas at such times as Landlord deems it in its interest and in no event shall Tenant schedule, block, reserve or otherwise inhibit Landlord's use of the Common areas for serving as the voting precinct for the Fourth (4th) and Fifth (5th) Districts. If Tenant fails to maintain such areas or facilities in a good condition, or to make all repairs and/or improvements within a reasonable time after written notice, then Landlord may terminate this Lease or proceed to make repairs or improvements, pursuant to the provisions of Section 6(f). Tenant shall be responsible for securing the Common Areas.

11. **ACCESSIBILITY BY PERSONS WITH DISABILITIES.**

(a) In addition to any other requirements or covenants in this Lease, and at all times during the Initial Term, and any option and any renewal terms, Landlord covenants that, as to the public areas of the Premises, the Common Areas and the parking areas, it has fully complied, or will comply, to the fullest extent required by law, with:

(i) the facilities accessibility laws, regulations and standards required by the "Americans With Disabilities Act of 1990", including Titles II and III thereof, and the regulations and standards promulgated thereunder, including the regulations promulgated by the U.S. Department of Justice (28 CFR Chapter 1, Part 36 and the Standards for Accessible Design Pt. 36, App. A-entitled "ADA Accessibility Guidelines for Buildings and Facilities"), as amended, and

(ii) the minimum requirements of the Virginia Uniform Statewide Building Code (VUSBC), Volume I-New Construction, as amended, pertaining to access by the physically handicapped and aged persons, including Chapter 11 ("Accessibility") of said VUSBC, which, in part, incorporates the

regulations and referenced standards of the U.S. Department of Justice identified above.

To the extent the minimum requirements of the VUSBC are more restrictive than applicable federal requirements, the more restrictive of the two shall control. Landlord further covenants that, following the date of execution of this Lease, all alterations of the Premises and Common Areas, including parking facilities, shall be undertaken by Landlord in such a manner that the ADA and the regulations and standards promulgated thereunder and the VUSBC are fully complied with to the extent required by law and as herein provided.

- (b) The foregoing provisions of this Section, as applied to Landlord, shall not apply to trade fixtures used or installed by Tenant or Tenant's layout of such trade fixtures or to any alternations to Premises performed under this Lease by Tenant.

12. DISCLOSURES; NON-WAIVER; APPROPRIATIONS.

- (a) Tenant understands and acknowledges that Landlord is a political subdivision of the Commonwealth of Virginia and with respect to tort liability for acts or occurrences on or about the Premises, including product liability, the Landlord is either (i) constitutionally immune (or partially immune) from suit, judgment or liability, (ii) insured, or (iii) covered by a financial plan of risk management that is in the nature of self-insurance, all as determined by applicable laws, government policies and practices.
- (b) Tenant understands and acknowledges that Landlord has not agreed to provide any indemnification or save harmless agreements running to Tenant. No provision, covenant or agreement contained in this Lease shall be deemed to be a waiver of the sovereign immunity of the Landlord from tort or other liability.
- (c) This Lease shall be governed by, and construed according to, the laws of the Commonwealth of Virginia. The parties choose the County of Cumberland, Virginia, as the venue for any action instituted pursuant to the terms of this Lease.
- (d) Notwithstanding any other provision of this Lease, if Tenant shall cease to exist, and is not replaced by a successor entity with similar powers and purposes, or its powers and authority are limited so as to not permit the continued use of the Premises for the purpose and use for which same are leased, then this Lease and all responsibility or obligations of Tenant under this Lease shall terminate. In such event, Tenant will endeavor to give as much notice as is reasonably possible of the event triggering the termination of this Lease and the anticipated termination date, but failure to give such notice shall not affect the termination.

13. REPORT OF OCCUPANCY.

- (a) Reserved.

- (b) Reserved.

14. **CONDEMNATION.**

- (a) Landlord shall give immediate notice to Tenant of any discussions, offers, negotiations or proceedings with any party regarding condemnation or taking of any portion of the Premises.
- (b) In the event that any portion of the Premises is taken by eminent domain, or sold to the holder of such power pursuant to a threatened taking, this Lease shall terminate effective as of the date of the taking. The date of taking shall be the earlier of: (i) the date on which title vests in the condemning entity or (ii) the date on which the condemning entity takes possession. In the event of a taking, Tenant assigns to Landlord any rights that Tenant may have in and to any portion of a condemnation award, but such an assignment shall exclude any portion that may be due for, or attributed to, Tenant's fixtures, moving expenses and allowances.

15. **SUBORDINATION, NON-DISTURBANCE, AND ATTORNMENT.** Upon request by Landlord, Tenant agrees to execute a Subordination, Attornment and Non-Disturbance Agreement provided, however, that all such agreements are subject to approval by Tenant.

16. **OPTION, TERMINATION, RENEWAL, AND HOLDOVER.**

- (a) Options. Reserved.
- (b) Termination. Reserved.
- (c) Renewal. This Lease shall automatically renew and continue from year to year ("Renewal Term") on the same and other terms and conditions as existed immediately prior to the commencement of the Renewal, including any escalation in Rent, if neither party has given a timely notice of termination.
- (d) Holdover. Reserved.
- (e) Condition of Premises. At the termination of this Lease, Tenant shall peaceably deliver the Premises in the same condition as originally accepted, nominal damage and normal wear and tear excepted, and subject to any provisions to make repairs and restoration, as provided herein.
- (f) Posting of Notice. Reserved.

17. **NOTICES.**

- (a) All notices to the Tenant required or permitted under this Lease shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, to the Tenant addressed to:

Roy Garrett, Fire Chief
Randolph Volunteer Fire Department
2145 Cumberland Road
Farmville, VA 23901

- (b) All notices to the Landlord required or permitted under this Lease shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, to the Landlord addressed to:

Ms. Judy Ownby
County Administrator
P. O. Box 110
Cumberland, VA 23040

- (c) Wherever a notice is required under this Lease, notice shall be deemed to have been duly given if in writing and either: (i) personally served; (ii) delivered by prepaid nationally recognized overnight courier service; or (iii) forwarded by Registered or Certified mail, return receipt requested, postage prepaid.
- (d) Each such notice shall be deemed to have been given to or served upon the party to which addressed on the date the same is received by the party or delivery is refused. Each party to this Lease shall notify the other party of a new address at which to mail notices, which notice shall be given in the manner provided above, and unless and until such notice of new address is given, notices to a party hereto shall be sufficient if mailed to such party's address as specified in Section 17(a) or Section 17(b), as appropriate.
- (e) Where notice is sent by an alternative method, the notice shall be effective if actually received by the party, or its appointed agent, to whom the notice is addressed.

18. **BINDING EFFECT; AMENDMENTS.** The covenants, agreements, and rights contained in this Lease shall bind and inure to the respective heirs, personal representatives, successors and assigns of Landlord and Tenant. This Lease constitutes the entire, full and complete understanding and agreement between Landlord and Tenant, and all representations, statements, warranties, covenants, promises or agreements previously made or given by either party to the other are expressly merged into this Lease

and shall be null, void and without legal effect. Neither party, nor any agent of either party, has any authority to alter, amend or modify any of the terms of this Lease, unless the amendment is in writing and executed by all parties to this Lease with the same formality as this Lease. This Lease shall not be effective or binding unless and until signed by all parties and all appropriate approvals are obtained.

19. **DEFAULT.**

- (a) The termination of this Lease by Landlord pursuant to the provisions contained herein shall not be a default hereunder.
- (b) If either party shall breach any provision of this Lease, the non-breaching party shall give written notice thereof to the breaching party. The breaching party shall have thirty (30) days from the receipt of the notice to cure the breach and, if not so cured, the non-breaching party may, at its option, exercise such rights as may exist at law or in equity, except that Landlord shall not take possession of the Premises by any self-help remedy. The provisions of this subsection shall not be construed as imposing any additional obligations on the non-breaching party to the extent that this Lease permits the non-breaching party to take certain actions as a result of a breach by the other party.

20. **PRESUMPTIONS.** No presumption shall be created in favor of or against any of the parties to this Lease with respect to the interpretation of any term or provision of this Lease due to the fact that this Lease, or any part hereof, was prepared by or on behalf of one of the parties hereto.

21. **ASSIGNMENT.** Except with regard to the Common Areas, Tenant may not assign this Lease, or sublet the Premises, without the written consent of Landlord, which consent shall not be unreasonably withheld or delayed.

22. **HEADINGS.** The heading of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.

23. **ADDITIONAL PROVISIONS.** This Lease is subject to the following terms, conditions, modifications, additions and/or deletions provided in the following designated attachments, exhibits and riders, which are hereby incorporated into this Lease:

Attachments: _____

Exhibits: A-floorplan designating common areas and restricted areas of the building.

Riders: _____

_____ NONE (Check if NONE)

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals.

LANDLORD: CUMBERLAND COUNTY, VIRGINIA, a public body politic and political subdivision of the Commonwealth Virginia

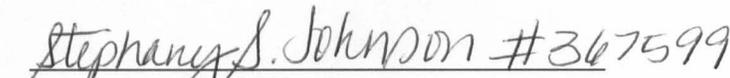
By: 
Judy Ownby

Title: Cumberland County Administrator

COMMONWEALTH OF VIRGINIA
COUNTY OF CUMBERLAND, to wit:

The foregoing Deed of Lease was acknowledged before me this 29th day of January, 2009 by Judy Ownby acting in her capacity as County Administrator of Cumberland County, Virginia.

My commission expires: 5/31/09

 #367599
Notary Public

TENANT: **RANDOLPH VOLUNTEER FIRE DEPARTMENT**

By: *Roy Garrett*
Roy Garrett

Title: Fire Chief

COMMONWEALTH OF VIRGINIA
COUNTY OF CUMBERLAND, to wit:

The foregoing Deed of Lease was acknowledged before me this 29th day of January, 2009 by Roy Garrett acting in his capacity as Fire Chief of the Randolph Volunteer Fire Department.

My commission expires: 5/31/09

Stephany S. Johnson #367599
Notary Public

COUNTY ATTORNEY
Approved as to form:

By: *[Signature]*
County Attorney



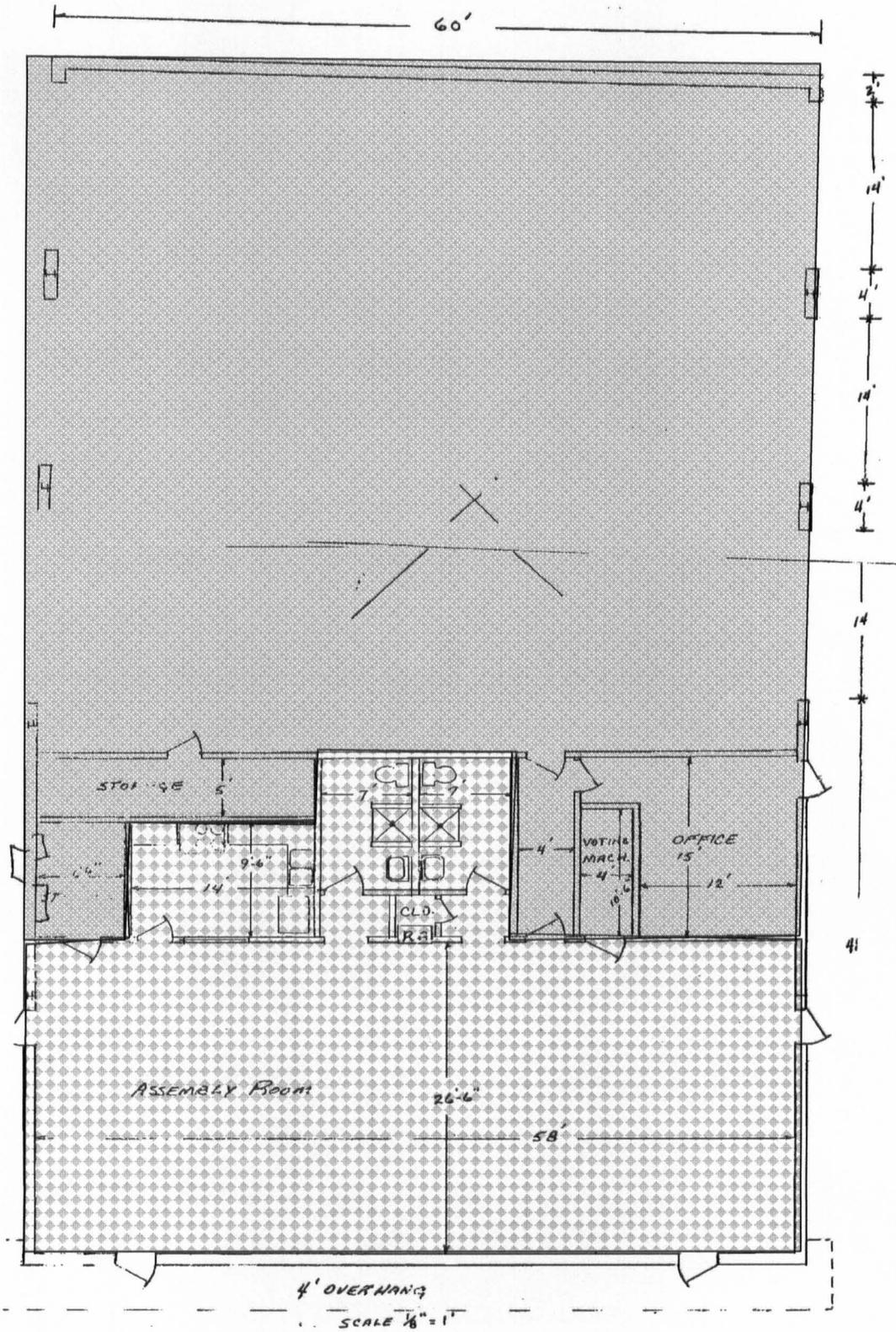


- COMMON AREAS

EXHIBIT A



- RESTRICTED AREAS



**CUMBERLAND COUNTY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING**

Notice is hereby given that on January 8, 2019 the Cumberland County Board of Supervisors will conduct a public hearing, which may be continued or adjourned, as required under applicable law, with respect to the adoption by the Board of a resolution or resolutions, as may be necessary or convenient, regarding one or more proposed leases of County Property located at 1550 Anderson Highway, Cumberland, VA.

The public hearing, which may be continued or adjourned, will be conducted at 7:00 p.m., or as soon thereafter as the matter may be heard by the Board of Supervisors in the Circuit Courtroom of the Cumberland County Courthouse, Cumberland County, Virginia. Interested persons may appear at such time and place and present their views whether orally or in writing, or submit written comments prior to the hearing. The Board may set time limits on speakers and other rules and procedures for the conduct of this public hearing. Any persons with disabilities are urged to contact the County Administrator's Office at (804) 492-3800 prior to the public hearing to arrange for any necessary accommodations. For additional information, please contact the County Administrator's Office.

Vivian Giles, County Administrator
By Order of the Cumberland County
Board of Supervisors

Deed of Lease

This **DEED OF LEASE** (the "Lease") is dated the 1st day of December, 2017, between **CUMBERLAND COUNTY, VIRGINIA**, a public body politic and political subdivision of the Commonwealth of Virginia, as **Grantor** ("Landlord"), and **CUMBERLAND COMMUNITY CARES FOOD BANK**, as **Grantee** ("Tenant"), recites and provides as follows:

In consideration of the foregoing recitals, which shall constitute a part of this Lease, and the following agreements and undertakings, and other good and valuable consideration, the receipt and adequacy of which is acknowledged, Landlord and Tenant agree as follows:

1. **PREMISES.** Landlord leases to Tenant the following property or premises (the "Premises"), together with full rights of ingress and egress, in the County of Cumberland, Virginia. The Premises are more particularly described as:

The building and curtilage known as 1550 Anderson Highway, Cumberland, Virginia 23040. This lease is for the building identified as 1550 Anderson Highway and expressly does not include the building and curtilage currently occupied by the Virginia Tech Extension Office, known as 1548 Anderson Highway, Cumberland, Virginia.

Tenant also has available the non-exclusive use of the improved and unimproved surface areas of the Center, more fully described as grass areas, sidewalks and the parking lot shared by Virginia Tech Extension Office (the "Common Areas"). Neither Tenant, nor anyone under the direction, control or supervision of Tenant shall access or occupy any other facility, building, or structure at the Center. Any further or future renovations, expansions, improvements, or additional appurtenances of the Premises are excluded from the Lease and will be provided for use by Tenant under separate agreement.

2. **USE OF PREMISES.** The Premises are to be used and occupied by Tenant for office use and food storage and distribution, or for such purpose or purposes as Tenant may now or hereafter be empowered or authorized by law to use same. Provided, however, that use of the Premises by Tenant for other than the uses in the preceding sentence shall be submitted to Landlord in writing for prior approval, which approval shall not be unreasonably withheld, conditioned, or delayed.
3. **TERM.**
 - (a) The initial term of this Lease (the "Initial Term") shall be one (1) year, beginning on December 1, 2017 (the "Commencement Date") and terminating at midnight on November 30, 2018 (the "Termination Date").
 - (b) Landlord warrants that Landlord alone, at the time this Lease is executed, has the right to lease the Premises, without the consent of any other party. It

is expressly understood and agreed that this covenant by the Landlord constitutes a warrant. If Landlord does not have this right, then Tenant, in addition to any other remedy available at law or in equity, may immediately declare this Lease null and void from its inception and of no force and effect, without notice. In such event, no rent shall accrue or be deemed to have accrued for the term of this Lease, or for any part of the term.

4. RENT.

Tenant shall pay no rent (the "Rent").

5. POSSESSION, COVENANTS AND CONDITION OF PREMISES.

- (a) Landlord shall deliver quiet possession of the Premises to Tenant on the Commencement Date and shall provide quiet enjoyment of the Premises to Tenant during the Initial Term, and any Renewal Terms or extensions thereof.
- (b) On the Commencement Date, Landlord shall deliver the Premises to Tenant in good repair and in a condition suitable to the use for which it is leased.
- (c) Landlord, and its employees, agents and contractors, shall have the right to enter and pass through any part of the Premises, without prior notice, to perform its obligations in this Lease, including but not limited to those set forth in Section 6 below, and in the case of an emergency. If Landlord, or Landlord's employees, agents or contractors, must enter the Premises in the case of an emergency, then as soon as practicable before or after such emergency entrance, Landlord, or Landlord's agent, shall contact Doris Seal. If any such entry occurs during hours of regular business activity, pursuant to the above Section 2, then Landlord, or Landlord's employees, agents or contractors, shall contact Tenant's office to be escorted by Tenant or Tenant's employee prior to entry.
- (d) Tenant covenants to comply with all statutes, codes, ordinances, rules and regulations applicable to the premises and Tenant's use thereof. Tenant shall notify Landlord of its non-compliance thereof within ten (10) days of discovery, claim or invoice to Tenant by third-party of any claims or allegations of such noncompliance.
- (e) Tenant shall give Landlord reasonable notice of any injury, damage, destruction or occurrence affecting the Premises. Tenant shall give Landlord reasonable notice of any injury, damage, destruction or occurrence affecting the Common Areas for which Tenant, staff or others for whom it directs, controls or supervises is responsible. Notwithstanding this provision, Tenant shall not be required to give Landlord such notice for any injury, damage, destruction or occurrence in an amount less than \$50.

- (f) Landlord covenants and agrees that it will not represent to any third party, including potential investors that, by virtue of making available facilities and providing services to the Tenant, it is in any way endorsing or has in any way approved or disapproved of the Tenant, its management, business plan, valuation or any other matter regarding the Tenant, its operations or use of the Premises.
- (g) The Tenant acknowledges that the Tenant has inspected and examined the Premises and that the Premises and the Common Areas are in acceptable condition to Tenant. Upon execution of this Lease, Tenant shall assume the risk of any adverse matters otherwise not covered in this Lease, including, but not limited to, zoning for its use, obtaining all necessary permits and approvals, including, without limitation, a certificate of occupancy. Therefore, the Tenant hereby accepts the Premises in an "as is" condition and acknowledges that the Landlord has not made any express or implied warranties with respect to the Premises.

6. MAINTENANCE.

- (a) Landlord warrants that on the Commencement Date, the Premises and all its equipment, including the plumbing, heating, ventilation and air conditioning equipment and systems shall be in good repair and good working order.
- (b) It shall be the sole responsibility and obligation of Landlord, at its expense and in accordance with applicable laws, technical publications, manuals and standard procedures, to properly maintain, repair and replace all the structural portions of the Premises, including foundation, sub-floor, structural walls and roof. Tenant, in its sole responsibility, obligation and expense, shall keep the Premises and all equipment including non-trade fixtures in good working order and shall perform any required repairs, replacement and maintenance, and shall keep all plumbing, heating, air conditioning, electrical and mechanical devices, appliances and equipment of every kind or nature affixed to or serving the Premises in good repair, condition and working order.
- (c) All necessary or required maintenance, repairs and replacements to the Common Areas shall be the sole responsibility and expense of Landlord. Landlord's maintenance responsibilities shall include the supply and replacement of all supplies, materials and equipment necessary for such maintenance.
- (d) Notwithstanding the above Section 6(c), Tenant shall be obligated to make any repairs to the Common Areas due to damage caused by the negligent or willful acts of Tenant, or its agents, employees, contractors or others under Tenant's direction, control or supervision.

- (e) When and as snow and/or ice removal become necessary, Landlord shall promptly remove all snow and ice from all walkways, loading areas, common areas, and parking areas.
- (f) Tenant shall use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other fixtures, facilities and appliances in the Premises, and Tenant shall be responsible for any damage caused by its failure to comply with this requirement. Tenant shall give the Landlord prompt notice of any such damage to the Premises and Tenant shall be responsible for any damage caused its failure to comply with such notice requirement.
- (g) Nothing in this Section 6 shall be construed to require Landlord to maintain, repair or replace equipment, appliances, trade fixtures or the personal property of Tenant that Tenant purchases, installs, affixes or otherwise uses after the Commencement Date or that will remain or remains the property of Tenant after the Initial Term. Landlord shall bear no liability or cost for the expense, upkeep, or installation of such Tenant equipment, appliances, trade fixtures or personal property.

7. DAMAGE OR DESTRUCTION OF THE PREMISES.

- (a) If the Premises (including all improvements and alterations thereon, whether made by Landlord or Tenant) shall be damaged or destroyed by fire, the elements, unavoidable accident or other casualty, whether in whole or in part, the Landlord shall have the option either (i) to repair, reconstruct or restore the Premises within a reasonable time to its prior condition; or (ii) to terminate this Lease by written notice to Tenant. In the event of such loss by fire or other casualty, Landlord shall have a reasonable time to ascertain the extent of the damage and the cost of replacement and repair and shall properly thereafter notify Tenant of its election.
- (b) From the date such damage or destruction occurs to the date when all repairs and rebuilding are complete, the Rent and all other charges due under this Lease shall be reduced by the same percentage of the Premises which, in Landlord's reasonable judgment, cannot be economically or practically used for the Intended Use.

8. ALTERATIONS BY THE TENANT.

- (a) Tenant, at its sole cost and expense, may make alterations and additions to the Premises, as Tenant deems proper. Tenant, however, shall not make any structural alterations of the roof, foundation or exterior walls without the prior written consent of Landlord. Tenant, at its sole cost and expense, may install fixtures, partitions and make such other improvements as Tenant may deem proper and the title and ownership of materials used in such

alterations and additions, and all fixtures, partitions, and other improvements made and/or installed by Tenant shall remain in Tenant.

- (b) If any mechanics' or materialmen's liens are filed arising from any work by Tenant with respect to the Premises, Tenant shall satisfy or otherwise remove such liens of record from the Premises within ten (10) days of notification thereof by Landlord, at Tenant's sole cost and expense, by the payment thereof or by filing any bond required by law or Landlord. Tenant shall defend, indemnify and hold harmless Landlord from any costs, including, without limitation, reasonable attorney's fees, incurred by Landlord as result of claims of mechanics' or materialmen's liens from any work by Tenant.
- (c) Upon the termination of this Lease, Tenant shall, at its option, (i) remove any trade fixtures, equipment, alterations, and improvements installed by it on the Premises and repair any damage caused by such removal, at its expense or (ii) with the prior written consent of the Landlord, leave all such alterations and improvements on the Premises (except for its moveable trade fixtures, furniture and equipment), in which event all such alterations and improvements shall become the property of Landlord who shall accept full liability and responsibility therefore.

9. UTILITIES AND SERVICES; INSURANCE; TAXES.

- (a) Landlord shall provide, at Landlord's expense, the following utilities and services for the Premises: water and sewer. Tenant shall be responsible for electric, interior trash removal, telephone, telecommunication, internet or any other utility service to the Premises beyond those identified in the previous sentence. If Landlord or Landlord's agent interrupts, discontinues or causes the interruption or discontinuation of any of its utilities or services, then Tenant, in addition to any other remedy available under the law, shall be entitled to deduct from the Rent, or other payments otherwise due to Landlord under the terms of this Lease or any renewal or extension thereof, either (i) the per diem rental for each day that the Premises are rendered unsuitable for use due to Landlord's failure to provide such utility or service, or (ii) the actual cost to provide the utility or service if not provided by Landlord.
- (b) Landlord shall be responsible for all real estate taxes or charges in lieu of taxes applicable to the Premises.
- (c) Landlord, at Landlord's expense, shall keep the Premises and the Building insured against damage by fire, lightning, windstorm, tornado, earthquake, civil disturbance, flood, acts of nature and casualty loss, under a broad form extended coverage or similar property loss policy. The policy shall cover at least eighty percent (80%) of the replacement cost of the Premises and the

Building. In addition, Landlord shall maintain broad form general commercial liability insurance sufficient to ensure reasonable financial responsibility in the event of liability for injury, loss or damage at the Premises, the common areas and facilities. In no event shall the limits of such insurance be considered as limiting the liability of Landlord under the Lease.

- (d) Tenant covenants and agrees to maintain at Tenant's expense, during the full term of this Lease, public liability insurance in the sum of not less than One Million Dollars (\$1,000,000) per occurrence and One Million Dollars (\$1,000,000) annual aggregate for liability resulting from injury and/or death and for liability resulting from damage to property, occurring in or on the Premises or Common Areas during the term hereof. Such policy or policies of insurance shall name Landlord as an additional insured as to claims and liabilities arising out of Tenant's acts or omissions, including by those whom Tenant directs, controls or supervises. Evidence of such insurance shall be delivered to Landlord upon request. Tenant also agrees to carry workmen's compensation insurance and employer's liability insurance, if applicable, in amounts sufficient to satisfy the statutory requirements of the state where the Premises and Common Areas are located. The policy limits set forth herein shall be subject to periodic review, and Landlord reserves the right to require that Tenant increase the liability coverage limits if, in the reasonable opinion of Landlord, the coverage becomes inadequate and is less than commonly maintained by tenants of similar buildings in the area making similar uses. All the insurance required under this Lease shall be issued by insurance companies authorized to do business in the Commonwealth of Virginia with a financial rating of at least an A-B+ as rated in the most recent edition of Best's Insurance Reports and in business for the past five years. The limit of any such insurance shall not limit the liability of Tenant hereunder. Landlord makes no representations to Tenant that the limits or forms of insurance coverage required of Tenant and specified in this Section 9 are adequate to insure Tenant's property or Tenant's obligations or assumption of contractual liability under this Lease, and the limits of any insurance carried by Tenant shall not limit its duties and obligations under this Lease. In no event shall the limits of such insurance be considered as limiting the liability of Tenant under this Lease.
- (e) Tenant shall obtain and maintain during the period of this Lease insurance covering its automobiles, fixtures, equipment, merchandise, all leasehold improvements, inventory, and all other items of property on the Premises, in an amount equal to not less than one hundred percent (100%) of the full replacement value thereof and insuring against fire and all risk, perils coverage as provided by standard all risk coverage endorsement protecting Tenant and Landlord as insured as their respective interests appear. Such public liability insurance shall name the Landlord and its successors and assigns as additional insured's, as their interest may appear.

- (f) Landlord shall keep and maintain a policy of insurance on the building on the Property against loss or damage by fire and other risks now embraced by so-called broad form "all-risk" coverage in an amount not less than 100% of the then full replacement value of the insurable portion of the Property. Such "all risk" policy shall name the Landlord, and its successors and assigns, as additional insured's and the Landlord as the loss payee, pursuant to the loss payee clause. Tenant shall pay to Landlord all of the cost of maintaining such insurance within ten (10) days of Landlord's written notice to Tenant therefore. If Tenant fails to reimburse Landlord for the cost of such insurance within ten (10) days after Tenant receives from Landlord a statement setting forth such cost, then the cost to Landlord of performing the same shall be deemed additional Rent.
- (g) Tenant shall, within ten (10) days of the Commencement Date, deliver to Landlord a certificate of insurance and a receipt evidencing that the insurance required by this Lease is paid in full and in full force and effect. No insurance required by this Lease shall be cancelable except after thirty (30) days notice to Landlord. All insurance required by this Lease may be carried under blanket policies maintained by the Tenant or may be carried under a combination of primary insurance and umbrella coverage.
- (h) Each policy required hereunder shall provide that it shall not be cancelable without at least thirty (30) days' prior written notice to Landlord and each policy shall be issued by an insurer licensed to do business in the Commonwealth of Virginia and rated satisfactory to Landlord. Each policy required hereunder shall have attached thereto an endorsement to the effect that no act or omission of Tenant shall affect the obligation of the insurer to pay the full amount of any loss sustained. Each policy shall be in such form as Landlord may from time to time reasonably require.
- (i) If Tenant shall fail, refuse or neglect to obtain such insurance or maintain it, or to furnish Landlord with satisfactory evidence that it has done so and satisfactory evidence of payment of the premium of any policy, Landlord shall have the right, at Landlord's option, to purchase such insurance and to pay the premiums thereon or to pay the premiums on insurance for which Tenant should have paid. All such payments made by Landlord shall be recoverable by Landlord from Tenant on demand therefore and shall be deemed additional Rent hereunder.

10. CONDITION OF AND ACCESS TO COMMON AREAS. Landlord, at Landlord's sole expense, shall maintain in a good condition, all common areas and common facilities, including all walkways, parking areas, and all related exterior lighting, to be used by Tenant in common with other tenants. If Landlord fails to maintain such areas or facilities in a good condition, or to make all repairs and/or improvements within a reasonable time after written notice, then Tenant may terminate this Lease or proceed to make repairs or improvements.

11. ACCESSIBILITY BY PERSONS WITH DISABILITIES.

- (a) In addition to any other requirements or covenants in this Lease, and at all times during the Term, option and any renewal terms, Landlord covenants that, as to the Premises, the common areas and the parking facilities of the Building, it has fully complied, or will comply, to the fullest extent required by law, with:
- (i) the facilities accessibility laws, regulations and standards required by the "Americans With Disabilities Act of 1990", including Titles II and III thereof, and the regulations and standards promulgated thereunder, including the regulations promulgated by the U.S. Department of Justice (28 CFR Chapter 1, Part 36 and the Standards for Accessible Design Pt. 36, App. A-entitled "ADA Accessibility Guidelines for Buildings and Facilities"), as amended, and
 - (ii) the minimum requirements of the Virginia Uniform Statewide Building Code (VUSBC), Volume I-New Construction, as amended, pertaining to access by the physically handicapped and aged persons, including Chapter 11 ("Accessibility") of said VUSBC, which, in part, incorporates the regulations and referenced standards of the U.S. Department of Justice identified above.

To the extent the minimum requirements of the VUSBC are more restrictive than applicable federal requirements, the more restrictive of the two shall control. Landlord further covenants that, following the date of execution of this Lease, all alterations of the Premises and common areas, including parking facilities, shall be undertaken by Landlord in such a manner that the ADA and the regulations and standards promulgated thereunder and the VUSBC are fully complied with to the extent required by law and as herein provided.

Tenant may discover that an element of the Premises, or the construction or design of the Premises, as well as the other facilities areas noted above, or alterations thereto, are not in compliance with the requirements herein set forth, including the referenced standards or guidelines pertaining to the ADA. In such event, Tenant shall promptly notify Landlord (or Landlord's agent) in writing detailing both the requirement and the noted deficiency and specifying the action required to bring about compliance. Should the Landlord fail within thirty (30) calendar days following such notice to comply or to propose in writing an alternative for compliance which the Tenant deems acceptable, or, alternatively, fail to convince the Tenant that compliance is not required, either because such accommodation as would otherwise be required would constitute an undue hardship when measured against the financial resources of the Landlord or because the facilities are nevertheless accessible and usable by individuals with disabilities, then Tenant may undertake with its own resources to accomplish the work needed to achieve such compliance and may

deduct the reasonable costs of such accommodation from the rents or other sums then otherwise due Landlord under the terms of this Lease, option and any renewal terms, or may terminate this Lease by giving three months' written notice to Landlord.

- (b) The foregoing provisions of this Section, as applied to Landlord, shall not apply to trade fixtures used or installed by Tenant or Tenant's layout of such trade fixtures or to any alternations to Premises performed under this Lease by Tenant.

12. INDEMNIFICATION AND WAIVER OF CLAIMS; GOVERNANCE; SUBORDINATION.

- (a) The Tenant, as indemnitor, shall save, defend, hold harmless, and indemnify Landlord and any of its successors and assigns, or any of them, from any and all suits, actions, damages, liability, cost and expenses (including, without limitation, reasonable attorneys' fees) arising from or out of any act or failure to act of the Tenant, its assignees, tenants, sub-tenants, agents, servants, employees, visitors or licensees, in or on the Premises or Common Areas, arising out of or in connection with the Tenant's continued possession, use and occupancy of the Premises, or resulting from any other claim, investigation, suit, demand, action or complaint or any other cause made by any party hereto or any third party, including, without limitation, Tenant, against Landlord or Tenant based, in whole or in part, on the Tenant's possession, use and occupancy of the Premises. Tenant's indemnification obligation hereunder shall be unlimited. Landlord and Landlord's agents, employees, and contractors shall not be liable for, and Tenant hereby releases Landlord from all claims for damage to person or property sustained by Tenant or any person claiming through Tenant resulting from fire, accident, occurrence or condition in or about the Premises or Common Areas which is not due to the gross negligence of the Landlord or to a breach by Landlord of its duties under this Lease. Further, all personal property of Tenant in the Premises shall be at the sole risk of Tenant.
- (b) This Lease shall be governed by, and construed according to, the laws of the Commonwealth of Virginia. The parties choose Cumberland County, Virginia, as the venue for any action instituted pursuant to the terms of this Lease.

- 13. MUTUAL WAIVER OF SUBROGATION.** Landlord and Tenant each hereby release the other from any and all liability or responsibility to the other, or to any other party claiming through or under them by way of subrogation or otherwise, for any loss or damage to property caused by a casualty which is insurable under the standard fire and extended coverage insurance. Landlord and Tenant agree that all policies of insurance obtained by them pursuant to the terms of this Lease shall contain provisions or endorsements thereto waiving the insurer's rights of subrogation with respect to claims against the other, and, unless the policies permit waiver of subrogation without notice to the insurer, each shall notify its insurance

companies of the existence of the waiver and indemnity provisions set forth in this Lease.

14. OPTION, TERMINATION, RENEWAL, AND HOLDOVER.

- (a) Options. Reserved.
- (b) Termination. Reserved.
- (c) Renewal. The term of this Lease may be extended for additional periods ("Renewal Term") upon the mutual written consent of the parties. The parties hereto agree to discuss the possible extension of this Lease not less than ninety (90) days prior to the Termination Date of the Initial Term or Renewal Term, as applicable for this Lease. The parties hereto also agree to execute a written extension not less than thirty (30) days prior the Termination Date of the Initial Term or Renewal Term, as applicable to this Lease.
- (d) Holdover. Reserved.
- (e) Condition of Premises. At the termination of this Lease, Tenant shall peaceably deliver the Premises in the same condition as originally accepted, nominal damage and normal wear and tear excepted, and subject to any provisions to make repairs and restoration, as provided herein.
- (f) Posting of Notice. Reserved.

15. NOTICES.

- (a) All notices to the Tenant required or permitted under this Lease shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, to the Tenant addressed to:

Cumberland Community Cares Food Bank
1550 Anderson Hwy
Cumberland, VA 23040

- (b) All notices to the Landlord required or permitted under this Lease shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, to the Landlord addressed to:

Cumberland County Administrator
Post Office Box 110
Cumberland, Virginia 23040

- (c) Wherever a notice is required under this Lease, notice shall be deemed to

have been duly given if in writing and either: (i) personally served; (ii) delivered by prepaid nationally recognized overnight courier service; or (iii) forwarded by Registered or Certified mail, return receipt requested, postage prepaid.

- (d) Each such notice shall be deemed to have been given to or served upon the party to which addressed on the date the same is received by the party or delivery is refused. Each party to this Lease shall notify the other party of a new address at which to mail notices, which notice shall be given in the manner provided above, and unless and until such notice of new address is given, notices to a party hereto shall be sufficient if mailed to such party's address as specified in Section 17(a) or Section 17(b), as appropriate.
- (e) Where notice is sent by an alternative method, the notice shall be effective if actually received by the party, or its appointed agent, to whom the notice is addressed.

16. BINDING EFFECT; AMENDMENTS. The covenants, agreements, and rights contained in this Lease shall bind and inure to the respective heirs, personal representatives, successors and assigns of Landlord and Tenant. This Lease constitutes the entire, full and complete understanding and agreement between Landlord and Tenant, and all representations, statements, warranties, covenants, promises or agreements previously made or given by either party to the other are expressly merged into this Lease and shall be null, void and without legal effect. Neither party, nor any agent of either party, has any authority to alter, amend or modify any of the terms of this Lease, unless the amendment is in writing and executed by all parties to this Lease with the same formality as this Lease. If any term, covenant or condition of this Lease or the application thereof shall, to any extent, be held invalid or unenforceable, the remainder of this Lease or the application thereof other than those to which it is held invalid or unenforceable, shall not be affected thereby and in each term this Lease shall be valid and enforced to the fullest extent permitted by law.

17. DEFAULT.

- (a) The termination of this Lease by Tenant pursuant to the provisions contained herein shall not be a default hereunder.
- (b) If either party shall breach any provision of this Lease, the non-breaching party shall give written notice thereof to the breaching party. The breaching party shall have thirty (30) days from the receipt of the notice to cure the breach and, if not so cured, the non-breaching party may, at its option, exercise such rights as may exist at law or in equity, except that Landlord shall not take possession of the Premises by any self-help remedy. The provisions of this subsection shall not be construed as imposing any additional obligations on the non-breaching party to the extent that this

Lease permits the non-breaching party to take certain actions as a result of a breach by the other party.

- (c) If Tenant does not perform any covenant, agreement, or obligation of Tenant pursuant to this Lease and such default continues for thirty (30) days after written notice thereof is given to Tenant (provided, however, if such non-monetary default cannot be reasonably cured within such thirty (30) day period, Tenant shall not be in default hereunder so long as Tenant commences the cure of such default within such thirty (30) day period and thereafter diligently pursues the cure thereof), or if Tenant should become bankrupt or insolvent or any other debtor proceedings are taken by or against Tenant, or if Tenant vacates or attempts to vacate the Premises, Tenant shall be in default hereunder, and in any case, upon such a default Landlord shall have the following rights and remedies:
- (i) Landlord may terminate this Lease by written notice to Tenant, in which event this Lease, all rights of Tenant, and all duties of Landlord shall immediately cease and terminate and (i) the Landlord may re-enter and take possession of the Premises, (ii) remove all persons and property from the Premises, (iii) at the expense of Tenant, sell, store or otherwise dispose of such property at any price or cost deemed appropriate by the Landlord, in its sole discretion, and apply such proceeds to any amounts owed by Tenant to Landlord hereunder (for the purposes hereof and at the option of the Landlord, upon a default of this Lease and five (5) days previous written notice to Tenant, Tenant shall be deemed to quitclaim all right, title and interest of such property to Landlord), and (iv) enjoy the Premises free of Tenant's estate pursuant to this Lease, without prejudice, however, to any and all rights of action against Tenant that Landlord may have for Rent through the date of termination, damages, or breach of this Lease, in respect of which Tenant shall remain and continue to be liable notwithstanding such termination. Landlord shall have the right to take such action without being guilty of trespass or becoming liable for any loss or damage which may be occasioned thereby.
- (ii) Without terminating this Lease, Landlord shall have the right to lawfully re-enter the Premises and at the expense of Tenant, sell, store or otherwise dispose of such property at any price or cost deemed appropriate by the Landlord, in its sole discretion, and apply such proceeds to any amounts owed by Tenant to Landlord hereunder (for the purposes hereof, upon a default of this Lease and five (5) days previous written notice to Tenant, Tenant shall be deemed to quitclaim all right, title and interest of such property to Landlord). Landlord shall have the right to take such action without being guilty of trespass or becoming liable for any loss or damage which may be occasioned thereby. If Landlord elects to re-enter the Premises or

takes possession of the Premises pursuant to this subparagraph (B), Landlord may, at its option, re-let the Premises or any portion thereof for the benefit of Tenant for such term or terms (whether shorter or longer than the term of this Lease) and at such rental and upon such other terms and conditions as are commercially reasonable, and, at the expense of Tenant, Landlord shall have the right to make such repairs or alterations to the Premises as Landlord reasonably deems necessary in order to re-let the same. Provided this Lease has not been terminated by Landlord, upon each such re-letting, all rentals actually received by Landlord from such re-letting applicable to the unexpired term of this Lease shall be applied as follows: First, to the payment of any costs and expenses of such re-letting, including costs incurred by Landlord for brokerage fees, legal fees and alteration and repairs to the Premises; Second, to the payment of any indebtedness other than Rent due hereunder from Tenant; and Third, to payment of any unpaid portion of Rent then due. No such re-entry or taking of possession of the Premises by Landlord shall be construed or shall operate as an election by Landlord to terminate this Lease unless written notice of termination is given by Landlord to Tenant.

- (iii) Landlord shall have all remedies available pursuant to applicable law.
- (iv) All remedies of Landlord shall be cumulative and the election by Landlord of any remedy shall not prevent or be deemed a waiver of Landlord's right to thereafter exercise any other remedy available. Tenant agrees to pay upon demand all costs, fees and expenses (including reasonable attorney's fees) incurred by Landlord in enforcing this Lease.

18. PRESUMPTIONS. Should any provision of this Lease require judicial interpretation, Landlord and Tenant hereby agree and stipulate that the court interpreting or considering same shall not apply the presumption that the terms hereof shall be more strictly construed against a party by reason of any rule or conclusion that a document should be construed more strictly against the party who itself or through its agents prepared the same, it being agreed that all parties hereto have participated in the preparation of this Lease and that each party had full opportunity to consult legal counsel of its choice before the execution of this Lease. The parties to this Lease further waive any right to a trial by jury in any matter arising out of or in any way connected with this Lease.

19. ASSIGNMENT. Tenant may not assign this Lease, or sublet the Premises, without the written consent of Landlord, which consent shall be in Landlord's sole discretion.

Landlord may assign, convey, or otherwise transfer Landlord's estate, right, title, and interest in this Lease or in the Leased Premises, or any portion thereof, without the consent of Tenant.

20. **ENVIRONMENTAL COMPLIANCE BY TENANT.** Tenant shall not conduct, and shall not cause to be conducted, any operations or activities at the Leased Premises not in compliance with, and shall in all other respects applicable to the Leased Premises comply with, all applicable present and future federal, state, municipal and other governmental statutes, ordinances, regulations, orders, directives, guidelines, and other requirements, and all present and future requirements of common law, concerning the environment ("Environmental Laws") including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. §§ 9601 et seq., the Clean Air Act, 42 U.S.C. §§ 7401 et seq., and the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq., and (i) those relating to the generation, use, handling, treatment, storage, transportation, release, emission, disposal, remediation or presence of any material, substance, liquid, effluent or product, including, without limitation, hazardous substances, hazardous waste or hazardous materials, (ii) those concerning conditions at, above, or below the surface of the ground, and (iii) those concerning conditions in, at or outside of buildings.
21. **HEADINGS.** The heading of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.
22. **WAIVER.** The failure of Landlord to insist upon strict observance of any of the terms or conditions of this Lease at any time shall not be deemed a waiver of the Landlord's right to insist upon strict observance thereafter.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals:

LANDLORD: CUMBERLAND COUNTY, VIRGINIA

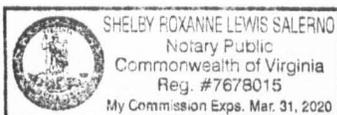
By: *Vivian Seay Giles*
 Vivian Seay Giles, County Administrator

COMMONWEALTH OF VIRGINIA
 CITY/COUNTY OF Cumberland, to wit:

The foregoing Deed of Lease was acknowledged before me this 16th day of November, 2017 by Vivian Seay Giles acting in her capacity as County Administrator of CUMBERLAND COUNTY, VIRGINIA, on behalf of Cumberland County.

My Commission expires: 03/31/2020

My notary Identification Number is: 7678015



Shelby Roxanne Lewis Salerno
 Notary Public

TENANT: CUMBERLAND COMMUNITY CARES FOOD BANK

By: Dorisann Seal

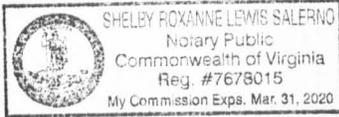
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Cumberland, to wit:

The foregoing Deed of Lease was acknowledged before me this 28th day of November, 2017 by Dorisann Seal acting in her capacity as President of Cumberland Community Cares Food Bank.

My Commission expires: 03/31/2020

My notary Identification Number is: 7678015

Shelby Roxanne Lewis Salerno
Notary Public



APPROVED AS TO FORM:

Vivian Seay Giles
Vivian Seay Giles, County Attorney

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 11th day of December, 2018, at the Cumberland County Circuit Court Room:

Present: Kevin Ingle, District 3, Chairman
Parker Wheeler, District 5, Vice-Chairman
William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2
David Meinhard, District 4
Vivian Giles, County Administrator | Attorney
Nicci Edmondston, Assistant County Administrator

Absent: JP Duncan, Zoning Administrator

1. Call to Order

The Chairman called the meeting to order.

2. Welcome and Pledge of Allegiance

The Pledge of Allegiance was led by the Chairman.

3. Roll Call

County Administrator, Vivian Giles, called the roll.

4. Approval of Agenda

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

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

5. State and Local Department/Agencies

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

Dr. Griffin was not in attendance.

- b) Aaron B. Hawkins, CPA, Robinson Farmer Cox Associates

Mr. Aaron Hawkins reviewed the County's Financial Report for Fiscal Year 17-18. He stated that the firm's testing on the County's compliance with federal regulations showed no issues. The firm reported a clean audit with the only exception relating to the school advertising of their budget.

- c) VDOT

Assistant Resident Engineer, Ms. Carrie Shephard, was not in attendance.

- d) Meaghan Lewis of Cumberland County Public Library

Ms. Lewis was not in attendance

- e) Ms. Kelly Snoddy, Peter Francisco Soil and Water Conservation District

Ms. Kelly Snoddy provided the Board with, and reviewed, the annual report. The board members did not have any questions regarding the report.

6. Public Hearings

There were no public hearings scheduled or conducted.

7. County Attorney/County Administrator Report

a) Consent Agenda

- 1) Approval of Bills for November 2018 and December 2018. Approved bills for December 11, 2018 total \$140,904.74. Ratified bills for November 14, 2018 to December 10, 2018 of warrants total \$414,462.07 with check numbers ranging from 78592-78843. Direct Deposits total \$167,279.10.
- 2) Approval of Minutes – November 1, 2018 and November 13, 2018

On a motion by Supervisor Osl 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) Mutual Aid Agreement with the Town of Farmville for Fire & EMS

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the Mutual Aid Agreement with the Town of Farmville regarding Fire & EMS:

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

- c) Set public hearing for Cumberland Community Cares Food Bank lease renewal

On a motion by Supervisor Osl, and carried unanimously, the Board set a public hearing for renewal of the Cumberland Community Cares Food Bank Lease on January 8, 2018:

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

- d) Set public hearing for Randolph Volunteer Fire Department lease renewal

On a motion by Supervisor Osl, and carried unanimously, the Board set a public hearing for the Board to consider renewal of the Randolph Volunteer Fire Department Lease on January 8, 2018:

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

- e) Proposed 2019 Board meeting schedule

On a motion by Supervisor Osl and carried unanimously, the Board approved the 2019 Board of Supervisors meeting schedule:

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

8. Finance Director's Report

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

- b) Request for Appropriation – Sheriff's Office - \$2,808.00

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation for the Sheriff's Department in the amount of \$2,808.00:

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

- c) Approval of FY 19-20 Budget Calendar and FY 19/20-FY 24/25 CIP Calendar

On a motion by Supervisor Osl and carried unanimously, the Board approved the FY19-20 Budget Calendar and FY19/20-FY24/25 CIP calendar:

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

9. Planning Director's Report

a) Planning Project Update

There was no discussion regarding this item.

b) Set public hearing for CUP 18-10 Precision Cell Salem Church Road Tower

On a motion by Supervisor Meinhard, and carried unanimously, the Board set a public hearing for CUP 18-10 Precision Cell Salem Church Road Tower for January 8, 2018:

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

c) Set public hearing for CUP 18-11

On a motion by Supervisor Meinhard, and carried unanimously, the Board set a public hearing for CUP 18-11 Timber Creek Event Barn for January 8, 2019:

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

10. Old Business

a) Organization of Emergency Services

It was the consensus of the Board to meet with Chief Walter Bailey of Virginia Department of Fire Services on Thursday, December 13, 2018 at 7:00 p.m. in the Board meeting room located at 1 Courthouse Circle, Cumberland,

Virginia 23040. The purpose of the meeting is to discuss the report generated at the request of the Board regarding the status of emergency services countywide.

11. New Business

a) Noise Ordinance Amendments

Supervisor Osl asks the Board to consider amending the county's noise ordinance. There have been issues that have arisen in the county, and the current ordinance is difficult to enforce. Two citizens came to share their comments regarding the noise ordinance. Mr. Wayne Edwards requested that the ordinance amendment include prohibition of shooting within fifty feet of animals. Mr. Nelson Conner advised the Board that his issue is with a neighbor who constantly plays music excessively loud, and he asked that the Board review the Ordinance to see what can be done. Mr. Bill Bruce advised the two citizens in attendance to video tape the noise because the ordinance says "nuisance". He also advised that if the noise is harming animals, the citizens should contact PETA.

12. Public Comments

Mr. Nelson Conner reiterated that the police are not able to enforce the noise ordinance under the current regulations. Mr. Bill Bruce asked who would pay the million dollars in legal fees generated by the litigation between the county and Republic. He also states that he has filed a FOIA lawsuit against the county after the Board, County Administrator, and FOIA Council would not help him. Mr. Bruce also stated that if Mr. Osl sells his house, he is no longer a Board member.

Ms. Betty Myers stated that the Cumberland Landfill Awareness Group sent a mass mailing to citizens in Cumberland,

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and they will do whatever it takes to stop the Green Ridge Facility. She asked the Board why they did not conduct a mass mailing to notify the citizens about Green Ridge. Ms. Myers asked for the effective date of the audit report and how long has the firm been conducting the audit for the county.

Mr. Chris Rankin stated that the county could have used direct mailing to notify the residents of the Green Ridge Facility, but the Board does not want citizens to know anything.

13. Supplemental Information

The Chairman stated that the advertising for Green Ridge was conducted in the same manner as other projects. The audit report is effective for the year ending June 30, 2018, and Robinson Farmer Cox has been conducting the audit for the county for many years.

14. Board Member Comments

Supervisor Banks stated that many companies have inquired about locating in the county over the last several years, but the county does not make a statement regarding a proposed project until an application has been received. Ms. Betty Myers interjected that the citizens are entitled to know everything. Supervisor Banks stated that there is some information that is confidential. The Board cannot share everything, but when the Board does share, the public criticizes. The county is not operating at a deficit and the audit report shows that. The County is not on the verge of bankruptcy.

Supervisor Osl recommends that citizens with questions regarding the finances of the county to ask the county administrator and review the budget presentations.

Supervisor Meinhard stated that he would like to see the citizens that speak out against the Board be held to the same

standards of honesty and respect that are expected of the Board. Ms. Christal Schools interjected and asked Supervisor Banks if the main purpose of the landfill is for revenue. Supervisor Banks suggested that the citizen ask those who voted in favor of the landfill.

15. Adjourn into Closed Meeting-

On a motion by Supervisor Osl and carried, the Board entered into closed meeting pursuant to the Virginia Code Section set forth below to discuss the subject identified:

- Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel
Subject: Host Community Agreement dated May 3, 2006
- Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel
Subject: Review pending litigation – Cumberland County Circuit Court

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

16. Reconvene in Open Meeting-

The Board returned to regular meeting on a motion by Supervisor Banks.

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

Mr. Osl - aye
Mr. Banks – aye

Mr. Ingle - aye
Mr. Meinhard - aye
Mr. Wheeler - aye

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

WHEREAS, the Board of Supervisors of Cumberland County has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Cumberland County.

The board discussed design details and specifications regarding Communication Towers.

17. Additional Information

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

121118 BOS 7:00pm Page 10 of 11

18. Adjourn -

On a motion by Supervisor Wheeler and carried by the following vote, the Board adjourned the meeting until Thursday, December 13, 2018 at 7:00 p.m. in the Board Conference Room:

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

Wm. Kevin Ingle, Chairman

Vivian Giles, County Administrator/County Attorney

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13th day of December, 2018 at the Cumberland County Courthouse, Circuit Courtroom A, Cumberland, Virginia:

Present: Kevin Ingle, District 3, Chairman
Parker Wheeler, District 5, Vice-chairman
David Meinhard, District 4
Vivian Seay Giles, County Administrator/County Attorney

Absent: William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2

The Chairman called the Board of Supervisors meeting to order. The County Administrator called the roll.

The purpose of the meeting was to hold a discussion with Chief Walter Bailey, Chairman of the Virginia Fire Services Board. The Supervisors and Chief Bailey discussed the emergency services study conducted by the Virginia Fire Services Board and provided to the Board at their October 9, 2018 meeting. It was the consensus of the Board that discussions regarding the study will be ongoing.

Adjourn

On a motion by Supervisor Wheeler and carried by the following vote, the Board adjourned the meeting until the next regular meeting of the Board to be held on January 8, 2019:

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

Wm. Kevin Ingle, Chairman

Vivian Giles, County Administrator | County Attorney

	Emergency Services Management LLC	Emergency Services Solutions	Lifecare Medical Transport	Delta Response Team
Bid – Year 1	\$394,200	\$446,760	\$488,107	\$525,600
Bid – Year 2	\$394,200	\$469,098	\$502,736	\$525,600
Bid – Year 3	\$394,200	\$492,553	\$517,804	\$525,600
Employees	Unknown (few)	70	>500	Unknown but believed to be sufficient
References	Personal – not related to the company overall. The references related to prior employment of the company owner	Excellent	Excellent	Good
Notes	While this bid was the lowest, staff has concerns about the company’s ability to provide the level of service expected and the required insurance. This is a new company (started in September of 2016) and currently has only one contract which is with the City of Pamplin for the provision of basic life support services for 40 hours per week.	Current service provider in Cumberland County.	Award-winning company that serves	
Compliance with RFP	Technical compliance but some data was incomplete.	Fully compliant.	Technical non-compliance relating to references and bid submission procedure.	Technical non-compliance relating to references and bid submission procedure.

** GENERAL FUND REVENUES**

Monthly Financial Report To Council For January 2019

	Estimated 2018/2019 Budget to Date -----	Actual 2018/2019 Budget to Date -----	(Over) or Under Budget to Date -----
Revenue			
Balance Forward		5,003,542.53	
Fund Revenue	40,226,859.00	19,058,552.05	21,168,306.95
Total Revenue	40,226,859.00	24,062,094.58	16,164,764.42
Expenditures			
* Board of Supervisors *	46,117.00	20,808.15	25,308.85
* County Administrator *	298,724.00	166,316.07	132,407.93
* Legal Services *	1,000.00	45,843.35	(44,843.35)
* Independent Auditor *	36,000.00	13,763.57	22,236.43
* Commissioner of Revenue *	259,158.00	126,937.17	132,220.83
* Assessor *	104,000.00		104,000.00
* Treasurer *	293,670.00	148,980.45	144,689.55
* Accounting *	157,046.00	79,330.47	77,715.53
* Data Processing *	305,491.00	114,739.86	190,751.14
* Electoral Board *	25,096.00	13,527.14	11,568.86
* Registrar *	97,937.00	43,679.46	54,257.54
* Circuit Court *	14,800.00	1,083.25	13,716.75
* General District Court *	7,630.00	1,955.51	5,674.49
* Magistrate *	1,125.00		1,125.00
* Clerk of Circuit Court *	224,407.00	123,337.80	101,069.20
* Law Library *	1,200.00	360.31	839.69
* Victim and Witness Assistance *	69,370.00	2,958.88	66,411.12
* Commonwealth's Attorney *	221,898.00	107,724.87	114,173.13
* Sheriff *	1,661,393.00	839,589.91	821,803.09
* School Resource Officer *	66,404.00	35,447.55	30,956.45
* E911 *	25,200.00	2,800.86	22,399.14
Cumberland Vol. FIRE DEPT	44,500.00	30,951.67	13,548.33
Cartersville Volun.	39,500.00	30,951.67	8,548.33
Prince Edward Vol. Rescue Squad	10,000.00	4,750.00	5,250.00
Randolph Fire Dept.	39,500.00	30,951.67	8,548.33
Cartersville Vol. Rescue Squad	37,970.00		37,970.00
Chesterfield Med-Flight Program	400.00	150.00	250.00
* Forestry Service *	8,705.00		8,705.00
* CUMBERLAND FIRE & EMS *	480,030.00	296,165.63	183,864.37
* Probation Office *	550.00		550.00
* Correction & Detention *	285,000.00	475,923.03	(190,923.03)
* Building Inspections *	142,981.00	69,509.88	73,471.12
* Animal Control *	125,800.00	53,407.93	72,392.07
* Medical Examiner *	200.00	20.00	180.00
* Refuse Disposal *	924,674.00	426,735.69	497,938.31
* General Properties *	753,626.00	352,657.46	400,968.54
* Supplement of Local Health Dept *	92,417.00	56,750.85	35,666.15
Piedmont Senior Resources	5,000.00	2,500.00	2,500.00
* Chapter 10 Board - Crossroads *	34,000.00	17,000.00	17,000.00
* CSA Management *	33,381.00	17,339.92	16,041.08
* Community Colleges *	8,000.00	3,500.00	4,500.00
* Recreation *	63,827.00	31,472.19	32,354.81

** GENERAL FUND REVENUES**

Monthly Financial Report To Council For January 2019

	Estimated 2018/2019 Budget to Date -----	Actual 2018/2019 Budget to Date -----	(Over) or Under Budget to Date -----
Expenditures			
* Local Library *	115,450.00	57,725.00	57,725.00
* Planning Commission *	9,950.00	4,624.05	5,325.95
* Planning/Zoning Dept. *	83,113.00	48,494.39	34,618.61
* Community & Economic Developmnt *	19,052.00	15,052.00	4,000.00
* Board of Zoning Appeals *	650.00		650.00
	10,590.00		10,590.00
* Farmville Area Chamber of Commerc	1,500.00	750.00	750.00
* Longwood Small Bus. Dev. Ctr. *	3,000.00	1,500.00	1,500.00
* Southside Violence Prevention *	5,000.00	2,500.00	2,500.00
Peter Francisco SWD	10,000.00	5,000.00	5,000.00
* Extension Agents *	53,329.00	14,795.40	38,533.60
	2,500.00	1,250.00	1,250.00
* NONDEPARTMENTAL *	19,122.00	2,675.68	16,446.32
TRANSFERS	7,703,536.00	4,008,587.83	3,694,948.17
COMMONWEALTH'S ATTORNEY	5,000.00	1,753.85	3,246.15
SHERIFF	50,000.00		50,000.00
HEALTH INSURANCE	2,689,500.00	1,054,773.31	1,634,726.69
DENTAL INSURANCE	115,000.00	49,879.43	65,120.57
PATIENT CENTERED OUTCOME FEE(PCOR)	12,500.00	546.92	11,953.08
* Administration *	1,384,961.00	568,691.03	816,269.97
	15,125,590.00	5,488,393.34	9,637,196.66
	1,290,402.00	357,863.22	932,538.78
	35,000.00		35,000.00
* Elementary School - Lit Loan *	211,667.00		211,667.00
* High/Middle School - VPSA Loan *		743,095.51	(743,095.51)
* HS/MS-VPSA LOAN #2 *	1,200,590.00	892,491.25	308,098.75
PUBLIC FACILITY NOTE 2009	389,067.00	295,101.36	93,965.64
* AMERESCO *	154,394.00	154,394.00	
* SunTrust Loan-HS/MS *	892,500.00		892,500.00
* Suntrust Loan - Courthouse *	248,579.00	240,735.82	7,843.18
	750,000.00	393,431.58	356,568.42
* SEWER FUND - Enterprise Fund *	272,172.00	137,246.22	134,925.78
* WATER FUND - ENTERPRISE FUND *	171,328.00	84,620.03	86,707.97
COMMUNITY CENTER PURCHASE	120,590.00	46,677.81	73,912.19
MADISON INDUSTRIAL PARK		750.00	(750.00)
	23,500.00	4,860.23	18,639.77
Total Expenditure	40,226,859.00	18,468,181.48	21,758,677.52
Total Revenues			
Less Total Expenditures		5,593,913.10	(5,593,913.10)

1/03/2019

GL0600AA

CUMBERLAND CO
EXPENDITURE SUMMARY
7/01/2018 1/03/2019

PAGE 1

8:03

TIME

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

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE	UNCOLLECTED
FUND #-100									
1101	** Real Estate Taxes **	5,850,000.00	5,850,000.00	101,974.14	2,854,036.06	101,974.14	2,854,036.06	2,995,963.94	51.21
1102	** Real/Personal Public Service *	860,000.00	860,000.00	14,077.99	476,051.02	14,077.99	476,051.02	372,948.98	43.36
1103	** Personal Property Taxes *	1,994,500.00	1,994,500.00	89,013.78	1,716,891.56	89,013.78	1,716,891.56	277,608.44	13.91
1104	** Machinery & Tools *	200,000.00	200,000.00	1,066.62	272,778.35	1,066.62	272,778.35	72,778.35	36.38
1106	** Penalties & Interest *	247,000.00	247,000.00	29,126.85	141,676.98	29,126.85	141,676.98	105,323.02	42.64
1201	** Local Sales & Use Taxes *	500,000.00	500,000.00	.00	224,381.33	.00	224,381.33	275,618.67	55.12
1202	** Consumer' Utility Taxes *	173,000.00	173,000.00	14,575.62	88,460.24	14,575.62	88,460.24	84,539.76	48.86
1203	** Business License Taxes *	111,000.00	111,000.00	2,855.64	20,556.34	2,855.64	20,556.34	90,443.66	81.48
1204	** Franchise License Taxes *	15,000.00	15,000.00	.00	.00	.00	.00	15,000.00	100.00
1205	** Motor Vehicle License Tax *	230,000.00	230,000.00	12,235.36	179,545.56	12,235.36	179,545.56	50,454.44	21.93
1207	** Taxes On Recordation & Wills *	68,600.00	68,600.00	17,269.05	56,075.68	17,269.05	56,075.68	12,524.32	18.25
1301	** Animal Licenses *	8,000.00	8,000.00	414.00	782.00	414.00	782.00	7,218.00	90.22
1303	** Permits & Other Licenses *	76,600.00	76,600.00	3,622.98	29,382.16	3,622.98	29,382.16	47,217.84	61.64
1401	** Court Fines & Forfeitures *	150,000.00	150,000.00	17,313.11	73,412.54	17,313.11	73,412.54	76,587.46	51.05
1501	** Revenue From Use Of Money *	40,000.00	40,000.00	.00	19,320.44	.00	19,320.44	20,679.56	51.69
1502	** Revenue From Use Of Property *	15,000.00	15,000.00	250.00	1,400.00	250.00	1,400.00	13,600.00	90.66
1601	** Court Costs *	47,060.00	47,060.00	7,059.52	26,959.10	7,059.52	26,959.10	20,100.90	42.71
1602	** Commonwealth's Attorney Fees *	800.00	800.00	115.84	545.58	115.84	545.58	254.42	31.80
1604	** Charges For Fire & Rescue Service*	200,000.00	200,000.00	.00	61,576.72	.00	61,576.72	138,423.28	69.21
1608	** Charges Sanitation & Removal *	.00	.00	5.00	190.00	5.00	190.00	190.00	100.00
1613	** Charges For Parks & Recreation *	16,000.00	16,000.00	250.00	8,322.00	250.00	8,322.00	7,678.00	47.98
1616	** Charges For Planning / Com Dev *	2,500.00	2,500.00	.00	175.00	.00	175.00	2,325.00	93.00
1899	** Miscellaneous *	1,704,901.00	1,704,901.00	5,370.94	1,152,570.42	5,370.94	1,152,570.42	552,330.58	32.39
2101	** Service Charges *	40,000.00	40,000.00	.00	84,381.58	.00	84,381.58	44,381.58	110.95
2201	**NON-CATEGORICAL AID**	1,304,535.00	1,304,535.00	.00	877,503.48	.00	877,503.48	427,031.52	32.73
2301	** Commonwealth Attorney *	170,099.00	170,099.00	.00	69,613.86	.00	69,613.86	100,485.14	59.07
2302	** Sheriff *	582,811.00	582,811.00	.00	241,517.12	.00	241,517.12	341,293.88	58.55
2303	** Commissioner Of Revenue *	82,444.00	82,444.00	.00	34,967.72	.00	34,967.72	47,476.28	57.58
2304	** Treasurer *	98,262.00	98,262.00	.00	41,643.00	.00	41,643.00	56,619.00	57.62
2306	** Registrar/Electoral Boards *	42,423.00	42,423.00	.00	.00	.00	.00	42,423.00	100.00
2307	** Clerk Of The Circuit Court *	159,984.00	159,984.00	.00	62,996.22	.00	62,996.22	96,987.78	60.62
2308	** DMV License Agent *	19,000.00	19,000.00	.00	10,045.36	.00	10,045.36	8,954.64	47.12
2404	**GRANT FUNDS**	52,000.00	52,000.00	.00	67,360.99	.00	67,360.99	15,360.99	29.54
3301	**GRANT FUNDS**	23,000.00	23,000.00	.00	.00	.00	.00	23,000.00	100.00
--FUND TOTAL--		15,084,519.00	15,084,519.00	316,586.44	8,906,118.41	316,586.44	8,906,118.41	6,178,400.59	40.95

FUND #-150

1501	INTEREST-STATE	30.00	30.00	.00	18.15	.00	18.15	11.85	39.50
2402	ASSET FORFEITURE REVENUE (STATE)	25,000.00	25,000.00	.00	3,052.06	.00	3,052.06	21,947.94	87.79
4106	** Carryover Balance **	29,970.00	29,970.00	.00	.00	.00	.00	29,970.00	100.00
--FUND TOTAL--		55,000.00	55,000.00	.00	3,070.21	.00	3,070.21	51,929.79	94.41

FUND #-170

1902	HEALTH INSURANCE CONTRIBUTIONS	2,680,000.00	2,680,000.00	.00	477,758.69	.00	477,758.69	2,202,241.31	82.17
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ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED	%
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2000	DENTAL INSURANCE CONTRIBUTIONS	137,000.00	137,000.00	.00	22,784.09	114,215.91	83.36
	--FUND TOTAL--	2,817,000.00	2,817,000.00	.00	500,542.78	2,316,457.22	82.23

FUND #-201

1899	* Miscellaneous Revenue *	.00	.00	.00	2,151.93	2,151.93-	100.00-
2401	* Welfare *	183,131.00	183,131.00	.00	195,612.49	12,481.49-	6.81-
3305	* Social Services *	856,100.00	856,100.00	.00	304,783.19	551,316.81	64.39
4105	* Fund Transfers *	345,730.00	345,730.00	.00	66,143.42	279,586.58	80.86
	--FUND TOTAL--	1,384,961.00	1,384,961.00	.00	568,691.03	816,269.97	58.93

FUND #-205

1803	* Expenditure Refunds *	.00	.00	11,926.53	55,389.50	55,389.50-	100.00-
1899	* Miscellaneous Revenue *	145,199.00	145,199.00	.00	125,627.31	19,571.69	13.47
2402	* State Education *	9,465,831.00	9,465,831.00	.00	3,467,680.61	5,858,150.39	61.88
3302	* Education *	1,609,141.00	1,609,141.00	1,234.36	451,820.34	1,157,320.66	71.92
4105	* Fund Transfers *	3,905,419.00	3,905,419.00	.00	1,261,036.47	2,644,382.53	67.71
	--FUND TOTAL--	15,125,590.00	15,125,590.00	13,160.89	5,501,554.23	9,624,035.77	63.62

FUND #-207

1501	* INTEREST ON BANK DEPOSITS *	.00	.00	.00	2,309.27	2,309.27-	100.00-
1899	** MISC REVENUE **	274,987.00	274,987.00	.00	24,617.21	250,369.79	91.04
1901	** LOCAL CONTRIBUTIONS **	420,940.00	420,940.00	.00	270,634.56	150,305.44	35.70
2404	** STATE FUNDS **	594,475.00	594,475.00	.00	35,435.33	559,039.67	94.03
	--FUND TOTAL--	1,290,402.00	1,290,402.00	.00	332,996.37	957,405.63	74.19

FUND #-302

1501	* Interest On Bank Deposits *	.00	.00	.00	461.14	461.14-	100.00-
4105	* Fund Transfers *	35,000.00	35,000.00	.00	35,000.00	.00	.00
	--FUND TOTAL--	35,000.00	35,000.00	.00	35,461.14	461.14-	1.31-

FUND #-401

4105	** Transfers **	3,096,797.00	3,096,797.00	.00	2,325,817.94	770,979.06	24.89
	--FUND TOTAL--	3,096,797.00	3,096,797.00	.00	2,325,817.94	770,979.06	24.89

FUND #-500

1899	*MISCELLANEOUS REVENUE*	.00	.00	7,226.49	8,271.49	8,271.49-	100.00-
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ACCT# DESCRIPTION

BUDGET AMOUNT

APER. AMOUNT

CURRENT AMOUNT

Y-T-D AMOUNT

BALANCE

UNCOLLECTED %

2404 *REVENUE FROM STATE* 500,000.00 500,000.00 .00 296,326.59 203,673.41 40.73
 4105 *TRANSFERS* 250,000.00 250,000.00 .00 250,000.00 .00
 --FUND TOTAL-- 750,000.00 750,000.00 7,226.49 554,598.08 195,401.92 26.05

FUND #-501

1501 **INTEREST REVENUE** 5,000.00 5,000.00 .00 5,000.00 100.00
 1619 **CHARGES & FEES** 415,000.00 415,000.00 32,435.92 209,359.07 205,640.93 49.55
 1620 SEWER LATE PAYMENT PENALTY 7,500.00 7,500.00 435.90 2,919.79 4,580.21 61.06
 1630 **ADMIN FEES/CHARGES** 16,000.00 16,000.00 1,342.00 8,501.91 7,498.09 46.86
 1803 MISCELLANEOUS .00 .00 .00 1,939.40 1,939.40 100.00
 --FUND TOTAL-- 443,500.00 443,500.00 34,213.82 222,720.17 220,779.83 49.78

FUND #-515

1501 INTEREST SEWER RESERVE .00 .00 .00 1,194.61 1,194.61 100.00
 --FUND TOTAL-- .00 .00 .00 1,194.61 1,194.61 100.00

FUND #-540

1501 INTEREST WATER RESERVE .00 .00 .00 174.29 174.29 100.00
 --FUND TOTAL-- .00 .00 .00 174.29 174.29 100.00

FUND #-545

1200 DSR PAYMENTS (FR UTILITY FUND) .00 .00 .00 3,540.00 3,540.00 100.00
 1501 INTEREST .00 .00 .00 3.27 3.27 100.00
 --FUND TOTAL-- .00 .00 .00 3,543.27 3,543.27 100.00

FUND #-580

1501 INTEREST REVENUE .00 .00 .00 5.90 5.90 100.00
 --FUND TOTAL-- .00 .00 .00 5.90 5.90 100.00

FUND #-715

1899 Rent of General Property 50,000.00 50,000.00 4,550.00 21,100.00 28,900.00 57.80
 4105 Transfer from General Fund 70,590.00 70,590.00 .00 70,590.00 .00
 --FUND TOTAL-- 120,590.00 120,590.00 4,550.00 91,690.00 28,900.00 23.96

1/03/2019

GL0600A

CUMBERLAND CO
REVENUE SUMMARY
7/01/2018 - 1/03/2019

TIME 8:03

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ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE	% UNCOLLECTED
1899	* Miscellaneous Revenue *	20,000.00	20,000.00	5,675.81	10,373.62	9,626.38	48.13
3305	* FEDERAL FUNDS*	3,500.00	3,500.00	.00	.00	3,500.00	100.00
	--FUND TOTAL--	23,500.00	23,500.00	5,675.81	10,373.62	13,126.38	55.85
	--FINAL TOTAL--	40,226,859.00	40,226,859.00	381,413.45	19,058,552.05	21,168,306.95	52.62

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	% REMAINING
11010	* Board of Supervisors *	46,117.00	46,117.00	2,946.42	20,808.15	.00	25,308.85	54.87
12100	* County Administrator *	298,724.00	298,724.00	24,447.18	166,316.07	.00	132,407.93	44.32
12210	* Legal Services *	1,000.00	1,000.00	15,397.50	45,843.35	.00	44,843.35	484.33
12240	* Independent Auditor *	36,000.00	36,000.00	.00	13,763.57	.00	22,236.43	61.76
12310	* Commissioner of Revenue *	259,158.00	259,158.00	21,452.22	126,937.17	.00	132,220.83	51.01
12320	* Assessor *	104,000.00	104,000.00	.00	.00	.00	104,000.00	100.00
12410	* Treasurer *	293,670.00	293,670.00	26,270.30	148,980.45	.00	144,689.55	49.26
12430	* Accounting *	157,046.00	157,046.00	11,216.08	79,330.47	.00	77,715.53	49.48
12510	* Data Processing *	305,491.00	305,491.00	11,133.11	114,739.86	.00	190,751.14	62.44
13100	* Electoral Board *	25,096.00	25,096.00	1,231.10	13,527.14	.00	11,568.86	46.09
13200	* Registrar *	97,937.00	97,937.00	6,966.12	43,679.46	.00	54,257.54	55.40
21100	* Circuit Court *	14,800.00	14,800.00	210.00	1,083.25	.00	13,716.75	92.68
21200	* General District Court *	7,630.00	7,630.00	32.14	1,955.51	.00	5,674.49	74.37
21300	* Magistrate *	1,125.00	1,125.00	.00	.00	.00	1,125.00	100.00
21600	* Clerk of Circuit Court *	224,407.00	224,407.00	18,259.71	123,337.80	.00	101,069.20	45.03
21800	* Law Library *	1,200.00	1,200.00	.00	360.31	.00	839.69	69.97
21910	* Victim and Witness Assistance *	69,370.00	69,370.00	163.13	2,958.88	.00	66,411.12	95.73
22100	* Commonwealth's Attorney *	221,898.00	221,898.00	17,604.41	107,724.87	.00	114,173.13	51.45
31200	* Sheriff *	1,661,393.00	1,661,393.00	129,584.76	839,589.91	.00	821,803.09	49.46
31250	* School Resource Officer *	66,404.00	66,404.00	8,327.49	35,447.55	.00	30,956.45	46.61
31400	* E911 *	25,200.00	25,200.00	60.66	2,800.86	.00	22,399.14	88.88
32221	*Cumberland Vol. FIRE DEPT*	44,500.00	44,500.00	.00	30,951.67	.00	13,548.33	30.44
32222	*Cartersville Volun.*	39,500.00	39,500.00	.00	30,951.67	.00	8,548.33	21.64
32302	*Prince Edward Vol. Rescue Squad*	10,000.00	10,000.00	.00	4,750.00	.00	5,250.00	52.50
32303	*Randolph Fire Dept.*	39,500.00	39,500.00	.00	30,951.67	.00	8,548.33	21.64
32304	*Cartersville Vol. Rescue Squad*	37,970.00	37,970.00	.00	.00	.00	37,970.00	100.00
32306	*Chesterfield Med-Flight Program*	400.00	400.00	.00	150.00	.00	250.00	62.50
32400	* Forestry Service *	8,705.00	8,705.00	.00	.00	.00	8,705.00	100.00
32500	* CUMBERLAND FIRE & EMS *	480,030.00	480,030.00	40,292.14	296,165.63	.00	183,864.37	38.30
33300	* Probation Office *	550.00	550.00	.00	.00	.00	550.00	100.00
33400	* Correction & Detention *	285,000.00	285,000.00	.00	475,923.03	.00	190,923.03	66.99
34100	* Building Inspections *	142,981.00	142,981.00	11,179.12	69,509.88	.00	73,471.12	51.38
35100	* Animal Control *	125,800.00	125,800.00	8,338.73	53,407.93	.00	72,392.07	57.54
35300	* Medical Examiner *	200.00	200.00	.00	20.00	.00	180.00	90.00
42400	* Refuse Disposal *	924,674.00	924,674.00	86,620.82	426,735.69	.00	497,938.31	53.85
43200	* General Properties *	753,626.00	753,626.00	66,214.64	352,657.46	.00	400,968.54	53.20
51200	* Supplement of Local Health Dept *	92,417.00	92,417.00	22,864.25	56,750.85	.00	35,666.15	38.59
51405	*Piedmont Senior Resources*	5,000.00	5,000.00	.00	2,500.00	.00	2,500.00	50.00
52500	* Chapter 10 Board - Crossroads *	34,000.00	34,000.00	17,000.00	17,000.00	.00	17,000.00	50.00
61230	* CSA Management *	33,381.00	33,381.00	2,751.59	17,339.92	.00	16,041.08	48.05
68000	* Community Colleges *	8,000.00	8,000.00	.00	3,500.00	.00	4,500.00	56.25
71500	* Recreation *	63,827.00	63,827.00	3,002.47	31,472.19	.00	32,354.81	50.69
73100	* Local Library *	115,450.00	115,450.00	.00	57,725.00	.00	57,725.00	50.00
81100	* Planning Commission *	9,950.00	9,950.00	50.27	4,624.05	.00	5,325.95	53.52
81110	* Planning/Zoning Dept. *	83,113.00	83,113.00	7,127.89	48,494.39	.00	34,618.61	41.65
81200	* Community & Economic Development *	19,052.00	19,052.00	.00	15,052.00	.00	4,000.00	20.99
81400	* Board of Zoning Appeals *	650.00	650.00	.00	.00	.00	650.00	100.00

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	% REMAINING
81514	Transportation	10,590.00	10,590.00	.00	.00	.00	10,590.00	100.00
81535	* Farmville Area Chamber of Commerc	1,500.00	1,500.00	.00	750.00	.00	750.00	50.00
81541	* Longwood Small Bus. Dev. Ctr. *	3,000.00	3,000.00	.00	1,500.00	.00	1,500.00	50.00
81542	* Southside Violence Prevention *	5,000.00	5,000.00	.00	2,500.00	.00	2,500.00	50.00
82401	*Peter Francisco SMD*	10,000.00	10,000.00	.00	5,000.00	.00	5,000.00	50.00
83500	* Extension Agents *	53,329.00	53,329.00	102.86	14,795.40	.00	38,533.60	72.25
83501	holiday lake 4-h educational center	2,500.00	2,500.00	.00	1,250.00	.00	1,250.00	50.00
90000	* NONDEPARTMENTAL *	19,122.00	19,122.00	.00	2,675.68	.00	16,446.32	86.00
93100	**TRANSFERS**	7,703,536.00	7,703,536.00	.00	4,008,587.83	.00	3,694,948.17	47.96
	--FUND TOTAL--	15,084,519.00	15,084,519.00	543,847.11	7,952,876.57	.00	7,131,642.43	47.27
FUND #--150								
22100	COMMONWEALTH'S ATTORNEY	5,000.00	5,000.00	.00	1,753.85	.00	3,246.15	64.92
31200	SHERIFF	50,000.00	50,000.00	.00	.00	.00	50,000.00	100.00
	--FUND TOTAL--	55,000.00	55,000.00	.00	1,753.85	.00	53,246.15	96.81
FUND #--170								
62100	HEALTH INSURANCE	2,689,500.00	2,689,500.00	.00	1,054,773.31	.00	1,634,726.69	60.78
63100	DENTAL INSURANCE	115,000.00	115,000.00	.00	49,879.43	.00	65,120.57	56.62
64100	PATIENT CENTERED OUTCOME FEE (PCOR)	12,500.00	12,500.00	.00	546.92	.00	11,953.08	95.62
	--FUND TOTAL--	2,817,000.00	2,817,000.00	.00	1,105,199.66	.00	1,711,800.34	60.76
FUND #--201								
53100	* Administration *	1,384,961.00	1,384,961.00	.00	568,691.03	.00	816,269.97	58.93
	--FUND TOTAL--	1,384,961.00	1,384,961.00	.00	568,691.03	.00	816,269.97	58.93
FUND #--205								
61100		15,125,590.00	15,125,590.00	.00	5,488,393.34	.00	9,637,196.66	63.71
	--FUND TOTAL--	15,125,590.00	15,125,590.00	.00	5,488,393.34	.00	9,637,196.66	63.71
FUND #--207								
61100	GOVERNOR'S SCHOOL EXPENDITURES	1,290,402.00	1,290,402.00	.00	357,863.22	.00	932,538.78	72.26
	--FUND TOTAL--	1,290,402.00	1,290,402.00	.00	357,863.22	.00	932,538.78	72.26
FUND #--302								
95200	SHERIFFS OFFICE EQUIPMENT LEASING	35,000.00	35,000.00	.00	.00	.00	35,000.00	100.00
	--FUND TOTAL--	35,000.00	35,000.00	.00	.00	.00	35,000.00	100.00

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	% REMAINING
FUND #401								
67200	* Elementary School - Lit Loan *	211,667.00	211,667.00	.00	.00	.00	211,667.00	100.00
67500	* High/Middle School - VPSA Loan *	.00	.00	.00	743,095.51	.00	743,095.51	100.00-
67600	* HS/MS-VPSA LOAN #2 *	1,200,590.00	1,200,590.00	.00	892,491.25	.00	308,098.75	25.66
67700	PUBLIC FACILITY NOTE 2009	389,067.00	389,067.00	.00	295,101.36	.00	93,965.64	24.15
67800	* AMERESCO *	154,394.00	154,394.00	.00	154,394.00	.00	.00	.00
95600	* SunTrust Loan-HS/MS *	892,500.00	892,500.00	.00	.00	.00	892,500.00	100.00
95700	* SunTrust Loan - Courthouse *	248,579.00	248,579.00	.00	240,735.82	.00	7,843.18	3.15
	--FUND TOTAL--	3,096,797.00	3,096,797.00	.00	2,325,817.94	.00	770,979.06	24.89
FUND #500								
53900		750,000.00	750,000.00	43,440.00	393,431.58	.00	356,568.42	47.54
	--FUND TOTAL--	750,000.00	750,000.00	43,440.00	393,431.58	.00	356,568.42	47.54
FUND #501								
94900	* SEWER FUND - Enterprise Fund *	272,172.00	272,172.00	18,187.44	137,246.22	.00	134,925.78	49.57
95900	* WATER FUND - ENTERPRISE FUND *	171,328.00	171,328.00	6,404.44	84,620.03	.00	86,707.97	50.60
	--FUND TOTAL--	443,500.00	443,500.00	24,591.88	221,866.25	.00	221,633.75	49.97
FUND #715								
81610	COMMUNITY CENTER PURCHASE	120,590.00	120,590.00	615.25	46,677.81	.00	73,912.19	61.29
81620	MADISON INDUSTRIAL PARK	.00	.00	.00	750.00	.00	750.00	100.00-
	--FUND TOTAL--	120,590.00	120,590.00	615.25	47,427.81	.00	73,162.19	60.67
FUND #733								
53010		23,500.00	23,500.00	.00	4,860.23	.00	18,639.77	79.31
	--FUND TOTAL--	23,500.00	23,500.00	.00	4,860.23	.00	18,639.77	79.31
	--FINAL TOTAL--	40,226,859.00	40,226,859.00	612,494.24	18,468,181.48	.00	21,758,677.52	54.08



County of Cumberland Virginia

RESOLUTION OF THE GOVERNING BODY OF THE COUNTY OF CUMBERLAND, VIRGINIA

January 8, 2019

The Governing Body of the County of Cumberland, Virginia, consisting of five (5) members, in a duly called meeting held on the 8th day of January, 2019, at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED, that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (The Government) in the purchase of public safety vehicles to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed; and

BE IT FURTHER RESOLVED that, the County Administrator be authorized to execute on behalf of the Board of Supervisors of The County of Cumberland, Virginia, the above-referenced agreements and to execute such other documents, including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance; and

BE IT FURTHER RESOLVED that the Cumberland County Board of Supervisors hereby ratifies the acceptance of the USDA Rural Development Community Facilities Grant in the amount of \$25,000, as approved at the regular meeting of the Board, held on August 8, 2017, and ratifies the approval and execution by the County Administrator, in the past or in the future, of all forms required for said grant.

This **RESOLUTION**, along with a copy of the above referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

Adopted this 8th day of January, 2018.

Wm. Kevin Ingle, Chairman
Board of Supervisors, Cumberland County

Attest:

Vivian Giles, County Administrator | County Attorney



CUMBERLAND COUNTY PUBLIC SCHOOLS

P. O. BOX 170
CUMBERLAND, VIRGINIA 23040
(804) 492-4212
FAX (804)492-9869

AMY GRIFFIN, Ed.D.
Division Superintendent

GINGER SANDERSON
School Board Chairman

EURIKA TYREE.
School Board Vice-Chairman

GEORGE LEE DOWDY III
School Board Member

CHRISTINE ROSS, PH.D.
School Board Member

GEORGE REID
School Board Member

December 10, 2018

TO: Board of Supervisors of Cumberland County

FROM: Amy W. Griffin, Ed.D.

SUBJECT: Appropriation for Additional Funding for the 2018-2019 School Year

On behalf of the Cumberland County School Board, we are requesting an appropriation in the amount of \$1,500 for additional grants listed below:

- 2018 Science, Technology, Engineering, and Mathematics (STEM) Grant \$1,000
- 2018-2019 Envirothon Coaching Competition 500

Copies of the grant awards are attached.

If you have any questions or concerns, please feel free to give me a call.

SCHOOL BOARD
CUMBERLAND COUNTY PUBLIC SCHOOLS

SUBJECT:

Supplemental Appropriation

DATE:

December 10, 2018

Background:

The administration is requesting that the School Board petition the Cumberland County Board of Supervisors for the following supplemental appropriation:

- 2018 Science, Technology, Engineering, and Mathematics (STEM) Grant \$1,000
- 2018-2019 Envirothon Coaching Competition 500

Recommendation:

It is recommended that the Superintendent petition the Cumberland County Board of Supervisors for the following appropriation:

- 2018 Science, Technology, Engineering, and Mathematics (STEM) Grant \$1,000
- 2018-2019 Envirothon Coaching Competition 500

Action:

Approval

Bd12-10-18SA



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120

RICHMOND, VA 23218-2120

October 30, 2018

Dr. Amy Griffin
Superintendent
Cumberland County
P.O. Box 170
Cumberland, Virginia 23040

Dear Dr. Griffin:

Congratulations! Your school division has been awarded a Science, Technology, Engineering, and Mathematics (STEM) Teacher Recruitment and Retention Incentive Award in the amount of \$2,000. Attached are the Grant Award Notification or teachers eligible for continuing awards and/or positions eligible for the grant. The Grant Award Notification includes the criteria and the conditions for the award.

If you received approval for Cohorts 7A or 7B, I will contact your office by email no later than Friday, November 16, 2018, to request the names of teachers hired for the approved vacancies and a status on any positions that have not been filled. If the individuals have received their Collegiate Professional or Postgraduate Professional licenses, I also will request the license numbers. Please note that we received more requests for the STEM Teacher Recruitment and Retention Incentive Award than we could fulfill.

If your grant includes continuing awards (cohorts) and a teacher whose name is listed is no longer employed in your school division or no longer meets the grant criteria, please immediately notify Ms. Rosette Atkins-Brown, Secretary, Licensure Office, Department of Education, at Rosette.Atkins-Brown@doe.virginia.gov.

The STEM Teacher Recruitment and Retention Incentive Awards will be funded contingent upon the availability of funding. If you have any questions regarding the awards, please do not hesitate to contact me at Kendra.Crump@doe.virginia.gov or (804) 371-2471.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kendra A. Crump".

Kendra A. Crump, Ed.D.
Director of Licensure and School Leadership

Attachments



GRANT AWARD NOTIFICATION

Recipient Information

1. Contact Information:	Director of Finance Cumberland County P.O. Box 170 Cumberland, VA 23040									
2. Universal Identifier (DUNS):	159573831									
3. Payee Number:	00025									
4. Grant Award Title:	Science, Technology, Engineering, and Mathematics (STEM) Teacher Recruitment and Retention Incentive Awards									
5. DOE Contact:	Dr. Kendra A. Crump Division of Teacher Education and Licensure Department of Education P. O. Box 2120 Richmond, VA 23218-2120 Phone: 804-371-2471 E-Mail: Kendra.Crump@doe.virginia.gov									
6. Grant Award Number:	FY2019STEM.1									
7. Grant Award Type:	New									
8. Grant Award Amount:	<table border="1"> <tr> <td>Cohort 6</td> <td>\$2,000</td> <td>Original/Previous Award</td> </tr> <tr> <td></td> <td>\$2,000</td> <td>Current Award</td> </tr> <tr> <td></td> <td>\$2,000</td> <td>Total Award</td> </tr> </table>	Cohort 6	\$2,000	Original/Previous Award		\$2,000	Current Award		\$2,000	Total Award
Cohort 6	\$2,000	Original/Previous Award								
	\$2,000	Current Award								
	\$2,000	Total Award								
9. Period of Grant Award:	July 1, 2018 to June 30, 2019									

DOE Information

10. Grant Authority:	FY2019 Appropriations (Chapter 2) 2018 Special Session I Virginia of Assembly Chapter 2, Item 135 (2)
11. FAIN:	N/A
12. Federal/State Award	State: July 1, 2018 to June 30, 2019
13. Total Federal/State	1,000,000
14. Fund Source:	General
15. Project Code:	61027
16. Revenue Source Code:	240372
17. Program Service Area:	143004
18. Recipient Type:	Sub recipient
19. Fiscal Year:	2019
20. Indirect Cost Rate:	N/A

21. Special Terms and Conditions: All federal grant awards are subject to 2 CFR Part 200, and Appendix II for contracts made with federal funds from this grant award. All awards are further subject to "Additional Required Special Terms and Conditions for Grant Awards" on Attachment A. For Federal grant awards \$25,000 or greater, Attachment B – FFATA Reporting must be completed, signed, and returned to 5. DOE Contact within five days of receipt of this Grant Award Notification. This award is not for research and development. Indirect cost rates negotiated by DOE on LEA's behalf can be viewed at http://www.doe.virginia.gov/school_finance/budget/index.shtml

SPECIAL INSTRUCTIONS/CONDITIONS:

The intent of the General Assembly is that the Virginia Department of Education (VDOE) will provide in 2018-2019 incentives from state funds (as a grant to school divisions) for classroom teachers in Virginia's public schools who meet specific criteria detailed below.

CONTINUING AWARD: COHORT 4 (2016-2019), COHORT 5 (2017-2020), and COHORT 6 (2018-2021)

Teachers in Cohort 4 (2016-2019), Cohort 5 (2017-2020), and Cohort 6 (2018-2021) initially received a \$5,000 initial incentive after the completion of the first year of teaching with a satisfactory performance evaluation and a contract for the following year in their school division. Funding was awarded on a first-come, first-served

basis with preference to teachers assigned to teach in hard-to-staff schools or low-performing schools not fully accredited. Teachers who received an initial STEM Incentive Award are eligible to receive a \$1,000 continuing award after completing a second, third, or fourth year of teaching with meeting grant criteria and upon available funding. **THE MAXIMUM INCENTIVE AWARD (INITIAL AND CONTINUATION) FOR EACH TEACHER IS \$8,000, subject to available funding.**

Individuals approved for a STEM continuing award prior to July 1, 2018, the criteria and grant amounts provided in Chapter 836 of the 2017 Acts of Assembly will continue to apply. The division is to provide the awards to the eligible teacher(s) on the attached form who have a satisfactory evaluation and teaches a qualifying STEM subject (with an active CP or PGP license with the appropriate endorsement) in which the teacher has an endorsement for up to three years in the same Virginia school division following the year in which the teacher receives the initial incentive award. **THE MAXIMUM INCENTIVE AWARD (INITIAL AND CONTINUATION) FOR EACH ELIGIBLE TEACHER IS \$8,000, subject to available funding.**

Attached to this award is a list of teachers eligible for a continuing award. If a listed teacher is no longer employed with your school division or no longer meets the grant criteria, please immediately notify Ms. Rosette Atkins-Brown, Secretary, Licensure Office, Department of Education, at Rosette.Atkins-Brown@doe.virginia.gov.

REIMBURSEMENT INSTRUCTIONS

State funds will be provided to school divisions on a reimbursement basis for actual expenses not to exceed the grant funds awarded to the division. A reimbursement form and procedures for reimbursement will be provided by the Virginia Department of Education. Reimbursement requests must be submitted to be received by the VDOE no later than Friday, May 3, 2019.

- Bonuses are taxable to the recipient; and the school division assumes responsibility for ensuring all taxes are remitted.
- Incentive awards are contingent upon available funding.

All copyright and patent rights to all papers, reports, forms, materials, creations, or inventions created or developed in the performance of this grant/subgrant award ("~~the~~ Intellectual Property") shall become the sole property of the Virginia Department of Education. See attachment A "Additional DOE Special Terms and Conditions" required for this grant.

23. Authorized By: 	24. Authorized By:  Kent Dickey, Deputy Superintendent Finance & Operations	25. Date: 10/23/18
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PETER FRANCISCO
SOIL AND WATER CONSERVATION DISTRICT
16842 W. JAMES ANDERSON HWY • BUCKINGHAM, VIRGINIA 23921
PHONE (434) 983-7923

SERVING BUCKINGHAM AND CUMBERLAND COUNTIES



November 14, 2018

Dr. Sheri Almond
Coordinator of Curriculum and Instruction
Cumberland County Public Schools
PO Box 170
Cumberland, VA 23040

Dear Dr. Almond:

Peter Francisco SWCD is pleased that Cumberland County High School is planning to enter a team in the 2019 Envirothon Competition.

The special topic this year is "Agriculture and the Environment: Knowledge and Technology to Feed the World."

The tentative date for the Area V Competition is Thursday, April 25, 2019. The competition will either be held in Halifax or Pittsylvania County. If the team places first, second or third at the Area Competition, they will advance to the statewide competition scheduled for May 19 and 20, 2019. The exact venue for the statewide competition has not been chosen either, but it will be held at Christopher Newport, Mary Washington or Richard Bland College.

Enclosed is a check for \$500 to go towards the stipend Cumberland gives its coaches. As always, the District is happy to line up speakers for training and provide any support we can for its coaches.

Sincerely,

A handwritten signature in cursive script that reads "Elise Corbin".

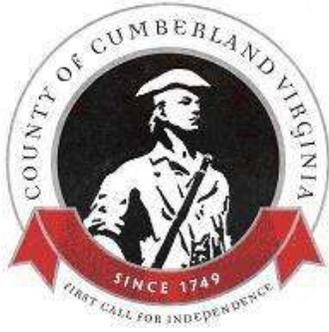
Elise Corbin
Conservation Education Coordinator

Enclosure

**Planning Projects Update
December 2018**

Zoning:		
<i>Pending Zoning Questions and Requests</i>		
<i>CUP's and Rezoning Requests</i>		
CUP 18-10 Precision Cell Salem Church Rd Tower	86 Salem Church Rd	The applicant seeks a CUP to construct a 280' self-support tower.
CUP 18-11 Timber Creek Event Barn	202 Timber Creek Farm Drive	The applicant seeks a CUP to construct a 1,000 square foot bridal suite.
CUP 19-01 Marathon Canopy Install	3156 Cumberland Rd	The applicant seeks to build a larger gas station canopy than what currently exists.
<i>Zoning Compliance Issues-</i> Three cases filed for injunction in the Circuit Court.		
Subdivisions:		
<i>Approved Division</i>		
None		
Other Regulatory Functions:		
<i>Erosion and Sediment Control Applications</i>		
Henrico County- MEB/Haymes	Cobbs Creek	Clearing and grading for the main project has begun.
Raman Enterprises, Inc	Bear Creek Market	Grading and installing E&S measures.
Spec 45	Cumberland Road	Agreement in Lieu of a Plan for a dwelling.
Viera Home	Plank Road	Agreement in Lieu of a Plan for a dwelling.
<i>Code Amendment Questions</i>		
Watershed Protection Ordinance	Cobbs Creek Reservoir Watershed	The Henrico County Attorney's office has submitted a draft Ordinance to Cumberland for their review. The Planning Commission held a workshop on the draft on June 12, 2017. They held a second workshop meeting on September 11, 2017. Staff is reviewing a draft prepared by the consultant.
Definitions	Countywide	An update should happen as part of mixed use district. The first draft was completed as part of the initial review of the Ordinance for the mixed use district. Deferred by the Planning Commission 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. For instance, all uses in the B-3 should be included in B-2, and so on. Deferred by the Planning Commission 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 by the Planning Commission 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 by the Planning Commission until completion of CCR Plan Amendment.

Front Setback	Along primary roads	Look into reducing the amount of front setback along primary roads in the county. The current setback is 130 feet, which could possibly be reduced with keeping the intent of the Zoning Code intact.
Communications Antennas and Towers	Countywide	This code amendment seeks to bring the Cumberland County Code into compliance with Virginia State Code.



MEMO

Date: December 27, 2018
To: Cumberland County Board of Supervisors
Vivian Seay Giles, County Administrator/Attorney
From: JP Duncan, Planning Director
Re: **CUP 17-06 The Venue at Orchard View Farm**

Recommendation:

Vote whether to renew CUP 17-06 to allow the continued use of an event facility. If renewal is approved, the next renewal will be January, 2020.

General Information:

Applicant: Kevin Frazier

Requested Action: To renew CUP 17-06 that would allow the continued use of an event facility.

Location: The property is located at 136 Baber Road, election district 2, and is described as tax map number 36-A-6.

Lot Size: 3.834 acres of 1.02 acre parcel.

Comprehensive Plan Growth Area: Not in a designated growth area.

Conditions:

1. Septic, well and electrical connections: The applicant shall comply with all federal, state and local regulations pertaining to the use of private water, sewer and electricity. The applicant shall provide a written letter from the Cumberland County Health Department indicating compliance with their codes for the facility.
2. Compliance with plan required: The applicant shall comply with the site plan attached to the application in regard to the areas to be used for events and parking. In no case may drives or parking areas be closer than any setbacks for the

underlying zoning district. Such provisions shall at a minimum include gravel at the site entrance and if necessary at vehicle parking locations.

3. Community safety: If county or state law enforcement is required to respond to restore order to those on the property more than two (2) times in a thirty (30) day period the conditional use permit shall be reviewed by the Board of Supervisors, and may be revoked at the Board's discretion.
4. Refuse disposal: After each event, all trash will be removed from the site within forty-eight hours.
5. Noise control: Noise shall be restricted between the hours of 11:00 p.m. and 7:00 a.m. daily. The noise and sounds level shall be undetectable at all property lines.
6. Lighting: Lighting shall not constitute a nuisance and shall not produce glare or spillover onto adjacent properties.
7. Renewal of conditional use permit: Regular renewal of the conditional use permit shall be required to demonstrate continued compliance. Such renewals shall be subject to providing documentation from each referring state and local agency as to the applicant's performance and compliance with the criteria used to approve the use, as well as a review of any code infractions and/or violations. Renewals shall be based upon the following schedule:
 - a. 1 year after approval;
 - b. 2 years after approval;
 - c. 5 years after approval;
 - d. Every five years thereafter;
 - e. Renewal shall be required upon any change in property ownership, program provider, licensing type and/or management.

Mr. Chairman, I move that the Cumberland County Board of Supervisors adopt the resolution provided and that each member certify 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, (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Cumberland County Board of Supervisors, and (iii) no action was taken in closed session regarding the items discussed.

The Board returned to regular session on a motion by the Chairman.

A motion was made by Supervisor _____ adopted by the following vote:

Mr. Osl -
Mr. Banks -
Mr. Ingle -
Mr. Meinhard -
Mr. Wheeler -

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

WHEREAS, the Board of Supervisors of Cumberland County has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Cumberland County.

No action was taken regarding the items discussed.

Collection Rates - As of December 31, 2018

Real Estate:

	Current Collection %	Prior Year %	Change
Tax Year - 2017	96.19%	96.20%	-0.01%
Tax Year - 2018	92.96%	93.08%	-0.12%

Personal Property:

	Current Collection %	Prior Year %	Change
Tax Year - 2017	96.67%	96.38%	+ 0.29%
Tax Year - 2018	82.81%	82.50%	+0.31%

Treasurer's Office

Outstanding Collections Report

December 31, 2018

Real Estate

	<u>As of 11/30/18</u>	<u>As of 12/31/18</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2001-2007	\$ 10,965.31	\$ 10,965.31			
2008	5,655.00	5,634.15	\$ 20.85	0.37%	
2009	7,333.74	7,079.00	254.74	3.47%	
2010	15,547.06	14,933.05	614.01	4.11%	
2011	23,515.70	23,022.63	493.07	2.09%	
2012	44,622.64	43,226.47	1,396.17	3.13%	
2013	74,610.24	73,073.92	1,536.32	2.06%	
2014	92,054.86	90,751.62	1,303.24	1.41%	
2015	111,557.86	110,806.93	750.93	0.67%	
2016	157,161.98	152,236.87	4,925.11	3.13%	
2017	232,497.80	224,865.71	7,632.09	3.28%	435.58
2018	478,284.15	417,676.00	60,608.15	12.67%	2,091.96
Total	\$ 1,253,806.34	\$ 1,174,271.66	\$ 79,534.68		

Personal Property

	<u>As of 11/30/18</u>	<u>As of 12/31/18</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2013	25,612.10	25,497.12	\$ 114.98	0.45%	
2014	28,446.17	28,349.66	96.51	0.34%	
2015	34,446.20	34,363.97	82.23	0.24%	26.45
2016	58,964.66	57,517.42	1,447.24	2.45%	97.76
2017	112,626.36	105,956.62	6,669.74	5.90%	27.91
2018	639,848.55	556,807.40	73,041.15	11.41%	472.55
Total	\$ 899,944.04	\$ 808,492.19	\$ 81,451.85		

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	248,535.71	4,866,558.20	4,490,093.91-	625,000.00
100-0115	C&F BANK - INVESTMENT ACCT		322,381.39		322,381.39
100-0120	C&F BANK - SAVINGS ACCT	17,714.65	112,181.52		129,896.17
100-0121	ESSEX BANK - IPR ACCOUNT	14,079.36	1.12		14,080.48
100-0122	ESSEX BANK - CD	1,409,236.86			1,409,236.86
100-0124	C&F BANK-PAF (JUSTICE)	8,853.14			8,853.14
100-0125	FIRST BANK	493,805.16	967.42		494,772.58
100-0131	VIRGINIA INVESTMENT POOL	310,048.24	500,927.21		810,975.45
100-0137	LOCAL GOV INVESTMENT POOL	122,989.41	1,200,000.00		1,322,989.41
100-0141	FIRST BANK/SEWER RESERVE	127,649.49	250.08		127,899.57
100-0142	FIRST BANK/WATER RESERVE	18,624.15	36.49		18,660.64
100-0143	C&F BANK/ASSET FORFEITURE (SAF)	71,511.06			71,511.06
100-0143	C&F BANK/ASSET FORFEITURE (SAF)	83,908.88			83,908.88
100-0144	VA INVESTMENT POOL-IDA-OES DSR			73,500.62-	634,835.68
100-0145	C&F BANK-GOVERNOR'S SCHOOL FUND	672,873.10	35,463.20		637,409.90
100-0146	C&F BANK-WATERLINE EXT DSR ACCT	17,727.84		247.16-	17,727.84
100-0155	RETURNED CHECKS	297.16			297.16
100-0155	E&S CONTROL BOND ESCROW-ESSEX BANK	29,349.90	3.50		29,353.40
100-0160	**ASSETS**	3,648,204.11	7,038,770.13	4,563,841.69-	6,123,132.55
TOTAL ASSETS					
		3,648,204.11	7,038,770.13	4,563,841.69-	6,123,132.55
REVENUE FUND BALANCES					
300-0000	GENERAL FUND BALANCE	3,142,462.29-	975,425.24	3,810,223.60-	5,977,260.65-
300-0100	ECONOMIC DEVELOPMENT FUND	38,871.00-			38,871.00-
300-0120	ASSET FORFEITURE FUND BALANCE	79,181.60-	571.25		78,610.35-
300-0170	HEALTH INSURANCE FUND BALANCE	1,036,217.63	209,693.12		1,245,910.75
300-0201	SOCIAL SERVICES FUND BALANCE		107,628.80	107,628.80-	
300-0204	SCHOOL CONTINGENCY FUND				
300-0205	SCHOOL FUND BALANCE	672,873.10-	1,293,715.38	1,293,715.38-	634,835.68-
300-0207	GOVERNOR'S SCHOOL FUND (GSSV)	101,662.82-	73,500.62	35,463.20-	101,788.16-
300-0302	CAPITAL PROJECTS FUND BALANCE			125.34-	
300-0401	DEBT SERVICE FUND		13,294.04	13,294.04-	
300-0500	COMPREHENSIVE SERVICES ACT	317,126.48-	120,635.86	889.39-	197,380.01-
300-0501	UTILITY FUND (WATER/SEWER)	53,063.00	30,017.92	37,045.28-	46,035.64
300-0515	SEWER RESERVE FUND (DSR)	127,649.49-		250.08-	127,899.57-
300-0540	WATER RESERVE FUND	18,624.15-		36.49-	18,660.64-
300-0545	WATERLINE EXT DSR FUND	17,727.84-			17,727.84-
300-0550	IDA OFS RD DSR FUND	83,908.88-			83,908.88-
300-0580	IPR FUND BALANCE	14,079.36-		1.12-	14,080.48-
300-0715	IDA FUND BALANCE	46,240.00-	9,312.56	3,400.00-	40,327.44-
300-0733	SPECIAL WELFARE FUND BALANCE	13,139.19-	2,519.81	3,087.49-	13,706.87-
	REVENUE FUND BALANCES	3,584,265.57-	2,836,314.60	5,305,160.21-	6,053,111.18-
	TOTAL PRIOR YR FUND BALANCE	3,584,265.57-	2,836,314.60	5,305,160.21-	6,053,111.18-
TOTAL REVENUE					
TOTAL EXPENDITURE					
TOTAL CURRENT FUND BALANCE					
TOTAL LIABILITIES AND FUND BALANCE					
		3,584,265.57-	2,836,314.60	5,305,160.21-	6,053,111.18-

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
400-0000	**OTHER FUND BALANCES**				
400-0105	OVERPAYMENTS	1,167.38-	924.65	1,827.58-	2,070.31-
400-0110	PREPAID TAXES	32,761.91-	94.90	5,224.05-	37,891.06-
400-0140	COMMONWEALTH DEBIT ACCOUNT		3,760.00	3,760.00-	
400-0150	COMMONWEALTH CREDIT ACCOUNT	90.00-	1,807.15	1,807.15-	90.00-
400-0160	EROSION & SED CONTROL BOND ESCROW	29,349.90-		3.50-	29,353.40-
400-0210	COMMONWEALTH FUNDS PAID IN ERROR	569.35-		47.25-	616.60-
400-0216	ATTORNEY FEES	63,938.54-	6,586.70	12,669.53-	70,021.37-
	OTHER FUND BALANCES	63,938.54-	6,586.70	12,669.53-	70,021.37-
500-0000	**UNCOLLECTED TAXES**				
500-0010	PUBLIC SERVICE CORP. TAXES PP/RE	453,716.39		439,642.78-	14,073.61
500-0075	UNCOLLECTED 2018 REAL ESTATE TAX	1,703,205.50	669.59	1,225,590.94-	478,284.15
500-0076	UNCOLLECTED 2017 REAL ESTATE TAX	242,652.86	105.30	10,260.36-	232,497.80
500-0077	UNCOLLECTED 2016 REAL ESTATE TAX	161,869.41	105.30	4,812.73-	157,161.98
500-0078	UNCOLLECTED 2015 REAL ESTATE TAX	113,527.33	99.90	2,069.37-	111,557.86
500-0079	UNCOLLECTED 2014 REAL ESTATE TAX	92,274.92		220.06-	92,054.86
500-0080	UNCOLLECTED 2013 REAL ESTATE TAXES	75,140.70		530.46-	74,610.24
500-0081	UNCOLLECTED 2012 REAL ESTATE TAXES	45,223.26		600.62-	44,622.64
500-0082	UNCOLLECTED 2011 REAL ESTATE TAXES	24,082.02		566.32-	23,515.70
500-0083	UNCOLLECTED 2010 REAL ESTATE TAXES	15,823.05		275.99-	15,547.06
500-0084	UNCOLLECTED 2009 REAL ESTATE TAXES	7,655.09		321.35-	7,333.74
500-0085	UNCOLLECTED 2008 REAL ESTATE TAXES	5,655.00			5,655.00
500-0150	UNCOLLECTED 2007/2001 REAL ESTATE	10,966.47		1.16-	10,965.31
500-0157	2013 VEHICLE LICENSE TAX	5,177.59		43.37-	5,134.22
500-0158	2014 VEHICLE LICENSE TAX	6,223.14		74.75-	6,148.39
500-0159	2015 VEHICLE LICENSE TAX	8,022.51		94.10-	7,928.41
500-0160	2016 VEHICLE LICENSE TAX	13,698.46		376.37-	13,322.09
500-0161	2017 VEHICLE LICENSE TAX	23,431.44	46.00	2,067.15-	21,410.29
500-0162	2018 VEHICLE LICENSE TAX	188,503.76	115.00	88,953.02-	99,665.74
500-0176	UNCOLL. 2013 PERSONAL PROPERTY TAX	25,686.02		73.92-	25,612.10
500-0177	UNCOLL. 2014 PERSONAL PROPERTY TAX	28,653.77		207.60-	28,446.17
500-0178	UNCOLL. 2015 PERSONAL PROPERTY TAX	34,996.40		550.20-	34,446.20
500-0179	UNCOLL. 2016 PERSONAL PROPERTY TAX	60,495.53		1,530.87-	58,964.66
500-0180	UNCOLL. 2017 PERSONAL PROPERTY TAX	124,857.29		12,406.76-	112,450.53
500-0181	UNCOLL. 2018 PERSONAL PROPERTY TAX	1,704,052.09	175.83	1,065,823.14-	639,848.55
500-0200	RESERVE UNCOLLECTED COUNTY TAXES	5,175,590.00-	2,856,871.56	2,714.69-	2,321,433.13-
500-0400	UNCOLL MISC FEES	3,241.57		77.25-	3,164.32
500-0401	RESERVE-MISC FEES	3,241.57	77.25		3,164.32
500-0800	UNCOLLECTED WATER CHARGES	16,984.00		8,031.95-	20,015.26
500-0810	RESERVE UNCOLLECTED WATER CHARGES	16,984.00-	11,063.21		20,015.26-
500-0900	UNCOLLECTED SEWER CHARGES	25,777.00	25,342.03	27,831.80-	23,287.23
500-0910	RESERVE UNCOLLECTED SEWER CHARGES	25,777.00-	27,831.80		23,287.23-
500-1013	UNCOLLECTED 2013 ROLLBACK TAX	6,945.22		71.23-	6,873.99
500-1014	UNCOLLECTED 2014 ROLLBACK TAX	5,672.89		62.44-	5,610.45
500-1015	UNCOLLECTED 2015 ROLLBACK TAX	7,095.02		57.93-	7,037.09

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
500-1016	UNCOLLECTED 2016 ROLLBACK TAX	6,892.02		56.30-	6,835.72
500-1017	UNCOLLECTED 2017 ROLLBACK TAX	6,305.51		51.54-	6,253.97
500-1018	UNCOLLECTED 2018 ROLLBACK TAX	4,349.64		138.45-	4,211.19
500-1099	RESERVE-UNCOLLECTED ROLLBACK TAXES	37,260.30-	437.89		36,822.41-
	UNCOLLECTED TAXES		2,932,592.21	2,932,592.21-	
COMMONWEALTH REIMB-PPTRA					
510-2013	COMMONWEALTH REIMB-2013	871,665.19			871,665.19
510-2014	COMMONWEALTH REIMB-2014	871,492.25			871,492.25
510-2015	COMMONWEALTH REIMB-2015	867,705.46		54.80-	867,650.66
510-2016	COMMONWEALTH REIMB-2016	871,078.58		37.43-	871,041.15
510-2017	COMMONWEALTH REIMB-2017	877,694.54		187.78-	877,506.76
510-2018	COMMONWEALTH REIMB-2018	874,217.33	480.29	1,416.39-	873,281.23
510-9999	ESTIMATED COMMONWEALTH RESERVE	5,233,853.35-	1,696.40	480.29-	5,232,637.24-
	COMMONWEALTH REIMB-PPTRA		2,176.69	2,176.69-	
			2,934,768.90	2,934,768.90-	
STATE ACCOUNTS					
600-0000	UNCOLL. STATE INCOME TAX-2016				
600-0173	UNCOLL. STATE INCOME TAX-2017				
600-0174	ESTIMATED STATE INCOME TAX-2018	13,821.00-	311.00	1,272.00-	14,782.00-
600-0185	RESERVE UNCOLLECTED STATE TAXES	13,821.00	1,272.00	311.00-	14,782.00
600-0186			1,583.00	1,583.00-	
600-0190					
	STATE ACCOUNTS		1,583.00	1,583.00-	
DEBT FUNDS					
700-0000	LITERARY LOAN - ELEMENTARY SCHOOL	1,499,999.93			1,499,999.93
700-0221	VPSA-HS/MS LOAN #2	14,295,000.00			14,295,000.00
700-0223	SEWER LOAN - FARMERS HOME ADM	1,230,067.79			1,230,067.79
700-0226	WATERLINE EXT LOAN-USDA	869,005.66			869,005.66
700-0227	COURTHOUSE LOAN-SUNTRUST	952,000.00			952,000.00
700-0231	PUBLIC FACILITIES NOTE-2009	3,295,000.00			3,295,000.00
700-0236	VPSA-HS/MS LOAN #1	5,953,268.00			5,953,268.00
700-0237	IDA RD LOAN-OES PROPERTY	1,808,781.68			1,808,781.68
700-0239	AMERESCO LOAN	640,617.00			640,617.00
700-0240	RESERVE DEBT FUND	30,543,740.06-			30,543,740.06-
700-0250					
	DEBT FUNDS				

Transactions for DMV Select

December 2018

	# Transactions	Total \$	# Helped	# Transactions	Total \$	# Helped
1				17	\$1,591.32	9
2				18	\$786.75	4
3	27	\$1,854.46	13	19	\$783.71	4
4	27	\$1,256.75	7	20	\$1,384.12	8
5	21	\$1,382.86	6	21	\$1,598.92	8
6	19	\$2,583.08	12	22		
7	34	\$1,187.53	4	23		
8				24		
9				25		
10				26	\$1,783.02	12
11	27	\$2,039.61	4	27	\$1,762.27	13
12	18	\$698.47	7	28	\$3,731.14	14
13	30	\$1,056.66	7	29		
14	24	\$769.50	11	30		
15				31		
16					\$26,250.17	143

CUMBERLAND COUNTY

**BUILDING INSPECTIONS
DEPARTMENT**



**DECEMBER
2018**

**MONTHLY
REPORT**

COUNTY of CUMBERLAND VIRGINIA

FOUNDED • 1749

Building Official's Office

Leland H. Leeds
Building Official
lleeds@cumberlandcounty.virginia.gov

Mackenzie Tate
Building Coordinator
mtate@cumberlandcounty.virginia.gov

P.O. Box 110
1 Courthouse Circle
Cumberland, VA 23040
(804) 492-9114 Phone

December	Current Month 2017	YTD 2017	Current Month 2018	YTD 2018
Singlewides	0	5	0	8
Doublewides	1	12	1	10
Modular	0	6	0	4
New Homes	2	21	2	22
Ag & Exempt	1	5	0	1
Garages & Carports	0	23	0	29
Additions & Remodels	0	24	3	28
Misc	12	141	8	179
Commercial	4	47	3	35
Totals	18	280	17	317
Total Fees Collected	\$2,173.59	\$47,914.50	\$2,947.78	\$60,229.23
E-911 Fees Collected	\$12.00	\$300.00	\$12.00	\$372.00
Total Estimated Value	\$453,603.00	\$19,028,837.00	\$37,422.00	\$10,929,850.00
Admin. Fees	\$0.00	\$105.50	\$25.50	\$150.50
CO's Issued	4	48	0	51



2018 Inspections Completed	(A) Res											(B) Comm	(6) Non Building (pools, fences)											Total Inspections for the month
	(1) Buildings	(2) Addition (Garage)	(3) Remodel	(4) Modular / Manufactured	(5) Other (decks, sheds etc.)	(6) Non Building (pools, fences)	(1) Buildings	(2) Addition	(3) Remodel	(4) Modular / Manufactured	(5) Other (decks, sheds etc.)		(6) Non Building (ools, fences)	Building	Electrical	Plumbing	Mechanical	Gas	Property Maintenance					
January	18	2	1	3	16	0	2	1	0	0	1	0	33	15	12	9	1	0	70					
February	12	3	4	9	7	0	1	0	0	1	0	33	16	10	62	2	0	123						
March	18	3	0	12	13	0	3	2	0	1	0	37	21	11	9	4	0	82						
April	13	8	3	12	30	2	2	1	0	1	0	45	35	16	11	8	0	115						
May	15	11	4	7	33	0	2	1	0	0	0	48	28	13	11	9	0	109						
June	25	7	5	15	30	0	3	1	0	2	0	60	31	17	13	1	0	122						
July	16	5	4	8	16	1	2	0	1	1	0	43	20	12	10	4	0	89						
August	12	6	2	7	21	0	6	0	2	1	0	43	25	20	13	1	0	0						
September	9	8	6	7	19	0	6	1	0	4	0	30	26	15	15	7	0	0						
October	19	8	4	5	22	0	6	3	2	0	2	44	27	19	13	7	0	110						
November	8	7	1	1	5	3	1	0	0	1	0	17	14	9	6	1	0	47						
December	9	1	1	0	7	0	3	1	0	2	0	5	5	1	1	4	0	16						
Totals #'s	529	166	69	86	219	6	37	11	5	5	1	438	263	155	173	49	0	1078						

Total S & E Inspections Completed for 2018

January	31
February	44
March	25
April	30
May	30
June	21
July	36
August	29
September	29
October	28
November	17
December	23
Total	343

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Regular Meeting
Cumberland County Community Center, Rm. C-8
Tuesday, October 2, 2018
6:30 p.m.**

PRESENT: Bill Burger, District 3, Chairman
Stephen Donahue, District 2
Hubert Allen, District 4
Roland Gilliam, District 5
William Flippen, At-Large
Leo Henderson, At-Large

ALSO PRESENT: JP Duncan, Planning Director

ABSENT: Randy Bryant, District 1, Vice-Chairman

CALL TO ORDER AND ROLL CALL

Chairman Burger called the Planning Commission's regular meeting of Tuesday, October 2, 2018 to order at 6:30 p.m. and a quorum was established.

APPROVAL OF AGENDA

MOTION:

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

APPROVAL OF MINUTES

MOTION:

Commissioner Gilliam made a motion to approve the Planning Commission minutes for April 23, 2018, 5/10/2018, 5/21/2018, 6/7/2018, 6/14/2018, 6/18/2018, 6/25/2018, and 7/23/2018. Commissioner Allen seconded the motion. The motion carried unanimously with a vote of 6-0.

PUBLIC HEARING: CUP 18-08 HOLMAN HOME

Mr. JP Duncan provided an overview of CUP 18-08. It would allow for the placement of a mobile home that is larger than the one that is currently located on the property. The width will be over doubled and the length will be increased by a foot. Aerial photographs were provided to the

Planning Commission. Mr. Duncan noted that the road to the property was changed by VDOT which has caused the owner's front setback to be at 26 feet versus the required setback of 75 feet. Mr. Duncan stated that he felt there was adequate setback in this case and ample room for emergency responders causing no public safety issues. Commissioner Allen stated that the road in question was a dead end road and VDOT had changed it over 20 years ago. He does not feel that the applicant should be held responsible for VDOT changing the road.

The Chairman opened the public hearing. The applicant, Ms. Cecile Holman of 4 Amos Road, stated that no one uses the road in front of her house. With no other citizens signed up to speak, the Chairman then closed the public hearing.

MOTION

Commissioner Allen made a motion to approve CUP 18-08. Commissioner Gilliam seconded the motion. The motion carried unanimously with a vote of 6-0.

GENERAL CITIZEN COMMENTS

Ms. Carol Miller of 3785 Cumberland Road stated that everyone likes the new Dollar General store, however, she wanted to know why there were no regulations on parking for it. Chairman Burger stated that the regulations for parking are in the Code and the Site Plan. Commissioner Allen noted that the applicant addressed parking in the application.

OLD BUSINESS

Mr. Duncan noted that he was trying to find time for the Cobbs Creek Watershed Protection Ordinance. Chairman Burger inquired about the possibility of doing a tour of Cobbs Creek and requested that Mr. Duncan send an email to the Planning Commission for possible tour dates.

NEW BUSINESS

CUP 18-05 Cobbs Creek Substation will have to be amended as the substation will be moved 200 feet from its original location. This amended CUP will be upcoming. The Planning Commission was provided the Building Inspection and Planning Department reports in their packets. Mr. Duncan noted that the Board of Supervisors decided to hold a workshop on the Solar Facility Code amendment.

GENERAL COMMISSIONER COMMENTS

Commissioner Donahue noted that there is a potential resident inquiring into the location in and around Cobbs Creek. The potential resident is looking for a house around the Columbia area and wanted to know the Planning Commission's intentions regarding designating that area as a growth area. Chairman Burger noted that it all depended on the map that was produced by Sara and the area residents in which they identified where they wanted certain areas designated. Chairman Burger asked Mr. Duncan if that information could be provided via the web.

Commissioner Allen stated that the Planning Commission should look at allowing the Zoning Administrator to sign off on more items to shorten the waiting process. Commissioners Gilliam and Flippen concurred with Commissioner Allen.

ADJOURNMENT

MOTION:

Commissioner Allen moved to adjourn to the next Planning Commission meeting of Monday, October 22, 2018, at 6:30 p.m. or as soon after as may be heard. Commissioner Donahue seconded. The motion carried unanimously with a vote of 6-0.

Attested:

Bill Burger, Planning Commission Chairman Date

James P. Duncan, Planning Director Date

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Regular Meeting
Cumberland County Community Center Rm. C-8
Monday, October 22, 2018
6:30 p.m.**

PRESENT: Bill Burger, District 3, Chairman
Stephen Donahue, District 2
Hubert Allen, District 4
Roland Gilliam, District 5
William Flippen, At-Large
Leo Henderson, At-Large

ALSO PRESENT: JP Duncan, Planning Director
Vivian Giles, County Administrator/Attorney
David Meinhard, Board of Supervisors member

ABSENT: Randy Bryant, District 1, Vice-Chairman

CALL TO ORDER AND ROLL CALL

Chairman Burger called the Planning Commission's regular meeting of Monday, October 22, 2018 to order at 6:30 p.m. and a quorum was established.

APPROVAL OF AGENDA

MOTION:

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

APPROVAL OF MINUTES

MOTION:

Commissioner Allen made a motion to approve the Planning Commission minutes for 8/27/2018, 9/10/2018, and 10/2/2018. Commissioner Donahue seconded the motion. The motion carried unanimously with a vote of 6-0.

PUBLIC HEARING: CUP 18-09 COBBS CREEK SUBSTATION

Mr. JP Duncan explained how CUP 18-09 is basically the same application as CUP 18-05 with the only difference being the location of the substation. The substation location was moved approximately 200 feet to allow for expansion of the size of the site and location conflicts. The purpose and all other aspects are the same between CUP 18-09 and CUP 18-05. Bruce Maurhoff with Central Virginia Electric Cooperative provided a brief statement on the need for a location change.

The Chairman opened the public hearing. Paul Moore and Bruce Maurhoff signed up to answer any questions. With no other citizens signed up to speak, the Chairman then closed the public hearing.

MOTION

Commissioner Allen made a motion to approve CUP 18-09. Commissioner Henderson seconded the motion. The motion carried unanimously with a vote of 6-0.

PUBLIC HEARING: CA 18-04 SETBACKS AND ROAD FRONTAGE

Mr. Duncan provided the setbacks for adjacent counties in response to previous cases where the current setback requirement was found to be too high. In regards to the road frontage requirement, Mr. Duncan felt that 300 feet for the designated primary highways would be sufficient compared to the current requirement of 500 feet. The language in the ordinance was also cleaned up and simplified.

The Planning Commission generally agreed that this amendment was an improvement. There was discussion about the R-1 road frontage.

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

MOTION

Commissioner Allen made a motion to table CA 18-04 to refer back to staff for further consideration. Commissioner Donahue seconded the motion. The motion carried unanimously with a vote of 6-0.

PUBLIC HEARING: CA 18-05 USES BY CUP IN R-2

Mr. Duncan explained the changes in CA 18-05 including changing “golf club” to “golf courses” to be consistent with other zoning districts. To modernize the CA, “electrical substation” and “wireless telecommunications facility” were added to the permitted uses with a conditional use permit in an R-2 district. The list was also alphabetized.

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

MOTION

Commissioner Allen made a motion to approve CA 18-05. Commissioner Gilliam seconded the motion. The motion carried unanimously with a vote of 6-0.

PUBLIC HEARING: CA 18-06 USES BY CUP IN R-3

Mr. Duncan explained that CA 18-06 was the same as CA 18-05. Again, “electrical substation” and “wireless telecommunications facility” were added to the permitted uses with a conditional use permit in an R-3 district.

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

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Workshop Meeting
Cumberland County Administration Building and
Cobbs Creek Reservoir Site
Tuesday, October 30, 2018
10:45 a.m.**

PRESENT: Bill Burger, District 3, Chairman
Leo Henderson, At-Large
William Flippen, At-Large (met at Cobbs Creek at 10:48, and a quorum was then established).
Hubert Allen, District 4
Roland Gilliam, District 5

ALSO PRESENT: JP Duncan, Planning Director

ABSENT: Randy Bryant, District 1, Vice-Chairman
Stephen Donahue, District 2
David Meinhard, Board of Supervisors member

CALL TO ORDER AND ROLL CALL

Chairman Burger called the Planning Commission's workshop meeting of Monday, September 26, 2017 to order at 10:48 a.m. and a quorum was established.

DISCUSSION: COBBS CREEK RESERVOIR

The Commission participated in a joint tour of the Cobbs Creek Reservoir project with the Economic Development Authority. The discussion centered on development issues at and around the reservoir site.

ADJOURNMENT

MOTION:

At 1:06 p.m., Commissioner Allen moved to adjourn to the next Planning Commission meeting of Monday, November, 2018, at 6:30 p.m. or as soon after as may be heard. Commissioner Flippen seconded. The motion carried unanimously with a vote of 4-0-1.

Attested:

Bill Burger, Planning Commission Chairman

Date

JP Duncan, Planning Director

Date