



## CUMBERLAND COUNTY BOARD OF SUPERVISORS

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

November 12, 2019  
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. **Resolution in appreciation of Travis Gilliam (pg. 1)** **Motion**
6. **Resolution in memory of Jimmy Ownby (pg. 2)** **Motion**
7. **State and Local Departments/Agencies/Community Service Providers**
  - a. Dr. Amy Griffin, Superintendent of Cumberland County Public Schools **Information**
  - b. VDOT **Information**
  - c. Mrs. Lisa Davis, Director, Cumberland Public Library **Information**
8. **Public Hearing Notices/Set Public Hearings**
9. **Public Hearings**
  - a. TransTech Alliance Amendments (VGA membership agreement) (pg. 3-10) **Motion**
10. **County Administrator's Report**
  - a. Consent agenda **Motion**
    - i. Approval of bills
    - ii. Approval of Minutes (October 3, 2019, October 8, 2019 and October 9, 2019 ) (pg. 11-36)
  - b. Ratify appointment of Board of Equalization members – (pg. 37) **Motion**
  - c. Set public hearing for Clothes Closet Lease (pg. 38) **Motion**
  - d. Set public hearing for James River Therapeutics Lease (pg. 38) **Motion**
  - e. Set public hearing for Bear Creek Academy Lease (pg. 38) **Motion**
  - f. Set public hearing for Christmas Mother Lease (pg. 38) **Motion**
  - g. Resolution in Support of Holiday Lake 4-H request for funding (pg. 39-42) **Motion**

- 11. Finance Director’s Report**
- a. Monthly Budget Report (pg. 43-52) **Information**
  - b. CCPS appropriation of grant funds - \$35,000 (pg. 53-55) **Motion**
  - c. CCPS appropriation of grant funds - \$43,996.91 (pg. 56-60) **Motion**
- 12. Planning Director’s Report**
- a. Planning Project updates (pg. 61) **Information**
  - b. Set public hearings
    - 1. CUP 19-06 Harris porch (pg. 62) **Motion**
    - 2. CUP 19-07 Boese LLA (pg. 63) **Motion**
    - 3. CA 19-08 Erosion and Sediment Control Ordinance (pg. 64-80) **Motion**
    - 4. CA 19-09 Short-term rental complex (pg. 81-94) **Motion**
- 13. County Attorney’s Report**
- 14. Old Business**
- a. Cobbs Creek Watershed Protection Ordinance **Discussion**
  - b. Voluntary Burn Ban **Motion**
- 15. New Business**
- 16. Public Comments**
- 17. Board Members Comments**
- 18. Adjourn into Closed Meeting (pg. 95) **Motion****
- Pursuant to VA. Code § 2.2-3711.A.7: Consultation with Legal Counsel;  
Subject: Pending litigation  
Pursuant to VA. Code § 2.2-3711.A. 5: Discussion of prospective business where no previous announcement has been made.  
Subject: Development and occupancy of the Cumberland Business Park
- 19. Reconvene in Open Meeting (pg. 96) **Motion****
- Roll call vote pursuant to Virginia Code § 2.2-3712 certifying “that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter, (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body, and (iii) no action was taken in closed meeting.”
- 20. Additional Information – (pg. 97-105)**
- a. Treasurer’s Report
  - b. DMV Report
  - c. Monthly Building Inspections Report
  - d. Approved Planning Commission meeting minutes – September 23, 2019
  - e. Approved EDA minutes – N/A
- 21. Adjourn – Regular Meeting – December 10, 2019.**



# County of Cumberland Virginia

## **Resolution of appreciation Upon the retirement of Travis Gilliam**

**WHEREAS**, Travis Gilliam, a lifelong resident, has dedicated himself to service to the County of Cumberland and to its citizens; and

**WHEREAS**, he began his service to Cumberland County in the Sheriff's Office as a Deputy Sheriff in July 1988. He served as a Deputy for eight (8) years, and in 1997 was promoted to Sargent, then Chief Deputy in 2006 before becoming the School Resource Officer for Cumberland High School in 2010; and

**WHEREAS**, Travis has served under three (3) Sheriff's during his tenure; and

**WHEREAS**, Travis has volunteered countless hours for the Cumberland Youth League, Cumberland Recreation Department, as well as many other groups; and

**WHEREAS**, he is a devoted husband to his wife of twenty-two (22) years, Tamara Harris-Gilliam, loving father to his three (3) children, and adopted father to all children he mentored throughout his time; and

**WHEREAS**, Travis has tirelessly served the County and its citizens with distinction and integrity, and has earned deep respect, and esteem of those with whom he has worked over the years; and

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors, through this resolution, express its high regard and profound appreciation for the service that Travis Gilliam has performed for the County of Cumberland and its citizens over the past thirty-one (31) years, and wish his much success in his future endeavors.

**Adopted the 12<sup>th</sup> day of November, 2019.**

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Parker Wheeler, Chairman  
Cumberland County Board of Supervisors

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Stephany S. Johnson  
Deputy Clerk to the Board



# County of Cumberland Virginia

## **Resolution in Remembrance of The life and service of Jimmy L. Ownby**

**WHEREAS**, Jimmy L. Ownby, was born on the 23<sup>rd</sup> day of February, 1941 to the late Fred and Della Ownby, and left this earth on June 28, 2019; and

**WHEREAS**, Jimmy, born and raised in Cumberland, served his country in the Virginia Army National Guard for six (6) years; and

**WHEREAS**, during his fifty (50) years in law enforcement, he served in Cumberland County as a full-time Deputy Sheriff for eighteen (18) years beginning in 1973, and most recently as Court Security since 2008. He also served under two sitting Sheriffs, and was awarded officer of the year in Chesterfield County in 1972; and

**WHEREAS**, Jimmy loved being outdoors, taking especially good care of his lawn, and had a passion for restoring old cars, including his numerous 1957 Chevy's, 2-seater T-birds and his 1964 and 1989 Mustang's; and

**WHEREAS**, he has tirelessly served the County and its citizens with distinction and integrity as a professional employee and is a devoted husband to Ailene Ownby for fifty-five (55) years, father to three (3) sons, and grandfather of five (5); and

**WHEREAS**, Jimmy has distinguished himself through his loyal commitment to improving the quality of life for all citizens of Cumberland County, and has earned the deep respect and esteem of all those with whom he has worked with over the years; and

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors, through this resolution, honors the life, and records the death of Jimmy L. Ownby and extends to the family its deepest sympathy; and

**BE IT FURTHER RESOLVED**, that the Cumberland County Board of Supervisors directs that a copy of this resolution be made a part of the permanent records of the official minutes of the Cumberland County Board of Supervisors, and that a copy be given to the family.

**Adopted the 12<sup>th</sup> day of November, 2019.**

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Stephany S. Johnson  
Deputy Clerk to the Board

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Parker Wheeler, Chairman  
Cumberland County Board of Supervisors



**DATE:** November 5, 2019  
**TO:** Cumberland County Board of Supervisors  
Mrs. Jennifer Crews, Interim County Administrator  
**FROM:** Stephany S. Johnson, Deputy Clerk  
**RE:** Amendments to the TransTech Alliance Agreement by  
request of VGA

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**Recommendation:**

Make a motion to approve the revisions to the Trans Tech Alliance Agreement.

**Information:**

This request comes from Mr. Jeff Reed with the Virginia's Growth Alliance (VGA). The changes include provisions for financing and operating the Alliance, creating a Board of Directors, the requirements to become and withdraw as a member of the Alliance, and other technical amendments.

**CUMBERLAND COUNTY BOARD OF SUPERVISORS  
PUBLIC HEARING**

The Cumberland County Board of Supervisors will meet on Tuesday, November 12, 2019, at 7:00 p.m., or as soon thereafter as may be heard, in the Circuit Courtroom of Cumberland County in Cumberland, Virginia, to conduct public hearings pursuant to Virginia Code Section 15.2-2204, which such hearings may be continued or adjourned, as required under applicable law, and to consider the following items and taking actions in furtherance thereof:

**Ordinance to amend the TransTech Alliance Agreement:** To consider the adoption of amendments to the Regional Development Agreement adopted in 2012. The agreement established the provisions for financing and operating the TransTech Alliance and created a board of directors to govern the entity, the proposed requirements to become a member, requirements to withdraw as a member, and other technical amendments. This ordinance is to be considered pursuant to VA. Code § 15.2-1300.

Copies of the complete text of the proposed resolution and ordinance is available for public review at the office of the Cumberland County Administrator, Administration Building, 1 Courthouse Circle, Cumberland, Virginia between 8:30 am and 4:30 pm of each business day. The public is invited to attend this hearing at which persons affected may appear and present their views. Questions or comments may be directed to the County Administrator's Office at (804) 492-3625. Persons with disabilities are urged to contact the County Administrator's Office at (804) 492-3625 at least five (5) days prior to the meeting to arrange for any necessary accommodations.

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TO: Farmville Herald

Advertise on the following dates: November 01, 2019 and November 08, 2019  
Authorized by: Cumberland County Administrator's Office  
Bill to: Cumberland County Board of Supervisors  
PO Box 110, Cumberland, VA, 23040

Stephany S. Johnson  
Deputy Clerk to the Board  
Cumberland County, Virginia 23040  
Email: [sjohnson@cumberlandcounty.virginia.gov](mailto:sjohnson@cumberlandcounty.virginia.gov)  
Phone: (804) 492-3625 Fax: (804)492-9224

BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA

**ORDINANCE**

AMENDING THE TRANSTECH ALLIANCE AGREEMENT

**November 12, 2019**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom of the Cumberland County Courthouse at Cumberland, Virginia commencing at 7:00 p.m., November 12, 2019, the following action was taken following a duly held public hearing during which staff provided a review of the proposed County Ordinance and members of the public offered comment:

Following a reading of the recitals and the resolutions for adoption of the proposed ordinance and on duly recognized motion, the Board of Supervisors adopted and approved the Resolution according to the cotes stated below:

\_\_\_\_\_

Present:

Vote:

William F. Osl, Jr., Vice-Chairman

Lloyd Banks, Jr.

William K. Ingle

Parker Wheeler, Chairman

Absent:

None

Dated: November 12, 2019

Attested: \_\_\_\_\_  
Stephany S. Johnson, Deputy Clerk  
Board of Supervisors of  
Cumberland County

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**WHEREAS**, the counties of Brunswick, Charlotte, Greensville, Lunenburg, Mecklenburg, Nottoway and the City of Emporia (the “Member Jurisdictions”) created a regional entity to increase business and other opportunities within the region pursuant to Section 15.2-1300 et seq. of the Code of Virginia, which authorizes the joint exercise of powers by political subdivisions; and

**WHEREAS**, in 2012, the Member Jurisdictions by ordinance adopted the TransTech Alliance Regional Development Agreement which created a board to put such regional development effort into place and that created the TransTech Alliance to accomplish such purpose; and

**WHEREAS**, the Member Jurisdictions have proposed amendments to the Regional Development Agreement which includes the requirements to become a member, requirements to withdraw as a member, and other technical amendments; and

**WHEREAS**, Buckingham, Cumberland and Prince Edward Counties have since joined the Alliance; and

**WHEREAS**, at the June 6, 2019 Board meeting the Member Jurisdictions agreed to amend the by-laws and the Alliance Agreement; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Cumberland County Board of Supervisors, as follows:**

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the foregoing, and pursuant to Virginia Code § 15.2-1300, the Board of Supervisors of Cumberland County deems it appropriate to by ordinance and this resolution approve the regional development agreement.
- c. Accordingly, the Board of Supervisors of Cumberland County, Virginia does hereby adopt the following Ordinance:

**AN ORDINANCE**

Approving the Amendments to the Regional Development Agreement attached hereto, which includes requirements to become a member, requirements to withdraw as a member, and other technical amendments and authorizes the County Administrator or Board of Supervisors Chairman to execute such Agreement on behalf of Cumberland County.

In addition, the Board appoints the following two persons as Board members of the TransTech Alliance:

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

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

Alternate: \_\_\_\_\_

d. This Resolution and the Ordinance herein contained shall be effective immediately.

Dated: November 12, 2019

Attested:

\_\_\_\_\_  
Stephany S. Johnson, Deputy Clerk  
Board of Supervisors of  
Cumberland County

# **TransTech Alliance**

## **Bylaws**

### **I. Name**

1. The name of the organization shall be the TransTech Alliance (d.b.a. Virginian's Growth Alliance) referred to as the Alliance.

### **II. Members**

1. Each participating locality, Brunswick, Charlotte, Greenville, Lunenburg, Mecklenburg and Nottoway Counties and the City of Emporia are founding members of the Alliance.
2. Additional members may be added to the Alliance as provided in the Agreement.
3. Voting privileges are extended to active members of the Alliance.
4. An active member is a locality that is current on its financial participation. Members that are more than six months delinquent in their financial participation are deemed to be inactive.

### **III. Board of Directors**

1. The Board of Directors shall serve without pay and consist of two representatives appointed by governing body of each member jurisdiction and up to six additional Board of members representing business and education appointed by the Board of Directors. Each member jurisdiction may appoint an alternate Board member to serve in the absence of one of their appointed Board members. The alternate member shall have all rights and privileges when serving for the appointed Board member.
2. Executive sessions are reserved for board members with the exception of those invited to attend by the Chair.

### **IV. Officers**

1. The officers of the Board shall consist of a Chair, Vice Chair, Secretary and Treasurer nominated and elected by the Board. The Executive Director may serve as the Secretary or Treasurer or both.
2. Elected officers will serve a term of two years.

3. (a) The Chair shall preside at all Board meetings, appoint committee members, and perform other duties as associated with the office. (b) The Vice Chair shall assume the duties of the Chair in case of the Chair's absence. (c) The Secretary shall be responsible for the minutes of the Board, keep all approved minutes in a minute book and send out copies of minutes to all Board members. (d) The Treasurer shall keep record of the organization's budget and prepare financial reports as needed.

## **V. Committees**

1. A Marketing Committee shall be a standing committee of the Alliance.
  - i. The Marketing Committee shall be the current economic developer for member localities and other economic development professionals as approved by the Board.
  - ii. Marketing Committee members shall serve as long as they are employed as the economic developer for their respective member localities or organization.
  - iii. Vacancies may be filled by a person serving as the economic developer for the member jurisdiction or by a person appointed by the Board.
  - iv. The Marketing Committee shall meet at least 10 times per year at a time and place determined by the Marketing Committee.
2. The Board may establish other standing and ad hoc committees as needed.
  - i. The Chair will appoint members to these standing and ad hoc committees with a recommendation from the Executive Director.

## **VI. Meetings**

1. Regular meetings of the Board shall be held bimonthly, every other month, on the 1st Thursday of each month. The Board may change the date of a regular meeting, add regular meetings or cancel regular meetings during the calendar year by a vote of the Board. The Chair may also reschedule a cancelled regular meeting for another date.
2. Meeting locations may vary among the member jurisdictions. The Executive Director will send out notice of the meeting's location two weeks in advance of the meetings.
3. Special meetings may be held at any time when called for by the Chair or a majority of the Board members.
4. Agendas shall be provided at least four days in advance.

5. Meetings shall be conducted in accordance with the Robert's Rules of Order (short form for small parliamentary bodies).

## **VII. Voting**

1. Each Board member shall have a single vote.
2. (a) A majority of Board members with at least a majority of the member jurisdictions present constitutes a quorum. (b) in absence of a quorum, no formal action shall be taken except to adjourn the meeting to a subsequent date.
3. Passage of a motion requires a simple majority (i.e., one more than half the members present).

## **VIII. Conflict of Interest**

1. Any member of the Board who has a financial, personal, or official interest in, or conflict (or appearance of a conflict) with any matter pending before the Board, of such nature that it prevents or may prevent that member from acting on the matter in an impartial manner, will offer to the Board to voluntarily excuse him/herself and will vacate his seat and refrain from discussion and voting on said item.

## **IX. Fiscal Policies**

1. The fiscal year of the Board shall be July 1 to June 30 of following year.
2. An annual outside audit will be performed.

## **X. Amendments**

1. These by-laws may be amended by a two-third vote of Board members present at any meeting, provided a quorum is present and provided a copy of the proposed amendments(s) are provided to each Board member at least one week prior to said meeting.

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 3<sup>rd</sup> day of October 2019 at the Circuit Courtroom of the Cumberland Courthouse located at 17 Courthouse Circle, Cumberland, Virginia:

Present: William F. Osl, Jr., District 1  
Lloyd Banks, Jr., District 2  
Kevin Ingle, District 3,  
David Meinhard, District 4, Chairman  
Parker Wheeler, District 5, Vice-Chairman  
Jennifer Crews, Finance Director  
Stephany S. Johnson, Deputy Clerk

Absent: None

**1. Call to Order**

The Chairman called the meeting to order.

**2. Welcome and Pledge**

The Pledge of Allegiance was led by the Chairman.

**3. Roll Call**

Deputy Clerk, Stephany Johnson, called the roll.

**4. Approval of Agenda**

On a motion by Supervisor Ingle, and carried unanimously, the Board approved the agenda as presented:

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

**5. 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 for the below to discuss the subject identified:

- Virginia Code § 2.2-3711.A.1: Personnel matters;  
Subject: Discussion regarding the County Administrator position

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

Chairman Meinhard left the meeting at 7:53 p.m.

**6. Reconvene in Open Meeting**

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

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

Mr. Osl - aye  
 Mr. Banks – aye  
 Mr. Ingle – aye  
 Mr. Meinhard - absent  
 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, (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, and (iii) no action was taken in closed meeting.

**7. New Business**

The Board directed staff to release the budgeted contributions to each agency.

**8. Adjourn**

On a motion by Supervisor Osl and carried by the following vote, the Board adjourned the meeting until the next regular meeting of the Board to be held on Tuesday, October 8, 2019 at 7:00 p.m. in Circuit Courtroom A of the Cumberland Courthouse located at 17 Courthouse Circle, Cumberland, Virginia:

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

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Parker Wheeler, Chairman

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Stephany S. Johnson, Deputy Clerk

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8<sup>th</sup> day of October 2019, at the Cumberland County Circuit Court Room:

Present: Parker Wheeler, District 5, Vice-Chairman  
William F. Osl, Jr., District 1  
Lloyd Banks, Jr., District 2  
Kevin Ingle, District 3  
Jennifer Crews, Finance Director  
JP Duncan, Zoning Administrator  
Brian Butler, County Attorney  
Stephany Johnson, Deputy Clerk

Absent: None

**1. Call to Order**

The Vice-Chairman called the meeting to order.

**2. Welcome and Pledge of Allegiance**

The Pledge of Allegiance was led by the Vice-Chairman.

**3. Roll Call**

Deputy Clerk, Stephany Johnson, called the roll.

**4. Approval of Agenda**

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

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

**5. Resolution in appreciation of Vivian Seay Giles**

On a motion by Supervisor Osl, and carried unanimously, the Board approved a Resolution in appreciation of Ms. Vivian Seay Giles, former County Administrator:

**Resolution In appreciation of  
Vivian Seay Giles**

**WHEREAS**, Vivian Seay Giles has dedicated eight (8) years of service to the County of Cumberland; and

**WHEREAS**, Vivian began her career in private practice handling taxation and real estate before starting her own practice in 1996. She also served as a part-time Commonwealth’s Attorney for Appomattox County from 2007-2008; and

**WHEREAS**, Vivian joined the County of Cumberland as both the County Administrator and County Attorney in March 2012. During her tenure, Vivian served on the Piedmont Regional Jail Board, Piedmont Regional Juvenile Detention Center Board, Chief Local Elected Officials Board, and has planned all aspects of economic development and planning for our rural county; and

**WHEREAS**, Vivian has worked under the current Board for two consecutive terms, and has given countless hours of service to Cumberland County; and

**WHEREAS**, she has distinguished herself through her dedication and commitment to serving the citizens of Cumberland County, and is a devoted mother to her four children who love and support her; and

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors, through this resolution, express their deep appreciation for the services that Vivian Seay Giles has performed for the County of Cumberland over the past eight years, and wish her much success in her future endeavors.

**Adopted the 8<sup>th</sup> day of October 2019.**

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

**6. Resolution in memory of John Holman**

On a motion by Supervisor Osl, and carried unanimously, the Board approved a Resolution in memory of Mr. John Holman:

**Resolution in Remembrance of  
The life and service of  
John Holman**

**WHEREAS**, John Holman, was born on the 17<sup>th</sup> day of January 1971 to the late William B. Holman, Jr., and Elsie Mae Hackney Holman, and left this earth on the 7<sup>th</sup> day of September 2019; and

**WHEREAS**, John, a lifelong resident of Cumberland, had dedicated himself to service to the County of Cumberland for twenty-two years with the Cumberland Volunteer Rescue Squad, and fifteen years with the Randolph Volunteer Fire Department, and was a lifetime member of both; and

**WHEREAS**, he enjoyed working on the farm and with Guinea Mills Fencing. He never met a stranger, and helped anyone in need; and

**WHEREAS**, he began his employment with Cumberland County in October 2017 as a Transfer Station attendant and humbly served the citizens of Cumberland until his departure; and

**WHEREAS**, he has earned the deep respect of all those with whom he has worked and volunteered with over the years; and

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors, through this resolution, honors the life, and records the death of John A. Holman, and extends to the family its deepest sympathy; and

**BE IT FURTHER RESOLVED**, that the Cumberland County Board of Supervisors directs that a copy of this resolution be made a part of the permanent records of the official minutes of the Cumberland County Board of Supervisors, and that a copy be given to the family.

**Adopted the 8<sup>th</sup> day of October 2019.**

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

7. **Resolution in appreciation of Patricia “Diane” Bollinger**

On a motion by Supervisor Osl, and carried unanimously, the Board approved a resolution in appreciation of Patricia “Diane” Bollinger:

**Resolution of appreciation  
Upon the retirement of  
Patricia Diane Bollinger**

**WHEREAS**, Patricia Diane Bollinger, has dedicated more than twenty (20) years of service to the citizens of Cumberland County in the office of the Commissioner of the Revenue; and

**WHEREAS**, Diane moved to Cumberland and began her employment with Cumberland County in the Commissioner of the Revenue’s Office in November of 1998, where she gladly served the citizens of Cumberland; and

**WHEREAS**, she received her Master Deputy Commissioner Certification from the University of Virginia, Weldon Cooper Center for Public Service on July 1, 2005; and

**WHEREAS**, Diane has tirelessly served the County and its citizens with compassion and integrity, and is a devoted wife of thirty-four years to her husband Keith Bollinger, mother to her two sons and grandmother to two grandsons, with another on the way; and

**WHEREAS**, she has earned deep respect, esteem and love of those with whom she has worked; and

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Supervisors, through this resolution, express its high regard and profound appreciation for the service that Patricia Diane Bollinger has performed for the County of Cumberland and its citizens over the past twenty (20) years, and wish her much success in her future endeavors.

**Adopted the 8<sup>th</sup> day of October 2019.**

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

## 8. State and Local Department/Agencies

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

Dr. Griffin gave the following report to the Board:

- Cumberland High School has been named in Virginia Living Magazine as one of the top high schools in Virginia, and Highlighted in the AASA Magazine which is a national magazine for school administrators, regarding the innovative practices that are being implemented in the school division
- All three County schools are accredited
- The 2019 graduation rate is 92.5%
- On October 9, 2019 Dr. James Lang, the State Superintendent will visit Cumberland County Public Schools and participate in the Crunch heard around the Commonwealth
- Leadership Farmville Youth Summit will take place on October 10, 2019
- 2019 Homecoming will be on October 11, 2019 with a dance on October 12, 2019
- Walk for Education was a success
- The CHS Carpentry Class is building a shed for the Habitat for Humanity House
- The Cumberland County Bands Program continues to excel in competitions
- See you at the pole was well attended
- Dr. Griffin expressed her delight for CHS Alumni, Alexa Massey, representing Cumberland as the new reporter at The Farmville Herald
- Dr. Griffin explained that currently, there is an outbreak of scabies in the school system. According to the State Health Department, an outbreak means more than one. The School System is taking appropriate measures and following the suggestions of the Health Department and



reversion clause so that if the land was no longer used for fire services, the property would revert back to Blanton & Pleasants.

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

On a motion by Supervisor Osl, and carried unanimously, the Board approved the disposition of real property known as TaxMap # 18A-A-48A, the Cartersville Volunteer Fire Department metal building/office according to the reversion clause in the deed from August 10, 2001:

BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION  
APPROVING AND AUTHORIZING  
DISPOSITION OF CERTAIN REAL ESTATE

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., October 08, 2019, the following action was taken following a duly held public hearing during which time county staff provided a review of the proposed disposition of property and members of the public offered comment:

On a motion made by Supervisor Osl, it was moved that the Board of Supervisors of Cumberland County approve and authorize, in accordance with the following Resolution, the disposition of certain property;

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

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<u>Present:</u>	<u>Vote:</u>
Parker Wheeler, Vice-Chairman	aye
William F. Osl, Jr.	aye
Lloyd Banks, Jr.	aye

William K. Ingle

aye

Absent:

none

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**WHEREAS**, at a regular monthly meeting held on October 08, 2019, staff provided the Board of Supervisors with an overview of the proposed disposition of the real property, including all improvements and appurtenances thereto, as described and set forth on Tax Map Parcel 018A-A-48A, containing 0.091 acres in the Hamilton District, and further described as the Cartersville Volunteer Fire Department metal building/office. (the "Property"); and

**WHEREAS**, the proposed disposition of the Property is made in accordance with the reversion rights afforded in the deed of the property from Blanton & Pleasants, Incorporated to the Board of Supervisors of the County of Cumberland for the purposes of providing fire services, found in deed book 254, page 227 of record in the Clerk's Office of the Circuit Court of Cumberland County, Virginia; and

**WHEREAS**, pursuant to Virginia Code Section 15.2-1800(B) the Board of Supervisors has authority to dispose such Property at a duly advertised and held a public hearing on October 08, 2019 to affect such disposition; and

**WHEREAS**, after conducting a public hearing and considering the comments of County staff and the general public and after discussion and due deliberation with respect to such information, the Board of Supervisors desires to affirm its findings and to approve and authorize the disposition of the Property according to the deed;

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

- a. The foregoing recitals are hereby incorporated by this reference.
- b. The Board of Supervisors further hereby approves the disposition of the Property, and reversion to Blanton & Pleasants, Incorporated.
- c. Upon consideration of the foregoing, the Board of Supervisors further directs the county administrator and county staff to coordinate and effect the disposition of the property.
- d. The Chairman of the Board is authorized to execute an agreement, deed of sale or bargain, and such other documents, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman of



c) Board of Equalization Ordinance

Deputy Clerk, Stephany Johnson, informed the Board that since the county is currently undergoing a reassessment, state code requires that the Board hold a public hearing, and approve by ordinance, the dates by which citizens must submit applications for relief from reassessment, and the date by which the Board of Equalization must dispose of the applications received.

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

On a motion by Supervisor Osl, and carried unanimously, the Board approved the Board of Equalization Ordinance:

BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA

**ORDINANCE**

ESTABLISHING A DEADLINE FOR APPLICATIONS TO THE BOARD OF  
EQUALIZATION FOR RELIEF FROM REASSESSMENT DETERMINATIONS AND  
A DEADLINE FOR ALL APPLICATIONS TO BE FINALLY DISPOSED OF BY THE  
BOARD OF EQUALIZATION

**October 08, 2019**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom of the Cumberland County Courthouse at Cumberland, Virginia commencing at 7:00 p.m., October 8, 2019, the following action was taken following a duly held public hearing during which staff provided a review of the proposed County Ordinance and members of the public offered comment:

Following a reading of the recitals and the resolutions for adoption of the proposed ordinance and on duly recognized motion, the Board of Supervisors adopted and approved the Resolution according to the cotes stated below:

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<u>Present:</u>	<u>Vote:</u>
William F. Osl, Jr.	aye
Lloyd Banks, Jr.	aye
William K. Ingle	aye
Parker Wheeler, Vice-Chairman	aye
<u>Absent:</u>	None

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**WHEREAS**, as required by Virginia Code § 58.1-3252, Cumberland County has authorized the general reassessment of real estate; and

**WHEREAS**, Virginia Code § 58.1-3370 requires appointment of a Board of Equalization to receive applications from property owners or lessees seeking equalization of their real property assessments; and

**WHEREAS**, Virginia Code § 58.1-3378 allows for the establishment of deadlines by which such applications shall be submitted by property owners and disposed of by the Board of Equalization.

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Cumberland County Board of Supervisors, as follows:**

- g. The foregoing recitals are hereby incorporated by this reference.
- h. Upon consideration of the foregoing, and pursuant to Virginia Code § 58.1-3378, the Board of Supervisors of Cumberland County deems it appropriate to by ordinance and this resolution establish a deadline for the submission to the board of equalization of applications for relief from reassessment determinations and to establish a deadline by which all applications submitted must be disposed of by the board of equalization.
- i. Accordingly, the Board of Supervisors of Cumberland County, Virginia does hereby adopt the following Ordinance:

**AN ORDINANCE**

Establishing Friday, January 31, 2020 as the date by which all applications for relief from reassessment determinations must be made by property owners or lessees to

the Board of Equalization; and establishing Friday, March 27, 2020 as the date by which all applications must be finally disposed of by the Board of Equalization.

j. This Resolution and the Ordinance herein contained shall be effective immediately.

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

**11. County Attorney/County Administrator Report**

- a) Consent Agenda
  - 1) Approval of Bills for September 2019 and October 2019. Approved bills for October 8, 2019 total \$158,160.45. Ratified bills for September 11, 2019 through October 7, 2019 of warrants total \$220,907.65, Direct Deposits total \$160,907.23, all with check numbers ranging from 80582-80843.
  - 2) Approval of Minutes – September 10, 2019

On a motion by Supervisor Osl and carried unanimously, the Board approved the consent agenda as presented:

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

- b) Board of Equalization appointments needed

On a motion by Supervisor Ingle, the Board appointed Cabell Metts, Theresa Denaro and Larry Atkins to the Board of Equalization:

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

- c) Set rate of pay for Board of Equalization

On a motion by Supervisor Osl, and carried unanimously, the Board set the rate of pay for the Board of Equalization as \$55.00 per day:

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

d) Appointment to the Social Services Board of Directors for District 1:

On a motion by Supervisor Osl, and carried unanimously, the Board appointed Verna Mahan to the Social Services Board of Directors for a four-year term expiring September 30, 2023:

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

e) RFP # 2019-10-18-CCES

On a motion by Supervisor Ingle, and carried unanimously, the Board approved the issuance of RFP# 2019-10-18-CCES for replacement of the Elementary School floors:

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

f) Set public hearing for an ordinance to amend the Virginia Growth Alliance (VGA) membership agreement

On a motion by Supervisor Osl, and carried unanimously, the Board set a public hearing for an Ordinance to amend the VGA membership agreement for November 12, 2019:

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

- g) Resolution requesting the Governor designate Cumberland as an agricultural disaster area

On a motion by Supervisor Osl, and carried unanimously, the Board approved a Resolution requesting the Governor designate Cumberland County as an Agricultural Disaster Area:

**RESOLUTION  
OF THE BOARD OF SUPERVISORS  
OF CUMBERLAND COUNTY, VIRGINIA**

**October 8, 2019**

**WHEREAS**, the lack of rainfall and increased daily temperatures during 2019 caused a decrease in production, quality, and yields on corn, hay, soybeans and other crops, and

**WHEREAS**, the Virginia Cooperative Extension Agents estimate crop loss in Cumberland is between sixty percent (60%) to eighty percent (80%).

**NOW, THEREFORE BE IT RESOLVED**, that the Cumberland Board of Supervisors requests that the Governor of Virginia designate Cumberland County as an agricultural disaster area.

Adopted this 8<sup>th</sup> day of October 2019.

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

**12. Finance Director’s Report**

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

- b) Request for appropriation for Maintenance Department - \$2,020:



**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF CUMBERLAND, VIRGINIA**

**VIRGINIA TOBACCO INDEMNIFICATION AND COMMUNITY  
REVITALIZATION COMMISSION  
PROJECT ENDORSEMENT RESOLUTION**

**WHEREAS**, the Virginia Tobacco Region Revitalization Commission (TRRC) was created to help foster economic development in the tobacco dependent communities of Southside and Southwest Virginia; and

**WHEREAS**, the County of Cumberland Board of Supervisors would like to submit (2) two grant applications for a total of \$999,880: a Tobacco Commission Southern Area Economic Development Grant in the amount of \$24,841; and a Tobacco Commission Special Projects Grant in the amount of \$975,039; and

**WHEREAS**, applications were considered at the Tobacco Commission May 22 & 23, 2018 full Board meeting in Farmville, VA; and

**WHEREAS**, these funds will be used towards the design, engineering, and construction of a sewer pump station, and force main/sewer line system at the Cumberland County Business Park; and

**WHEREAS**, a business expanding to Cumberland County will create 52 full time jobs, at an average wage of \$36,518/annually within 36 months, at the Business Park Shell Building, once the building up-fit and infrastructure are complete; and

**WHEREAS**, the \$999,880 of required 1:1 matching funds will be provided by the value of past investments at the Cumberland County Business Park, and investments by the "Prospective Business" client; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors for the County of Cumberland, Virginia does hereby support two(2) grant applications totaling \$999,880 to the Virginia Tobacco Region Revitalization Commission for the design, engineering, and construction of a sewer pump station, and force main/sewer line system at the Cumberland County Business Park; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors of the County of Cumberland, Virginia does hereby authorize the Board of Supervisors Chairman and/or County Administrator to sign any and all necessary grant documents to execute the grant applications, grant contracts, and grant reports.

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

**14. County Attorney’s Report**

N/A

**15. Old Business**

a) Edgewood Drive culvert request

Supervisor Wheeler requested the county install a culvert in the alleyway on Edgewood Drive between 301 Dana Drive and 200 Virginia Avenue. The property owners state that when vehicles enter the alleyway to access utilities from the entrance on Lynn Drive, they must turn around in residents’ yards. Installation of this culvert will allow a separate ingress and egress. All affected property owners have been notified of the proposed action, and neither staff nor Supervisor Wheeler has received any correspondence.

On a motion by Supervisor Wheeler and carried by the following vote, the Board approved the installation of a culvert on Edgewood Drive:

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

**16. New Business**

Due to the current drought, several counties in the state are issuing a burn ban. By unanimous consent, the Board implemented a Voluntary Burn Ban throughout the County which discourages all outside open fires and outdoor burning. The Burn Ban is effective immediately, and until further notice. The Board directed staff to draft and release a PSA regarding the Burn Ban.

## **17. Public Comments**

Mr. Bernie Becker states that the ESC (Emergency Services Committee) supports the hiring of a new county employee to assist the EMS Agencies with grant applications. Mr. Butch Pond commended Superintendent Griffin on a job well done. Mrs. Betty Myers suggested that the Board members institute staggered terms. Mr. David Meinhard wanted to expand on the resolution the Board adopted in appreciation of Vivian Giles. He states that she has been a major part of the success in Cumberland County. He states that during her tenure, there was no increase in taxes or debt, while there were increased expenses for Refuse Hauling, new roof and HVAC system replacement for the Cumberland Elementary School.

## **18. Board Member Comments**

Supervisors Osl and Ingle agree with Mr. Pond's commendation of Dr. Griffin, and Supervisor Ingle agreed with the comments made by Mr. Meinhard in appreciation of Ms. Giles.

Supervisor Ingle also approves the hiring of an Executive Secretary for Cumberland Fire & EMS to assist with grant procurement and management, as well as assisting with Revenue Recovery.

Supervisor Wheeler agreed with the positive comments made by the other Board members and thanked everyone in attendance for coming out to the meeting.

## **19. 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 for the below to discuss the subject identified:

- Virginia Code § 2.2-3711.A.1: Personnel;  
Subject: Assignment and reassignment of administrative duty













**DATE:** October 23, 2019  
**TO:** Cumberland County Board of Supervisors  
Mrs. Jennifer Crews, Interim County Administrator  
**FROM:** Stephany S. Johnson, Deputy Clerk  
**RE:** Ratification of Appointments to the Board of Equalization

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**Recommendation:**

Make a motion to ratify the appointment of Larry Atkins, Theresa Denaro, John Godsey, Randy Bryant and Yvonne Earvin to the Board of Equalization.

**Information:**

At the October 13, 2019 Board of Supervisors meeting, Mr. Larry Atkins, Theresa Denaro, and J. Cabell Metts were appointed to the Board of Equalization. Since that meeting, it was determined that Mr. Metts does not qualify as a member as he is no longer a county resident. Therefore, Mr. John Godsey, Mr. Randy Bryant, and Ms. Yvonne Earvin were recommended for this appointment. The Board of Equalization Ordinance adopted by the Board at their October 13, 2019 meeting established March 27, 2020 as the date by which all applications must be finally disposed of by the Board of Equalization, making March 27, 2020 their term expiration.

**CUMBERLAND COUNTY BOARD OF SUPERVISORS  
PUBLIC HEARING**

The Cumberland County Board of Supervisors will meet on Tuesday, December 10, 2019, at 7:00 p.m., or as soon thereafter as may be heard, in the Circuit Courtroom of Cumberland County in Cumberland, Virginia, to conduct public hearings pursuant to Virginia Code Section 15.2-1800, which such hearings may be continued or adjourned, as required under applicable law, and to consider the following items and taking actions in furtherance thereof:

**Lease of County property located at 47 Community Center Drive:** To consider approval of a lease of county property located at 47 Community Center Drive to the Cumberland Clothes Closet.

**Lease of County property located at 63 Community Center Drive:** To consider approval of a lease of county property located at 63 Community Center Drive to James River Therapeutic Services.

**Lease of County property located at 139 Community Center Drive:** To consider approval of a lease of county property located at 139 Community Center Drive to Bear Creek Academy.

**Lease of County property located at 51 Community Center Drive:** To consider approval of a lease of county property located at 51 Community Center Drive to the Cumberland Christmas Mother.

Copies of the complete text of the proposed Lease is available for public review at the office of the Cumberland County Administrator, Administration Building, 1 Courthouse Circle, Cumberland, Virginia between 8:30 am and 4:30 pm of each business day. The public is invited to attend this hearing at which persons affected may appear and present their views. Questions or comments may be directed to the County Administrator's Office at (804) 492-3625. Persons with disabilities are urged to contact the County Administrator's Office at (804) 492-3625 at least five (5) days prior to the meeting to arrange for any necessary accommodations.

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TO: Farmville Herald

Advertise on the following dates: November 29, 2019 and December 6, 2019  
Authorized by: Cumberland County Administrator's Office  
Bill to: Cumberland County Board of Supervisors  
PO Box 110, Cumberland, VA, 23040

Stephany S. Johnson  
Deputy Clerk to the Board  
Cumberland County, Virginia 23040  
Email: [sjohnson@cumberlandcounty.virginia.gov](mailto:sjohnson@cumberlandcounty.virginia.gov)  
Phone: (804) 492-3625 Fax: (804)492-9224



**DATE:** October 23, 2019  
**TO:** Cumberland County Board of Supervisors  
Mrs. Jennifer Crews, Interim County Administrator  
**FROM:** Stephany S. Johnson, Deputy Clerk  
**RE:** Request for a Resolution in support of Holiday Lake  
application for grant funding

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**Recommendation:**

Approve a Resolution in support of Holiday Lake 4-H Educational Center's application for grant funds.

**Information:**

Holiday Lake 4-H Educational Center is requesting grant funds from the Commonwealth for essential safety and capital improvements. They are requesting consideration by this board to adopt a resolution in support of their application for these funds.

# HOLIDAY LAKE 4-H EDUCATIONAL CENTER, INC.

1267 4-H CAMP ROAD  
 APPOMATTOX, VIRGINIA 24522  
[www.holidaylake4h.com](http://www.holidaylake4h.com)



PHONE (434) 248-5444  
 FAX (434) 248-6749

September 30, 2019

Donald Unmussig, Cumberland County Administrator  
 1 Courthouse Circle  
 P.O. Box 110  
 Cumberland, VA 23040

Dear Mr. Unmussig:

Holiday Lake 4-H Educational Center (located in the 20,000-acre Appomattox/Buckingham State Forest, the largest state forest in Virginia) respectfully requests your Board's/Council's adoption of the enclosed sample resolution in our quest for funding from the Commonwealth of Virginia for essential capital safety improvement projects.

Holiday Lake 4-H Educational Center (HL4HEC), a non-profit 501c (3) organization, has served over ten thousand (10,000) participants (many of which are underserved youth) annually from a variety of programs for almost 80 years. Our mission is to "improve the quality of life by educating youth and adults in a natural setting." The Center's programs impact over 4,000 youth annually.

The 4-H Center serves nineteen (19) Virginia localities which includes the counties of Albemarle, Amherst, Appomattox, Amelia, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Fluvanna, Greene, Louisa, Lunenburg, Mecklenburg, Nelson, Nottoway, and Prince Edward as well as the cities of Charlottesville and Lynchburg.

The 4-H Center is the location for our area's Junior 4-H Camp during the summer months and Natural Resource Education (NRE) during the school year. All of our NRE programs are coordinated with area teachers and are correlated with the Virginia Standards of Learning (SOLs) on natural sciences, life sciences, life-skill development, and leadership development.

In order to provide our legislators copies of support resolutions, we request that you return your locality's resolution by December 18, 2019 to:

Preston R. Willson  
 Holiday Lake 4-H Educational Center  
 President/CEO  
 1267 4-H Camp Rd.  
 Appomattox, VA 24522

OR

Email to: [pwillson@vt.edu](mailto:pwillson@vt.edu)

OR

Fax to: 434-248-6749

We will be emailing a digital word document of the sample resolution shortly for your convenience. We appreciate your consideration of our request for support. If you wish to discuss our request please feel free to contact me at 434-248-5444.

Sincerely,

Preston R. Willson  
 President/CEO

40

ENCLOSURE

Holiday Lake 4-H Educational Center programs and employment are open to all, regardless of age, color, disability, gender, gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, genetic information, veteran status, or any other basis protected by law. An equal opportunity/affirmative action employer.



# County of Cumberland Virginia

**RESOLUTION  
IN SUPPORT OF A REQUEST  
BY  
HOLIDAY LAKE 4-H EDUCATIONAL CENTER (HL4HEC)  
TO  
THE COMMONWEALTH OF VIRGINIA  
FOR ESSENTIAL CAPITAL SAFETY IMPROVEMENT PROJECTS**

**WHEREAS**, Holiday Lake 4-H Educational Center (HL4HEC), a non-profit 501c (3) organization, is requesting funds for essential capital safety improvements from the Virginia General Assembly, in the amount of \$332,000 for the 2020/2022 biennial budget; and

**WHEREAS**, HL4HEC mission is to improve the quality of life by educating youth and adults in a natural setting; and

**WHEREAS**, Holiday Lake 4-H Educational Center (HL4HEC) serves nineteen (19) Virginia localities which includes the counties of Albemarle, Amherst, Appomattox, Amelia, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Fluvanna, Greene, Louisa, Lunenburg, Mecklenburg, Nelson, Nottoway, and Prince Edward as well as the cities of Charlottesville and Lynchburg; and

**WHEREAS**, HL4HEC is located in the 20,000-acre Appomattox/Buckingham State Forest, the largest state forest in Virginia; and

**WHEREAS**, the 4-H Center leases 157.8 acres from the Virginia Department of Forestry on a long-term lease through the year 2080; and

**WHEREAS**, the objectives of HL4HEC are:

To provide four seasons annually of educational camping programs for 4-Hers in Central, Southside and specialized camps across the state of Virginia. To provide special programs and activities to include Natural Resource Education as a resource for school groups, 4-H clubs, the summer 4-H camping program as well as for adults. To provide facilities, programs, and services necessary to serve as the Virginia 4-H Shooting Education Center. To provide quality facilities and support services year-round for diverse groups from multiple geographical regions. To evaluate the effectiveness of educational programming on an ongoing basis and to revise programming to meet the changing needs of stakeholders; and

**WHEREAS**, today at HL4HEC, over ten thousand (10,000) participants (many of which are underserved youth) benefit annually from a variety of programs. Holiday Lake 4-H Educational Center has served the youth and adults of Central/Southside Virginia and beyond since 1941. Thousands of urban youth get to experience the “forest” through 4-H and Natural Resource Education programs at the 4-H Center. For almost 80 years, Cumberland County has played an active part of the more than one hundred thousand (100,000) lives that have been enriched at the 4-H Center through educational programs, friendships and a closeness to nature; and

**WHEREAS**, in 2011 HL4HEC was registered as a Virginia Historic Landmark and listed on the National Register of Historic Places. The historic registration (which in part includes 15 cabins built in 1937 by the WPA which are still used today) assures that the original character of the historic buildings will be preserved; and

**WHEREAS**, through a memorandum of understanding between the Appomattox County School Board and HL4HEC, the 4-H Center serves as a designated evacuation site to be utilized in the event of an emergency which would require students to be taken out of the Appomattox County Schools and be temporarily located at HL4HEC.

**NOW THEREFORE BE IT RESOLVED**, the 4-H Center’s capital improvement projects include facility upgrades/installations to include Medical Clinic Facility and Equipment Upgrade (including floor replacement and AED), PA System (Active Shooter), ADA accessibility improvements, Emergency Generator, Exterior Security Lighting, Infrastructure Upgrades (drainage system, sidewalks, sewer lines and water storage and pressure tank repair/painting), HVAC units, Large Pavilion Upgrade, Roof, Gutter and Siding Replacements, Kitchen Floor Replacement, Challenge Course Repairs and Improvements and Platform Tents for Outdoor Skill Education;

**BE IT FURTHER RESOLVED**, upon receiving the funds and completing the necessary capital improvements, Holiday Lake 4-H Educational Center will be able to increase the 4-H Center’s useful life and continue to serve thousands of youth and adults for many years to come in Central and Southside Virginia.

Adopted this 12<sup>th</sup> day of November 2019

APPROVED:

ATTEST:

\_\_\_\_\_  
Mr. Parker Wheeler, Chairman  
Cumberland County Board of Supervisors

\_\_\_\_\_  
Mrs. Jennifer Crews, Interim  
County Administrator

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

## Monthly Financial Report To Council For November 2019

	Estimated 2019/2020 Budget to Date	Actual 2019/2020 Budget to Date	(Over) or Under Budget to Date
	-----	-----	-----
Revenue			
Balance Forward		4,472,925.73	
Fund Revenue	41,849,798.00	13,157,422.91	28,692,375.09
Total Revenue	41,849,798.00	17,630,348.64	24,219,449.36
Expenditures			
* Board of Supervisors *	45,037.00	14,734.95	30,302.05
* County Administrator *	319,123.00	75,947.08	243,175.92
* Legal Services *		6,805.00	(6,805.00)
* Independent Auditor *	45,000.00	12,564.28	32,435.72
* Commissioner of Revenue *	266,244.00	84,385.30	181,858.70
* Assessor *	89,026.00	81,329.47	7,696.53
* Treasurer *	318,328.00	101,625.57	216,702.43
* Accounting *	172,854.00	53,987.77	118,866.23
* Data Processing *	325,165.00	87,117.76	238,047.24
* Electoral Board *	26,820.00	7,622.85	19,197.15
* Registrar *	92,364.00	30,666.82	61,697.18
* Circuit Court *	15,250.00	877.90	14,372.10
* General District Court *	6,800.00	2,396.37	4,403.63
* Magistrate *	625.00	112.84	512.16
* Clerk of Circuit Court *	229,751.00	76,212.93	153,538.07
* Law Library *	1,200.00	588.89	611.11
* Victim and Witness Assistance *	71,376.00	699.69	70,676.31
* Commonwealth's Attorney *	228,565.00	72,407.64	156,157.36
* Sheriff *	1,838,386.00	525,511.58	1,312,874.42
* School Resource Officer *	147,253.00	31,006.39	116,246.61
* E911 *	7,600.00	41,183.21	(33,583.21)
*Chesterfield Med-Flight Program*	300.00	300.00	
* Forestry Service *	8,804.00	8,804.00	
* CUMBERLAND FIRE & EMS *	704,470.00	234,474.85	469,995.15
* Probation Office *	1,400.00	955.15	444.85
* Correction & Detention *	285,000.00	122,392.52	162,607.48
* Building Inspections *	149,652.00	47,699.13	101,952.87
* Animal Control *	128,224.00	34,288.65	93,935.35
* Medical Examiner *	200.00	60.00	140.00
* Refuse Disposal *	980,754.00	261,306.84	719,447.16
* General Properties *	737,121.00	287,061.90	450,059.10
* Supplement of Local Health Dept *	100,096.00	23,447.82	76,648.18
*Piedmont Senior Resources*	5,000.00	5,000.00	
* Chapter 10 Board - Crossroads *	37,000.00	18,500.00	18,500.00
* CSA Management *	35,534.00	11,762.11	23,771.89
* Community Colleges *	14,000.00		14,000.00
* Recreation *	69,830.00	18,331.48	51,498.52
* Local Library *	115,450.00	57,725.00	57,725.00
* Planning Commission *	10,100.00	1,810.99	8,289.01
* Planning/Zoning Dept. *	78,411.00	25,754.25	52,656.75
* Community & Economic Developmnt *	17,052.00	10,252.00	6,800.00
* Board of Zoning Appeals *	650.00		650.00

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

## Monthly Financial Report To Council For November 2019

	Estimated 2019/2020 Budget to Date	Actual 2019/2020 Budget to Date	(Over) or Under Budget to Date
	-----	-----	-----
Expenditures			
	14,495.00	14,495.00	
* 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 *	54,397.00	669.84	53,727.16
	2,500.00	1,250.00	1,250.00
* NONDEPARTMENTAL *	17,500.00	3,118.48	14,381.52
**TRANSFERS**	7,715,734.00	2,802,131.62	4,913,602.38
COMMONWEALTH'S ATTORNEY	5,000.00	1,490.64	3,509.36
SHERIFF	20,030.00	3,360.00	16,670.00
HEALTH INSURANCE	2,888,112.00	18,305.92	2,869,806.08
* Administration *	1,670,002.00	438,301.63	1,231,700.37
	15,913,491.00	3,175,862.76	12,737,628.24
	1,290,402.00	214,978.83	1,075,423.17
* Elementary School - Lit Loan *	206,667.00		206,667.00
* High/Middle School - VPSA Loan *	877,501.00	743,238.85	134,262.15
* HS/MS-VPSA LOAN #2 *	1,226,266.00	933,098.75	293,167.25
PUBLIC FACILITY NOTE 2009	387,987.00	288,176.16	99,810.84
* AMERESCO *	158,800.00	158,800.00	
* Suntrust Loan - Courthouse *	249,335.00	243,363.84	5,971.16
	825,000.00	388,682.30	436,317.70
* SEWER FUND - Enterprise Fund *	278,269.00	66,977.52	211,291.48
* WATER FUND - ENTERPRISE FUND *	168,531.00	62,490.79	106,040.21
COMMUNITY CENTER PURCHASE	112,464.00	57,474.14	54,989.86
*SHELL BUILDING*		3,097.99	(3,097.99)
	23,500.00	4,497.76	19,002.24
Total Expenditure	41,849,798.00	12,110,573.80	29,739,224.20
Total Revenues			
Less Total Expenditures		5,519,774.84	(5,519,774.84)

CUMBERLAND CO  
EXPENDITURE SUMMARY  
7/01/2019 - 11/05/2019

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

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
FUND #--100 ** GENERAL FUND REVENUES**						
1101	** Real Estate Taxes **	5,868,000.00	5,868,000.00	1,422,835.48	1,750,870.69	4,117,129.31
1102	** Personal Public Service *	900,000.00	900,000.00	.00	.00	900,000.00
1103	** Personal Property Taxes *	2,046,500.00	2,046,500.00	439,795.81	830,759.99	1,215,740.01
1104	** Machinery & Tools *	275,000.00	275,000.00	117,696.34	141,356.93	133,643.07
1106	** Penalties & Interest *	282,000.00	282,000.00	20,265.62	140,155.03	141,844.97
1201	** Local Sales & Use Taxes *	500,000.00	500,000.00	51,596.71	187,563.13	302,436.87
1202	** Consumer Utility Taxes *	180,000.00	180,000.00	14,798.05	59,230.97	120,769.03
1203	** Business License Taxes *	132,000.00	132,000.00	4,035.72	14,720.48	117,279.52
1204	** Franchise License Taxes *	15,000.00	15,000.00	.00	.00	15,000.00
1205	** Motor Vehicle License Tax *	245,000.00	245,000.00	43,906.04	86,800.04	158,199.96
1207	** Taxes On Recordation & Wills *	73,500.00	73,500.00	17,800.81	38,484.29	35,015.71
1301	** Animal Licenses *	8,000.00	8,000.00	40.00	313.00	7,687.00
1303	** Permits & Other Licenses *	84,900.00	84,900.00	12,986.41	37,054.24	47,845.76
1401	** Court Fines & Forfeitures *	150,000.00	150,000.00	14,429.87	46,601.01	103,398.99
1501	** Revenue From Use Of Money *	60,000.00	60,000.00	1,801.15	25,815.74	34,184.26
1502	** Revenue From Use Of Property *	33,500.00	33,500.00	.00	14,199.30	19,300.70
1601	** Court Costs *	50,360.00	50,360.00	6,313.79	16,647.42	33,712.58
1602	** Commonwealth's Attorney Fees *	800.00	800.00	120.60	278.56	521.44
1603	** Charges For Law Enforcement *	51,500.00	51,500.00	.00	.00	51,500.00
1604	** Charges For Fire & Rescue Service*	200,000.00	200,000.00	6,708.39	44,233.71	155,766.29
1608	** Charges Sanitation & Removal *	500,000.00	500,000.00	4.00	400,127.00	99,873.00
1613	** Charges For Parks & Recreation *	18,500.00	18,500.00	4,143.50	10,968.88	7,531.12
1616	** Charges For Planning / Com Dev *	2,000.00	2,000.00	.00	75.00	1,925.00
1899	** Miscellaneous *	1,173,900.00	1,173,900.00	1,178.41	1,145,053.43	28,846.57
1902	** Recovered Costs *	.00	.00	.00	100,000.00	100,000.00
2101	** Service Charges *	40,000.00	40,000.00	.00	26,866.35	13,133.65
2201	**NON-CATEGORICAL AID**	1,281,235.00	1,281,235.00	41,244.50	170,328.53	1,110,906.47
2301	** Commonwealth Attorney *	174,923.00	174,923.00	14,250.66	56,030.98	118,892.02
2302	** Sheriff *	620,277.00	620,277.00	48,178.85	184,579.61	435,697.39
2303	** Commissioner Of Revenue *	87,248.00	87,248.00	7,248.89	28,403.76	58,844.24
2304	** Treasurer *	97,000.00	97,000.00	8,990.16	31,509.11	65,490.89
2306	** Registrar/Electoral Boards *	36,726.00	36,726.00	.00	.00	36,726.00
2307	** Clerk Of The Circuit Court *	158,203.00	158,203.00	13,279.03	51,568.48	106,634.52
2308	** DMV License Agent *	25,000.00	25,000.00	1,891.84	8,043.36	16,956.64
2404	**GRANT FUNDS**	113,377.00	113,377.00	3,407.17	75,069.38	38,307.62
3301	**GRANT FUNDS**	63,992.00	63,992.00	.00	.00	63,992.00
--FUND TOTAL--		15,548,441.00	15,548,441.00	2,318,947.80	5,733,748.40	9,814,692.60
FUND #--150 * Asset Forfeiture Revenue *						
1501	INTEREST-STATE	30.00	30.00	.00	18.31	11.69
2402	ASSET FORFEITURE REVENUE (STATE)	25,000.00	25,000.00	.00	5,640.11	19,359.89
--FUND TOTAL--		25,030.00	25,030.00	.00	5,658.42	19,371.58

TIME 10:22

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED
FUND #-170 * HEALTH INSURANCE FUND BALANCE *						
1902	HEALTH INSURANCE CONTRIBUTIONS	2,888,112.00	2,888,112.00	.00	.00	2,888,112.00
	--FUND TOTAL--	2,888,112.00	2,888,112.00	.00	.00	2,888,112.00
FUND #-201 ** SOCIAL SERVICES FUND (REVENUE)**						
1899	* Miscellaneous Revenue *	.00	.00	30.29	197.58	197.58
2401	* Welfare *	998,561.00	998,561.00	37,393.82	163,098.40	835,462.60
3305	* Social Services *	288,146.00	288,146.00	59,941.28	262,025.06	26,120.94
4105	* Fund Transfers *	383,295.00	383,295.00	.00	7,932.15	375,362.85
	--FUND TOTAL--	1,670,002.00	1,670,002.00	97,365.39	433,253.19	1,236,748.81
FUND #-205 ** SCHOOL FUND (REVENUES) **						
1803	* Expenditure Refunds *	.00	.00	47,157.04	79,185.97	79,185.97
1899	* Miscellaneous Revenue *	145,199.00	145,199.00	27,840.00	32,735.37	112,463.63
2402	* State Education *	10,199,626.00	10,199,626.00	778,594.73	2,977,645.34	7,221,980.66
3302	* Education *	1,663,247.00	1,663,247.00	116,189.99	332,041.50	1,331,205.50
4105	* Fund Transfers *	3,905,419.00	3,905,419.00	.00	605,351.91	3,300,067.09
	--FUND TOTAL--	15,913,491.00	15,913,491.00	969,781.76	4,026,960.09	11,886,530.91
FUND #-207 ** GOVERNOR'S SCHOOL REVENUE **						
1501	* INTEREST ON BANK DEPOSITS *	.00	.00	.00	1,854.19	1,854.19
1899	** MISC REVENUE **	274,987.00	274,987.00	.00	1,213.90	273,773.10
1901	** LOCAL CONTRIBUTIONS **	420,940.00	420,940.00	.00	241,638.00	179,302.00
2404	** STATE FUNDS **	598,475.00	598,475.00	.00	25,955.00	568,520.00
	--FUND TOTAL--	1,290,402.00	1,290,402.00	.00	270,661.09	1,019,740.91
FUND #-302 ** CAPITAL PROJECTS FUND REVENUE **						
1501	* Interest On Bank Deposits *	.00	.00	.00	345.83	345.83
	--FUND TOTAL--	.00	.00	.00	345.83	345.83
FUND #-401 * Debt Service Fund Revenues *						
4105	** Transfers **	3,106,556.00	3,106,556.00	.00	2,118,383.56	988,172.44
	--FUND TOTAL--	3,106,556.00	3,106,556.00	.00	2,118,383.56	988,172.44
FUND #-500 **CSA FUND REVENUE**						
2404	*REVENUE FROM STATE*	575,000.00	575,000.00	204,985.71	320,199.81	254,800.19

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE	% UNCOLLECTED
4105	*TRANSFERS*	250,000.00	250,000.00	.00	.00	250,000.00	100.00
	--FUND TOTAL--	825,000.00	825,000.00	204,985.71	320,199.81	504,800.19	61.18
FUND # -501 **UTILITY FUND REVENUE**							
1501	**INTEREST REVENUE**	5,000.00	5,000.00	.00	.00	5,000.00	100.00
1619	**CHARGES & FEES**	415,000.00	415,000.00	35,591.11	143,147.97	271,852.03	65.50
1620	SEWER LATE PAYMENT PENALTY	5,500.00	5,500.00	478.03	1,838.27	3,661.73	66.57
1630	**ADMIN FEES/CHARGES**	17,300.00	17,300.00	1,345.50	5,802.00	11,498.00	66.46
1803	MISCELLANEOUS	4,000.00	4,000.00	.00	970.20	3,029.80	75.74
	--FUND TOTAL--	446,800.00	446,800.00	37,414.64	151,758.44	295,041.56	66.03
FUND # -515 *SEWER RESERVE FUND REVENUE*							
1501	INTEREST SEWER RESERVE	.00	.00	.00	773.93	773.93	100.00
	--FUND TOTAL--	.00	.00	.00	773.93	773.93	100.00
FUND # -540 *WATER RESERVE FUND REVENUE*							
1501	INTEREST WATER RESERVE	.00	.00	.00	112.92	112.92	100.00
	--FUND TOTAL--	.00	.00	.00	112.92	112.92	100.00
FUND # -545 **WATERLINE EXT DSR REVENUE**							
1501	INTEREST	.00	.00	.00	4.47	4.47	100.00
	--FUND TOTAL--	.00	.00	.00	4.47	4.47	100.00
FUND # -550 IDA RD OBS DSR FUND REVENUE							
1200	DSR PAYMENTS	.00	.00	5,000.00	5,000.00	5,000.00	100.00
	--FUND TOTAL--	.00	.00	5,000.00	5,000.00	5,000.00	100.00
FUND # -580 * IPR REVENUE *							
1501	INTEREST REVENUE	.00	.00	1.19	4.75	4.75	100.00
	--FUND TOTAL--	.00	.00	1.19	4.75	4.75	100.00
FUND # -715 ** IDA FUND REVENUE **							
1899	Rent of General Property	42,000.00	42,000.00	3,975.00	16,599.00	25,401.00	60.47
4105	Transfer from General Fund	70,464.00	70,464.00	.00	70,464.00	.00	.00

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	BALANCE UNCOLLECTED	%
	--FUND TOTAL--	112,464.00	112,464.00	3,975.00	87,063.00	25,401.00	22.58
	FUND #-733 ** SPECIAL WELFARE FUND REVENUE **						
1899	* Miscellaneous Revenue *	20,000.00	20,000.00	1,071.00	3,495.01	16,504.99	82.52
3305	*FEDERAL FUNDS*	3,500.00	3,500.00	.00	.00	3,500.00	100.00
	--FUND TOTAL--	23,500.00	23,500.00	1,071.00	3,495.01	20,004.99	85.12
	--FINAL TOTAL--	41,849,798.00	41,849,798.00	3,638,542.49	13,157,422.91	28,692,375.09	68.56

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	% REMAINING
FUND #	** General Fund **							
11010	* Board of Supervisors *	45,037.00	45,037.00	2,475.99	14,734.95	.00	30,302.05	67.28
12100	* County Administrator *	319,123.00	319,123.00	10,575.48	75,947.08	.00	243,175.92	76.20
12210	* Legal Services *	.00	.00	3,640.00	6,805.00	.00	6,805.00	100.00
12240	* Independent Auditor *	45,000.00	45,000.00	6,200.00	32,435.72	.00	32,435.72	72.07
12310	* Commissioner of Revenue *	266,244.00	266,244.00	20,178.95	84,385.30	.00	181,858.70	68.30
12320	* Assessor *	89,026.00	89,026.00	11,218.57	81,329.47	.00	7,696.53	8.64
12410	* Treasurer *	318,328.00	318,328.00	22,646.23	101,625.57	.00	216,702.43	68.07
12430	* Accounting *	172,854.00	172,854.00	14,578.67	53,987.77	.00	118,866.23	68.76
12510	* Data Processing *	325,165.00	325,165.00	21,909.75	87,117.76	.00	238,047.24	73.20
13100	* Electoral Board *	26,820.00	26,820.00	5,885.40	7,622.85	.00	19,197.15	71.57
13200	* Registrar *	92,364.00	92,364.00	7,483.96	30,666.82	.00	61,697.18	66.79
21100	* Circuit Court *	15,250.00	15,250.00	772.95	877.90	.00	14,372.10	94.24
21200	* General District Court *	6,800.00	6,800.00	189.95	2,396.37	.00	4,403.63	64.75
21300	* Magistrate *	625.00	625.00	40.85	112.84	.00	510.16	81.94
21600	* Clerk of Circuit Court *	229,751.00	229,751.00	17,905.26	76,212.93	.00	153,538.07	66.82
21800	* Law Library *	1,200.00	1,200.00	523.61	588.89	.00	611.11	50.92
21910	* Victim and Witness Assistance *	71,376.00	71,376.00	.00	699.69	.00	70,676.31	99.01
22100	* Commonwealth's Attorney *	228,565.00	228,565.00	17,656.37	72,407.64	.00	156,157.36	68.32
31200	* Sheriff *	1,838,386.00	1,838,386.00	124,187.50	525,511.58	.00	1,312,874.42	71.41
31250	* School Resource Officer *	147,253.00	147,253.00	4,380.31	31,006.39	.00	116,246.61	78.94
31400	* E911 *	7,600.00	7,600.00	40,169.77	41,183.21	.00	33,583.21	441.88
32306	*Chesterfield Med-Flight Program*	300.00	300.00	.00	300.00	.00	.00	.00
32400	* Forestry Service *	8,804.00	8,804.00	.00	8,804.00	.00	.00	.00
32500	* CUMBERLAND FIRE & EMS *	704,470.00	704,470.00	125,600.70	234,474.85	.00	469,995.15	66.71
33300	* Probation Office *	1,400.00	1,400.00	.00	955.15	.00	444.85	31.77
33400	* Correction & Detention *	285,000.00	285,000.00	61,099.00	122,392.52	.00	162,607.48	57.05
34100	* Building Inspections *	149,652.00	149,652.00	12,118.31	47,699.13	.00	101,952.87	68.12
35100	* Animal Control *	128,224.00	128,224.00	8,499.53	34,288.65	.00	93,935.35	73.25
35300	* Medical Examiner *	200.00	200.00	20.00	60.00	.00	140.00	70.00
42400	* Refuse Disposal *	980,754.00	980,754.00	112,129.53	261,306.84	.00	719,447.16	73.35
43200	* General Properties *	737,121.00	737,121.00	78,134.13	287,061.90	.00	450,059.10	61.05
51200	* Supplement of Local Health Dept *	100,096.00	100,096.00	5,393.60	23,447.82	.00	76,648.18	76.57
51405	*Piedmont Senior Resources*	5,000.00	5,000.00	.00	5,000.00	.00	.00	.00
52500	* Chapter 10 Board - Crossroads *	37,000.00	37,000.00	.00	18,500.00	.00	18,500.00	50.00
61230	* CSA Management *	35,534.00	35,534.00	3,887.77	11,762.11	.00	23,771.89	66.89
68000	* Community Colleges *	14,000.00	14,000.00	.00	.00	.00	14,000.00	100.00
71500	* Recreation *	69,830.00	69,830.00	7,081.91	18,331.48	.00	51,498.52	73.74
73100	* Local Library *	115,450.00	115,450.00	.00	57,725.00	.00	57,725.00	50.00
81100	* Planning/Commission *	10,100.00	10,100.00	46.41	1,810.99	.00	8,289.01	82.06
81110	* Planning/Zoning Dept. *	78,411.00	78,411.00	5,839.49	25,754.25	.00	52,656.75	67.15
81200	* Community & Economic Developmnt *	17,052.00	17,052.00	.00	10,252.00	.00	6,800.00	39.87
81400	* Board of Zoning Appeals *	650.00	650.00	.00	.00	.00	650.00	100.00
81514	*Transportation	14,495.00	14,495.00	.00	14,495.00	.00	.00	.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
82491	*Peter Francisco SMD*	10,000.00	10,000.00	.00	5,000.00	.00	5,000.00	50.00
83500	* Extension Agents *	54,397.00	54,397.00	384.85	669.84	.00	53,727.16	98.76

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	% REMAINING
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 *	17,500.00	17,500.00	2,002.43	3,118.48	.00	14,381.52	82.18
93100	**TRANSFERS**	7,715,734.00	7,715,734.00	.00	2,802,131.62	.00	4,913,602.38	63.68
	--FUND TOTAL--	15,548,441.00	15,548,441.00	744,070.03	5,308,375.92	.00	10,240,065.08	65.85
FUND #150 * ASSET FORFEITURE FUND *								
22100	COMMONWEALTH'S ATTORNEY	5,000.00	5,000.00	.00	1,490.64	.00	3,509.36	70.18
31200	SHERIFF	20,030.00	20,030.00	.00	3,360.00	.00	16,670.00	83.22
	--FUND TOTAL--	25,030.00	25,030.00	.00	4,850.64	.00	20,179.36	80.62
FUND #170								
62100	HEALTH INSURANCE	2,888,112.00	2,888,112.00	.00	18,305.92	.00	2,869,806.08	99.36
	--FUND TOTAL--	2,888,112.00	2,888,112.00	.00	18,305.92	.00	2,869,806.08	99.36
FUND #201 ** SOCIAL SERVICES FUND EXPEND **								
53100	* Administration *	1,670,002.00	1,670,002.00	102,413.83	438,301.63	.00	1,231,700.37	73.75
	--FUND TOTAL--	1,670,002.00	1,670,002.00	102,413.83	438,301.63	.00	1,231,700.37	73.75
FUND #205 ** SCHOOL FUND EXPENDITURES **								
61100		15,913,491.00	15,913,491.00	118,684.43	3,175,862.76	.00	12,737,628.24	80.04
	--FUND TOTAL--	15,913,491.00	15,913,491.00	118,684.43	3,175,862.76	.00	12,737,628.24	80.04
FUND #207 ** GOVERNOR'S SCHOOL EXPENSES **								
61100	GOVERNOR'S SCHOOL EXPENDITURES	1,290,402.00	1,290,402.00	.00	214,978.83	.00	1,075,423.17	83.34
	--FUND TOTAL--	1,290,402.00	1,290,402.00	.00	214,978.83	.00	1,075,423.17	83.34
FUND #401 *Debt Service*								
67200	* Elementary School - Lit Loan *	206,667.00	206,667.00	.00	.00	.00	206,667.00	100.00
67500	* High/Middle School - VPSA Loan *	877,501.00	877,501.00	.00	743,238.85	.00	134,262.15	15.30
67600	* HS/MS-VPSA LOAN #2 *	1,226,266.00	1,226,266.00	.00	933,098.75	.00	293,167.25	23.90
67700	PUBLIC FACILITY NOTE 2009	387,987.00	387,987.00	248,294.04	288,176.16	.00	99,810.84	25.72
67800	* AMERESCO *	158,800.00	158,800.00	.00	158,800.00	.00	.00	.00
95700	* Suntrust Loan - Courthouse *	249,335.00	249,335.00	.00	243,363.84	.00	5,971.16	2.39
	--FUND TOTAL--	3,106,556.00	3,106,556.00	248,294.04	2,366,677.60	.00	739,878.40	23.81

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	CURRENT AMOUNT	Y-T-D AMOUNT	ENCUMBRANCE AMOUNT	UNENCUMBERED BALANCE	\$ REMAINING
FUND # -500	**CSA FUND EXPENDITURES**							
53900		825,000.00	825,000.00	147,655.27	388,682.30	.00	436,317.70	52.88
	--FUND TOTAL--	825,000.00	825,000.00	147,655.27	388,682.30	.00	436,317.70	52.88
FUND # -501	*Water/Sewer*							
94900	* SEWER FUND - Enterprise Fund *	278,269.00	278,269.00	17,355.21	66,977.52	.00	211,291.48	75.93
95900	* WATER FUND - ENTERPRISE FUND *	168,531.00	168,531.00	9,426.87	62,490.79	.00	106,040.21	62.92
	--FUND TOTAL--	446,800.00	446,800.00	26,782.08	129,468.31	.00	317,331.69	71.02
FUND # -715	** EDA FUND EXPENDITURES **							
81610	COMMUNITY CENTER PURCHASE	112,464.00	112,464.00	24,710.43	57,474.14	.00	54,989.86	48.89
81640	*SHELL BUILDING*	.00	.00	.00	3,097.99	.00	3,097.99	100.00
	--FUND TOTAL--	112,464.00	112,464.00	24,710.43	60,572.13	.00	51,891.87	46.14
FUND # -733	** SPECIAL WELFARE FUND EXPENSES **							
53010		23,500.00	23,500.00	1,236.41	4,497.76	.00	19,002.24	80.86
	--FUND TOTAL--	23,500.00	23,500.00	1,236.41	4,497.76	.00	19,002.24	80.86
	--FINAL TOTAL--	41,849,798.00	41,849,798.00	1,413,846.52	12,110,573.80	.00	29,739,224.20	71.06



## CUMBERLAND COUNTY PUBLIC SCHOOLS

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

AMY GRIFFIN, Ed.D.  
Division Superintendent

October 9, 2019

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

TO: Board of Supervisors of Cumberland County

FROM: Amy W. Griffin, Ed.D.

SUBJECT: Appropriation for Additional Funding for the 2019-2020 School Year

On behalf of the Cumberland County School Board, we are requesting an appropriation in the amount of \$35,000 for an additional grant listed below:

- PluggedIn Virginia \$ 35,000

A copy of the grant award is attached.

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

**SCHOOL BOARD**  
**CUMBERLAND COUNTY PUBLIC SCHOOLS**

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**SUBJECT:**

Supplemental Appropriation

**DATE:**

October 9, 2019

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**Background:**

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

- PluggedIn Virginia \$ 35,000

**Recommendation:**

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

- PluggedIn Virginia \$ 35,000

**Action:**

Approval

Bd10-09-19SA



**GRANT AWARD NOTIFICATION**

Recipient Information		DOE Information	
1. Contact Information:	Dr. Amy Griffin, Superintendent Cumberland County Public Schools P.O. Box 170 Cumberland, Virginia 23040  Contact: Mrs. Katie Irby Phone: (434) 736-2084	10. Grant Authority:	2019 Virginia Acts of Assembly Chapter 854, Item 136
2. Universal Identifier	159573831	11. FAIN:	N/A
3. Payee Number:	00025	12. Federal/State Award Date:	July 1, 2019
4. Grant Award Title:	PluggedIn VA	13. Total Federal/State Award:	\$ 465,375
5. DOE Contact:	George R. Willcox, Director Operations and Accountability Office of Career, Technical, and Adult Education (804) 225-2052 george.willcox@doe.virginia.gov	14. Fund Source:	Lottery
6. Grant Award Number:	STATE207561	15. Project Code:	APE61209
7. Grant Award Type:	New	16. Revenue Source Code:	240444
8. Grant Award Amount:	\$ 35,000	17. Program Service Area:	178005
		18. Recipient Type:	Subrecipient
		19. Fiscal Year:	FY 2020
9. Period of Grant Award:	July 1, 2019 – June 30, 2020	20. Indirect Cost Rate:	N/A Restricted
22. Program Specific Instructions:		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 <a href="http://www.doe.virginia.gov/school_finance/budget/index.shtml">http://www.doe.virginia.gov/school_finance/budget/index.shtml</a>	
23. Authorized By:		24. Authorized By:	
Gene C. Keller, Assistant Superintendent for Learning		Kent Dickey, Deputy Superintendent Finance & Operations	25. Date: 8/23/19



## CUMBERLAND COUNTY PUBLIC SCHOOLS

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

AMY GRIFFIN, Ed.D.  
Division Superintendent

November 7, 2019

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

TO: Board of Supervisors of Cumberland County

FROM: Amy W. Griffin, Ed.D.

SUBJECT: Appropriation for Additional Funding for the 2019-2020 School Year

On behalf of the Cumberland County School Board, we are requesting an appropriation in the amount of \$43,996.91 for additional grants listed below:

- |  |              |
|--|--------------|
| • 2019-2020 VTSS Grant Award           | \$ 23,374.41 |
| • Virginia Middle School Teacher Corps | 5,000.00     |
| • VDOE Farm to School Grant            | 15,622.50    |

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:**

November 7, 2019

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**Background:**

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

- |  |              |
|--|--------------|
| • 2019-2020 VTSS Grant Award           | \$ 23,374.41 |
| • Virginia Middle School Teacher Corps | 5,000.00     |
| • VDOE Farm to School Grant            | 15,622.50    |

**Recommendation:**

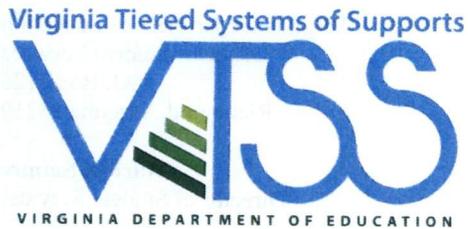
It is recommended that the Superintendent petition the Cumberland County Board of Supervisors for the following appropriations:

- |  |              |
|--|--------------|
| • 2019-2020 VTSS Grant Award           | \$ 23,374.41 |
| • Virginia Middle School Teacher Corps | 5,000.00     |
| • VDOE Farm to School Grant            | 15,622.50    |

**Action:**

Approval

Bd11-07-19SA



Virginia Department of Education  
Office of Student Services  
P.O. Box 2120  
Richmond, Virginia 23219

**Maribel Saimre**  
Director of Student Services

**Michael Gregory**  
VTSS Specialist

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**Grant Award**  
**Virginia Tiered Systems of Supports**

September 26, 2019

Dear Division Coordinator,

We are pleased to announce funding for your **2019-2020 VTSS grant award**. Cumberland County Public Schools is awarded a grant of **\$23,374.41** for the 2019-2020 award year. These funds are provided to support implementation of the Virginia Tiered Systems of Supports, as described in the Commitment Agreement. Funds should be spent by June 30, 2020. If you wish to request an extension for use of funds until September 30, 2020 a request must be made, in writing, to Michael Gregory, VTSS Specialist by June 1, 2020.

Please complete your proposed budget for the 2019-2020 school year describing how you plan to use your funds to implement VTSS as described in the Commitment Agreement. Upon receipt of the budget and subsequent approval of your budget for the current award, the funds will be made available. The needed forms for the budget and any necessary budget amendments will be shared with the Division Coordinator.

We look forward to working with you in the coming year. Please feel free to contact Michael Gregory, VTSS Specialist, at [Michael.Gregory@doe.virginia.gov](mailto:Michael.Gregory@doe.virginia.gov) or 804-225-4543 with additional questions.

Sincerely,

Michael Gregory, MSW  
VTSS Specialist



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF EDUCATION

P.O. BOX 2120

RICHMOND, VA 23218-2120

October 4, 2019

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

Dear Dr. Griffin:

Enclosed is the Grant Award Notification in the amount of \$5,000 for the Virginia Middle School Teacher Corps. The grant award is to be used for a salary differential for the 2019-2020 school year for the members of the Virginia Middle School Teacher Corps, as outlined in the grant.

Under the special instructions of the grant, Cumberland County Public Schools agrees to (1) support implementation of the Middle School Teacher Corps and support the Teacher Corps member in his/her efforts to improve student achievement; (2) provide release time, substitute coverage, and travel expenses for the Teacher Corps member to attend any training provided by the Virginia Department of Education; (3) consider provision of funds or other support for additional program needs unique to the school; instructional materials; professional development of staff; or other resources that would assist the Teacher Corps member in his/her efforts to raise student academic achievement; and (4) provide a \$5,000 salary differential for designated Teacher Corps members. The salary differential is taxable to the recipient, and the school division assumes responsibility for ensuring all taxes are remitted. Final reimbursement requests must be received by the Department of Education in OMEGA no later than **May 22, 2020**.

If you have questions, please contact Kim Powell, Grants and Reports Manager, at (804) 225-3609 or by email at [Kim.Powell@doe.virginia.gov](mailto:Kim.Powell@doe.virginia.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Tina M. Manglicmot".

Tina M. Manglicmot, Ed.D.  
Interim Assistant Superintendent  
Department of Learning and Innovation

TMM/kp  
Enclosure



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF EDUCATION

P.O. BOX 2120

RICHMOND 23218-2120

October 7, 2019

Dr. Amy Griffin, Superintendent  
Cumberland County School Division  
1541 Anderson Highway  
Cumberland, Virginia 23040

Dear Dr. Griffin:

The Virginia Department of Education, Office of School Nutrition Programs is pleased to announce that Cumberland County Public Schools has been awarded a VDOE Farm to School Grant in the amount of \$15,622.50.

Cumberland County Public Schools Farm to School grant proposes to increase greenhouse production with the Agriculture CTE students, scale up their microgreens production for school salad bars, grow Virginia Harvest of the Month featured vegetable and fruits in school gardens, grow grapes, and develop an aquaculture program. This project will educate students about local agriculture, nutritional benefits of consuming such foods, techniques for growing and preparing fresh foods, and career opportunities in related industries while incorporating SOL in math, English, and science.

Detailed instructions are forthcoming and will include the Grant Award Notification documents and requirements. We appreciate your dedication and service to ensuring that all children have access to good, healthy food at school and the support of Farm to School initiatives.

Congratulations from the VDOE and Office of School Nutrition Programs on your grant award. We look forward to hearing about the positive project outcomes. Please feel free to contact Trista Grigsby, VDOE-SNP Farm to School Specialist at [trista.grigsby@doe.virginia.gov](mailto:trista.grigsby@doe.virginia.gov); or me at [sandra.curwood@doe.virginia.gov](mailto:sandra.curwood@doe.virginia.gov) if you have any questions or need additional information.

Sincerely,

*Sandy Curwood*

Sandra C. Curwood, PhD, RDN  
Director, Office of School Nutrition Programs

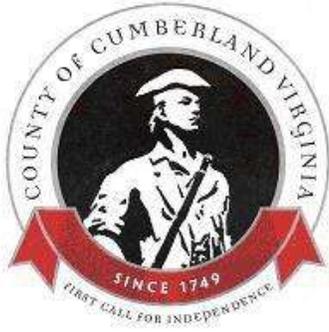
SCC/tc

60

c: Trista Grigsby, VDOE-SNP Farm to School Specialist

**Planning Projects Update  
October 2019**

<b>Zoning:</b>		
<i>Pending Zoning Questions and Requests</i>		
<i>CUP's and Rezoning Requests</i>		
<i>Zoning Compliance Issues-</i> Two cases filed for injunction in the Circuit Court.		
<b>Subdivisions:</b>		
<i>Approved Division</i>		
Plat of Four Parcels of Land in the Madison District of Cumberland County Virginia	Stoney Point Road	4 parcel subdivision
<b>Other Regulatory Functions:</b>		
<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	Construction has begun.
Dollar General	Cumberland Road	Construction has begun.
Farmville Regional Airport	Farmville Airport	Construction has begun.
The Rosen Residence	Perkins Rd	Agreement in Lieu of a Plan for a dwelling.
Almond Ln Lot 6	Almond Ln	Agreement in Lieu of a Plan for a dwelling.
Dewsbury-Alderman	886 Old Buckingham Rd	Agreement in Lieu of a Plan for a dwelling.
John G. Stoltzfus	Airport Rd	Construction has begun.
<b>Code Amendment Questions</b>		
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.



## MEMO

Date: November 4, 2019  
To: Cumberland County Board of Supervisors  
Jennifer Crews, Interim County Administrator  
From: JP Duncan, Planning Director  
Re: **CUP 19-06 Harris Porch**

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### **Recommendation:**

This CUP request is for a front porch that has been built within the front setback. Set a public hearing for December 10, 2019.

### **General Information:**

**Applicant:** Travis & Jennifer Harris

**Requested Action:** To grant a CUP request to allow a front porch that has been built.

**Location:** This property is located at 6 McCutcheon Ave, election district 1, and is described by tax map parcel 16A2-1-282C

**Lot Size:** .612 acres

**Existing Land Use:** Residential

**Comprehensive Plan Growth Area:** Not in a growth area

**Planning Commission Recommendation:** Denial with a vote of 4-2-1



## MEMO

Date: November 4, 2019  
To: Cumberland County Board of Supervisors  
Jennifer Crews, Interim County Administrator  
From: JP Duncan, Planning Director  
Re: **CUP 19-07 Boese LLA**

---

### **Recommendation:**

This CUP request is for a lot line adjustment that would increase the nonconformity of one parcel. Set a public hearing for December 10, 2019.

### **General Information:**

**Applicant:** Mary Boese

**Requested Action:** To grant a CUP that allows a lot line adjustment

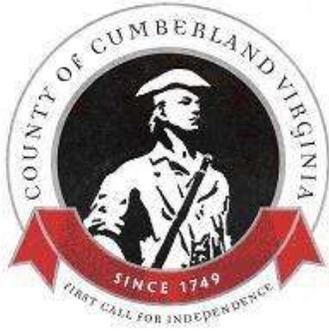
**Location:** These properties are located at 192 and 190 Trices Lake Rd, election district 1, and are described by tax map parcels 16-A-22A and 16-A-24

**Lot Size:** 3.59 acres

**Existing Land Use:** Residential

**Comprehensive Plan Growth Area:** Not in a growth area

**Planning Commission Recommendation:** Approval



## MEMO

Date: November 4, 2019

To: Cumberland County Board of Supervisors  
Jennifer Crews, Interim County Administrator

From: JP Duncan, Planning Director

Re: CA 19-08 ESC

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### **Recommendation:**

Set a public hearing for December 10, 2019 to hear CA 19-08 ESC.

ARTICLE II. - EROSION AND SEDIMENT CONTROL<sup>[2]</sup>

Footnotes:

--- (2) ---

**Editor's note**— Ord. No. 09-02, adopted Apr. 14, 2009, amended art. II in its entirety to read as herein set out. Former art. II, divs. 1—3, §§ 34-31—34-82, pertained to similar subject matter and derived from Code 1990, §§ 7-1—7-13.

Sec. 34-31. - Title, purpose and authority.

This article shall be known as the "Erosion and Sediment Control Ordinance of Cumberland County." The purpose of this article is to prevent degradation of properties, stream channels, waters and other natural resources of Cumberland County by establishing requirements for the control of soil erosion, sediment deposition and non-agricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

~~This article is authorized by the Code of Virginia, Title 62.1, Chapter 3.1, Article 2.4, known as the Virginia Erosion and Sediment Control Law. This article shall be known as the "Erosion and Sediment Control Ordinance of Cumberland County, Virginia". The purpose of this article is to prevent degradation of properties, stream channels, waters and other natural resources of Cumberland County by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.~~

~~This article is authorized by the Code of Virginia, § 10.1-560 et seq., known as the Virginia Erosion and Sediment Control Law.~~

(Ord. No. 09-02, 4-14-2009)

Sec. 34-32. - Definitions.

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

*Agreement in lieu of a plan* means a contract between the plan-approving authority and the owner that specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

*Applicant* means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land disturbing activities to commence.

~~*As-built plans* means a final set of drawings and specifications illustrating exactly what has been constructed in the field to be produced upon completion by a licensed professional engineer, architect, certified landscape architect or land surveyor pursuant to Code of Virginia, § 54.1-400 et seq.~~

*Board* means the Virginia Soil and Water Conservation Board.

*Certified inspector* means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

*Certified plan reviewer* means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1

(Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in Sec. 54.1-2200 of the Code of Virginia.

Certified program administrator means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

*Clearing* means any activity which removes the vegetative groundcover including, but not limited to, root mat removal or top soil removal.

*County* means the County of Cumberland, Virginia.

*Department* means the Virginia Department of ~~Conservation and Recreation~~Environmental Quality.

*Development* means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

*Director* means the Director of the Virginia Department of ~~Conservation and Recreation~~Environmental Equality.

*District or soil and water conservation district* means the Peter Francisco Soil and Water Conservation District.

*Erosion and sediment control plan or plan* means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the VESCP plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.  
~~means a document containing criteria, guidelines, material, and techniques for controlling erosion and sedimentation for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.~~

*Erosion impact area* means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto adjacent or neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.

*Excavating* means any digging, scooping or other methods of removing earth materials.

*Filling* means any depositing or stockpiling of earth materials.

*Grading* means any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled conditions.

*Land disturbing activity* means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, except that the term shall not include:  
~~means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:~~

- (1) Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

- (2) Individual service connections;
- (3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining; Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;
- ~~(6) Exploration or drilling for oil and gas, including the well site, roads, feeder lines and off-site disposal areas;~~
- ~~(76) f) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Sec. 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Sec. 10.1-1163; Tilling, planting or harvesting of agricultural, horticultural or forest crops, or livestock feedlot operations, including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not requiring to comply with the Dam Safety Act; Code of Virginia, § 10.1-604 et seq., ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Code of Virginia, § 10.1-1100 et seq., or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10-1163B.;~~
- (87) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;
- (8) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (Va. Code § 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
- (9) Disturbed land areas less than 10,000 square feet in size;
- (10) Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article;
- (11) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles; and
- (12) Emergency work to protect life, limb or property and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of ~~the plan approving authority~~this article.

*Land disturbing permit or approval* means a permit or other form of approval issued by Cumberland County for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any ~~purpose set forth herein~~other land disturbing activity.

~~*Local erosion and sediment control program or erosion control program* means an outline of the various methods employed by Cumberland County, including those set forth in this article, to regulate~~

~~land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement and evaluation. The Erosion Control Program of Cumberland County shall contain: (a) a certified inspector who is an employee or agent of Cumberland County: (i) holding a certificate of competence from the board in the area of project inspection or (ii) enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment; (b) a certified plan reviewer who is an employee or agent of Cumberland County; (i) holding a certificate of competence from the board in the area of plan review, (ii) enrolled in the board's training program for plan review and successfully complete such program within one year after enrollment; or (iii) licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Code of Virginia § 54.1-400 et seq.; and (c) a certified program administrator who is an employee or agent of Cumberland County: (i) holding a certificate of competence from the board in the area of program administration; or (ii) enrolled in the board's training program for program administration and successfully complete such program within one year after enrollment.~~

*Natural channel design concepts* means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

*Owner* means the owner or owners of the freehold of the premises or lesser estate therein, ~~a~~ mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

*Peak flow rate* means the maximum instantaneous flow from a given storm condition at a particular location.

*Permittee* means the person to whom the land-disturbing approval is issued or the person who certifies that the approved erosion and sediment control plan will be followed, ~~a responsible land disturber and is the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.~~

*Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

~~*Plan-approving authority, program administrator or program authority* means Cumberland County and includes any person or official body designated by resolution of the Cumberland County Board of Supervisors to serve as its agent to administer this article.~~

*Responsible land disturber or RLD* means an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved ESC plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the ESC plan or permit as a prerequisite for engaging in land disturbance, ~~from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who: (i) holds a responsible land disturber certificate of competence; (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection or plan review; (iii) holds a current contractor certificate of competence for erosion and sediment control; or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Code of Virginia, § 54.1-400 et seq.~~

*Runoff volume* means the volume of water that runs off the land development project from a prescribed storm event.

*Single-family residence* means a noncommercial dwelling that is occupied exclusively by one family.

~~*State erosion and sediment control program or state program* means the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.~~

*State waters* means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

~~*Stormwater maintenance agreement* means a signed and notarized agreement between the owner and the county naming a responsible party for the long-term maintenance of all manmade stormwater structures associated with a particular site development.~~

*Transporting* means any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative groundcover, either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and non-agricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this article, and evaluation consistent with the requirements of this article and its associated regulations.

"VESCP Plan-approving authority" means the plan reviewer responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

"VESCP authority" or "program authority" means Cumberland County, which has adopted a soil erosion and sediment control program that has been approved by the Board.

*Water quality volume* means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

(Ord. No. 09-02, 4-14-2009)

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

~~**State Law reference**— Similar provisions, Code of Virginia, § 10.1-560.~~

Sec. 34-33. - Local erosion and sediment control program.

Pursuant to section 62.1-44.15:54 of the Code of Virginia, Cumberland County hereby establishes a VESCP program and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources).

A. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified in § 62.1-44.15:28 of the Stormwater Management Act and 9VAC25-870-66 of the Virginia Stormwater Management Program

(VSMP) regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Regulations.

B. Pursuant to Sec. 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of Cumberland County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector (who may be the same person.)

C. Cumberland County hereby designates Peter Francisco Soil & Water Conservation District as the plan-approving authority.

D. The program and regulations provided for in this article shall be made available for public inspection at the office of the program administrator.

~~(a) Pursuant to Code of Virginia, § 10.1-562, Cumberland County hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in, but not limited to the "Virginia Erosion and Sediment Control Regulations" (Section 4 VAC 50-30, as amended) and include the Virginia Erosion and Sediment Control Handbook, as amended.~~

~~(b) A public hearing shall be held if Cumberland County proposes or revises this article or adopts regulations that are more stringent than the state program.~~

~~(c) In accordance with Code of Virginia, § 10.1-561, stream restoration and relocation projects that incorporate natural channel design concepts are not manmade channels and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.~~

~~(d) In accordance with Code of Virginia, § 10.1-561, any land disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to: (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one-year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.~~

~~(e) For stormwater management facilities, the record owner of the property at the time of permit issuance shall provide a signed and notarized stormwater maintenance agreement with the county, together with a map or plat in recordable form showing the stormwater management facilities to be maintained, all of which shall be recorded in the Clerk's Office of the Circuit Court of Cumberland County. The maintenance agreement may be transferred to another responsible person or entity, such as a property owners' association, provided that such association has been properly established and transfer of maintenance responsibility is completed prior to conveyance of any out-parcel in the project. As-built plans showing the final stormwater management facilities, manmade ditches and channels, and storm sewer systems shall be provided to the program administrator upon~~

~~completion of the project. No surety will be released until all items are provided to the program administrator. Failure to respond to an initial request for the required documentation will result in enforcement action in accordance with this article.~~

- ~~(f) Pursuant to Code of Virginia, § 10.1-561.1, an erosion control plan shall not be approved until it is reviewed under the erosion control program.~~
- ~~(g) The program and regulations provided for in this article shall be made available for public inspection at the office of the program administrator.~~
- ~~(h) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.~~

(Ord. No. 09-02, 4-14-2009)

Sec. 34-34. - Submission and approval of plans; contents of plans.

- A. Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the program administrator an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the VESCP authority. No approval to begin a land disturbing activity will be issued unless evidence of state permit coverage is obtained where it is required. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Department for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.
- B. The standards contained within the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook are to be used by the applicant when making a submittal under the provisions of this article and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the State regulations shall take precedence.
- C. The VESCP plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the Board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the measures included in the plan and will conform to the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber, to the program authority, as provided by § 62.1-44.15:52, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber, prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.
- D. When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.
- E. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.
- F. The VESCP authority may require changes to an approved plan when:

- (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
- (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.
- G. Variances: The VESCP plan-approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:
- (1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
- (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
- (3) The VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.
- H. In order to prevent further erosion, Cumberland County may require approval of a plan for any land identified in the local program as an erosion impact area.
- I. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- J. In accordance with the procedure set forth in §62.1-44.15:55 (E) of the Code of Virginia, any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the Board for review and approval consistent with guidelines established by the Board. Approval of general erosion and sediment control specifications does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.
- K. State agency projects are exempt from the provisions of this article except as provided for in the Code of Virginia, Sec. 62.1-44.15:56.
- ~~(a) Except as provided herein, no owner or other person may engage in any land disturbing activity until he or she has submitted to the program administrator for Cumberland County an erosion and sediment control plan for the land disturbing activity and such plan has been approved by the plan-approving authority. Where land disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board for review and approval rather than to each jurisdiction concerned. Where the land disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority. Where the land disturbing activity results from the construction of, or to provide access to, a new or existing structure (including a residence), and the disturbed area is less than 10,000 square feet, the permit will be issued without the requirement of official plans and reviews~~

~~unless the project is determined to constitute a major threat to, or likely to have a major impact on, off-site areas. The required permit must be obtained prior to commencement of any land disturbing activity. No building permits shall be issued in a single-family subdivision, multifamily development, or for any commercial or industrial use property until the owner has received a written inspection report from the program administrator confirming that all controls shown on the approved plan (including required stormwater facilities) are properly installed and all denuded areas are properly stabilized. In addition, all new road construction is to be at final grade and covered with stone with proper ditch lining.~~

- ~~(b) In further compliance with the Virginia Erosion and Sediment Control Regulations, the Virginia Erosion and Sediment Control Handbook as amended, is to be used by an applicant when making a submittal under the provisions of this article and in the preparation of an erosion and sediment control plan. The plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the state regulations shall take precedence.~~
- ~~(c) The plan approving authority shall review conservation plans submitted to it and for which a fee is paid to determine if the plan meets the requirements of the board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this article. The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When the plan is determined to be inadequate, the plan approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person is authorized to proceed with the proposed activity.~~
- ~~(d) As a prerequisite to engaging in the land disturbing activities shown on the approved plan, the owner, permitted or other person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority who will be in charge of and responsible for carrying out the land disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article. However, the plan approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by Code of Virginia, § 10.1-561 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land disturbing activities shall be a violation of this article.~~
- ~~(e) An approved plan may be changed by the plan approving authority when:
  - ~~(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or~~
  - ~~(2) The owner, permitted or other person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this article, are agreed to by the plan approving authority and the person responsible for carrying out the plans.~~~~
- ~~(f) Variances. The plan approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:
  - ~~(1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan approving authority shall be documented in the plan.~~~~

- ~~(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten days of receipt of the request, the request shall be considered to be disapproved.~~
- ~~(g) In order to prevent further erosion, Cumberland County may require approval of a plan for any land identified in the local program as an erosion impact area.~~
- ~~(h) When land disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.~~
- ~~(i) In accordance with the procedure set forth by Code of Virginia, § 10.1-563(E), any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws or regulations for the establishment, use and operation of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the board for review and approval consistent with guidelines established by the board.~~
- ~~(j) State agency projects are exempt from the provisions of this article except as provided for in the Code of Virginia, § 10.1-564.~~

(Ord. No. 09-02, 4-14-2009)

Sec. 34-35. - Permits; fees; security for performance.

- A. Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed and evidence of state permit coverage where it is required.
- B. No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit (unless the proposed land-disturbing activity is specifically exempt from the provisions of this article), and has paid the fees and posted the required bond.
- C. An administrative fee set forth in Sec. 2-3 shall be paid to Cumberland County at the time of submission of the erosion and sediment control plan.
- D. No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan or agreement in lieu of an approved erosion and sediment control plan and certification that the plan will be followed.
- E. All applicants for permits shall provide to Cumberland County a performance bond with surety, cash escrow, or an irrevocable letter of credit acceptable to the program administrator, to ensure that measures could be taken by Cumberland County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative

costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for Cumberland County to take such conservation action, the [locality] may collect from the applicant any costs in excess of the amount of the surety held.

Within sixty (60) days of adequate stabilization, as determined by the program administrator in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

- ~~(a) Agencies authorized under any other law to issue grading, building or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.~~
- ~~(b) No person may engage in any land disturbing activity until he has acquired a land disturbing permit, unless the proposed land disturbing activity is specifically exempt from the provisions of this article, and has paid the fees and posted the required bond.~~
- ~~(c) An administrative fee as established and amended by the Board of Supervisors of Cumberland County shall be paid to Cumberland County at the time of submission of the erosion and sediment control plan.~~
- ~~(d) No land disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.~~
- ~~(e) All applicants for permits shall provide to Cumberland County a performance bond, cash escrow or an irrevocable letter of credit acceptable to the program administrator, to ensure that measures could be taken by Cumberland County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him by the approved plan as a result of his land disturbing activity.~~
- ~~(1) The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed 25 percent of the cost of the conservation action. Should it be necessary for Cumberland County to take such conservation action, Cumberland County may collect from the applicant any costs in excess of the amount of the surety held.~~
- ~~(2) Within 60 days of adequate stabilization, as determined by the program administrator in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.~~

(Ord. No. 09-02, 4-14-2009)

Sec. 34-36. - Monitoring, reports and inspections.

- A. The responsible land disturber, as provided by § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. Cumberland County may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

B. The inspector shall periodically inspect the land-disturbing activity in accordance with 9VAC25-840-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the program administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be subject to the penalties provided by this article.

C. Upon issuance of an inspection report denoting a violation of Va. Code §§ 62.1-44.15:55, -44.15:56, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the program administrator may issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the alleged violator has been issued a notice to comply as specified in this article. Otherwise, such an order may be issued only after the alleged violator has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by Cumberland County or permit holder for appropriate relief to the Circuit Court of Cumberland County. Cumberland County shall serve such order for disturbance without an approved plan or permits upon the owner by mailing with confirmation of delivery to the address specified in the land records. Said order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the program administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the permit application or the land records of [locality].

The owner may appeal the issuance of an order to the Circuit Court of [locality] [or other appropriate court].

Any person violating or failing, neglecting or refusing to obey an order issued by [position title] may be compelled in a proceeding instituted in the Circuit Court of [locality] to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the [position title] from taking any other action authorized by this article.

- ~~(a) Cumberland County may require the person responsible for carrying out the plan to monitor the land disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.~~
- ~~(b) The program administrator shall periodically inspect the land disturbing activity to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permitted, or person responsible for carrying out the plan shall be given notice of the inspection. Notwithstanding this, the right of entry to conduct such inspections shall be expressly reserved in the permit.~~
- ~~(1) If the program administrator determines that there is a failure to comply with the plan, notice shall be served upon the permitted, or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities.~~
- ~~(2) The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permitted, or person responsible for carrying out the plan, shall be deemed to be in violation of this article and shall be subject to the penalties provided by this article.~~
- ~~(c) Upon determination of a violation of this article, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.~~
- ~~(1) If land disturbing activities have commenced without an approved plan, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all of the land disturbing activities be stopped until an approved plan or any required permits are obtained.~~
- ~~(2) Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permitted has been issued a notice to comply as specified in this article. Otherwise, such an order may be issued only after the permitted has failed to comply with such a notice to comply.~~
- ~~(3) The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Cumberland County.~~
- ~~(4) If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the program administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order~~

~~shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of Cumberland County.~~

~~(5) The owner may appeal the issuance of an order to the Circuit Court of Cumberland County within 30 days of the date thereof.~~

~~(6) Any person violating or failing, neglecting or refusing to obey an order issued by program administrator may be compelled in a proceeding instituted in the Circuit Court of Cumberland County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.~~

~~Nothing in this section shall prevent the program administrator from taking any other action authorized by this article.~~

(Ord. No. 09-02, 4-14-2009)

Sec. 34-37. - Penalties, injunctions and other legal actions.

(a) Violators of this article shall be guilty of a ~~class~~ Class I misdemeanor.

(b) ~~Any person who violates any provision of Va. Code §§ 62.1-44.15:55, 62.1-44.15:56 shall, upon a finding of the District Court of Cumberland County, be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000. Any such civil penalties shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of § 62.1-44.15:63.~~ Any person who violates any provision of this article shall, upon a finding of the General District Court of Cumberland County be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100.00, nor more than \$1,000.00, except that the civil penalty for commencement of land disturbing activities without an approved plan shall be \$1,000.00. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000.00, except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.00.

(c) ~~The program administrator, or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Cumberland County to enjoin a violation or a threatened violation of Va. Code §§ 62.1-44.15:55, 62.1-44.15:56, without the necessity of showing that an adequate remedy at law does not exist.~~

~~However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property. The program administrator, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Cumberland County to enjoin a violation or a threatened violation of this article, without the necessity of showing that an adequate remedy at law does not exist.~~

~~However, an owner of property shall not apply for injunctive relief unless: (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local~~

~~program has caused, or creates a probability of causing, damage to his property; and (ii) neither the person who has violated the local program, nor the program authority has taken corrective action within 15 days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.~~

- (d) ~~In addition to any criminal or civil penalties provided under this article, any person who violates any provision of the Erosion and Sediment Control Law may be liable to Cumberland County in a civil action for damages.~~  
~~In addition to any criminal penalties provided under this article, any person who violates any provision of this article may be liable to Cumberland County in a civil action for damages.~~
- (e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000.00 for each violation. A civil action for such violation or failure may be brought by Cumberland County.
- Any civil penalties assessed by a court shall be paid into the Treasury of Cumberland County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- (f) ~~With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this article, or order of the VESCP authority Cumberland County may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection B or E. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this article, Cumberland County may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (e) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (e).~~
- (g) The Commonwealth's attorney shall, upon request of Cumberland County ~~or the permit issuing authority~~, take legal action to enforce the provisions of this article.
- (h) Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

(Ord. No. 09-02, 4-14-2009)

#### Sec. 34-38. - Appeals and judicial review.

- (a) ~~Final decisions of Cumberland County under this ordinance shall be subject to review by the Cumberland County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities. Any applicant under the provision of this article who is aggrieved by any action of Cumberland County or its agent in disapproving plans submitted pursuant to this article shall have the right to apply for and receive a review of such action by the Cumberland County Board of Supervisors provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the Cumberland County Board of Supervisors shall be heard at the next regularly scheduled Cumberland County Board of Supervisors public hearing provided that the Cumberland County Board of Supervisors and other involved parties have at least 30 days' prior notice. In reviewing the agent's actions, the Cumberland County Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Cumberland County Board of Supervisors may affirm, reverse or modify the action. The Cumberland County Board of Supervisors' decision shall be final, subject only to review by the Circuit Court of Cumberland County.~~

~~(b) Final decisions of Cumberland County under this article shall be subject to review by the Cumberland County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities.~~

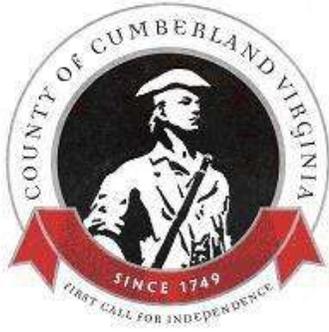
(Ord. No. 09-02, 4-14-2009)

Sec. 34-39. - Severability.

If any provision of this article is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining provisions therein.

(Ord. No. 09-02, 4-14-2009)

Secs. 34-40—34-100. - Reserved.



## MEMO

Date: November 4, 2019

To: Cumberland County Board of Supervisors  
Jennifer Crews, Interim County Administrator

From: JP Duncan, Planning Director

Re: **CA 19-09 Short Term-Rental Complex**

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### **Recommendation:**

Set a public hearing for December 10, 2019 to hear CA 19-09 Short-Term Rental Complex.

Sec. 74-2. - Definitions.

- a) The following defined terms shall be used in this chapter unless the context clearly provides otherwise. Terms used herein but not otherwise specifically defined in this section, shall use the definitions set forth in chapter 54, the general definitions applicable to the Code in chapter 1, the terms used in the Virginia Code and then in the terminology used in common parlance, in that order.
- b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abattoir* means a commercial slaughterhouse.

*Accessory use or structure* means a subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

*Acreage* means a parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

*Administrator and zoning administrator* mean the official charged with the enforcement of this chapter. He may be any appointed or elected official who is by formal resolution designated to the position by the board of supervisors.

*Agriculture* means the tilling of the soil, the raising of crops, horticulture, forestry, gardening, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies or similar use, excluding intensive swine facilities.

*Airport* means an area of land or water which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements, together with all airport buildings and facilities located on the area.

*Alteration* means any change in the total floor area, use, adaptability or external appearance of an existing structure.

*Apartment house* means a building used or intended to be used as the residence of three or more families living independently of each other.

*Automobile graveyard* means any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

*Basement* means a story having part but not more than half of its height below grade. A basement shall be counted as a story, for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

*Bed and breakfast inn* means a dwelling in which the operator resides and in which, for compensation, meals and overnight accommodations are provided for no more than ten transitory guests.

*Boarding, rooming or lodging house* means a dwelling, in which the operator resides, other than a hotel or bed and breakfast inn, where, for compensation, meals or lodging are provided for three to ten non-transient guests and containing no more than five sleeping rooms.

*Buildable area of a lot* means that portion of a lot bounded by the required side and rear yards and the building setback line(s) as applicable.

*Building* means any structure having a roof supported by columns or walls, and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Building, accessory* means a subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

*Building, height of* means the vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

*Building, principal* means a building in which is conducted the principal use of the lot on which it is located.

*Building envelope* means the three-dimensional space within which a structure is permitted to be built on a lot and is defined by maximum height regulations and minimum yard setbacks.

*Building setback line* means a line in the interior of a lot which is generally parallel to, and a specified distance from, the street right of way line or lines. No building shall then be placed in the space between the building setback line and the right-of-way line.

*Cellar* means a story having more than half of its height below grade and which may not be occupied for dwelling purposes.

*Cemetery, family or church* , means a family, individual, or church owned place for the final disposition of human remains. A survey of the bounds of the cemetery, with confirmation of state code requirements being met, and showing a five-foot setback from any adjacent properties and a 100-foot setback from any active wells must be recorded with the circuit court clerk prior to establishment of the cemetery.

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

*Child care center* means any place, however designated, operated for the purpose of providing care, protection and guidance to four (4) or more children under seven (7) years of age separated from their parents or guardians during a part of the day only between the hours of 6:00 a.m. and 7:00 p.m.

*Commission* means the Planning Commission of Cumberland County, Virginia.

*Convenience store* means a store that sells foods prepared on premises and provides an informal seating area; sale of gasoline and articles such as bread, milk, cheese, bottled food and drink, tobacco products, candy, papers, magazines and general small hardware articles.

*Dairy* means a commercial establishment for the manufacture and sale of dairy products.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving utilities, filling, grading, excavation, mining, dredging or drilling operations.

*District* means districts as referred to in Code of Virginia § 15.2-2280.

*Dwelling* means any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, apartments and automobile trailers.

*Dwelling, multiple-family* means a structure arranged or designed to be occupied by more than one (1) family.

*Dwelling, single-family* means a structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

*Dwelling, two-family* means a structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

*Dwelling unit* means one (1) or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.

*Electrical substation, distribution centers, and transformer stations* mean premises which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place

between systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.

*Event facility* means a facility for hosting public and/or private events, including, but not limited to, weddings, receptions, social events or parties, workshops, and/or conferences, which is used as a venue for social, cultural, recreational, and/or educational activities. Event facilities may include lodging accommodations.

*Family or single-family* means an individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than three (3) unrelated persons, occupying a single dwelling unit. For purposes of single-family residential occupancy, this term also shall be deemed to encompass the residents of group homes or other residential facilities, as defined in Code of Virginia § 15.2-2291 which are licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services or the Department of Social Services and which are occupied by not more than eight (8) mentally ill, mentally retarded, developmentally disabled, elderly or handicapped aged, infirm or disabled persons together with one (1) or more resident counselors. Mental illness and developmental disability does not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia § 54.1-3401.

*Foster care and adult family care (home-based)* means the provision by a family of room and board to persons (not exceeding three (3)) in number and which persons are not included within the meaning of "family" as defined herein) under a program of foster care or adult family care operated under the supervision of and pursuant to the regulations of the Virginia Department of Social Services.

*Frontage* means the means the continuous uninterrupted distance, including easements, along which a parcel abuts an adjacent road.

*Garage, private* means an accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1½) times as many automobiles as there are dwelling units.

*Garage, public* means a building or portion of a building, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

*General store* means a single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, paper and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store.

*Golf course* means any area of land, publicly or privately owned, on which the game of golf is played, including accessory uses and customary buildings, but excluding golf driving ranges.

*Golf driving range* means a limited area on which golf players do not walk but onto which they drive golf balls from a central driving tee.

*Group home (sheltered care facility)* means a dwelling unit shared by four (4) to twenty (20) unrelated handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide or facilitate care, education, and participation in community activities for the residents with the primary goal of enabling residents persons who are handicapped, mentally ill or retarded, developmentally or physically disabled, or who because of age or other physical infirmity, require the protection or assistance of a group setting, to live as independently as possible in order to reach their maximum potential. The minimum lot size for a group home shall be based on the number of residents (including resident staff) proposed to be housed in the facility, as set forth below:

	Minimum Lot Area for Zoning District	
# of Residents	A-2 and A-20	R-1, R-2 and R-3

4 to 8	2 × district minimum	2 × district minimum
9 to 14	6 × district minimum	3 × district minimum
15 to 20	10 × district minimum	5 × district minimum

As used herein, the term *handicapped* shall mean having:

- a) A physical or mental impairment that substantially limits one (1) or more of a person's major life activities so that such person is incapable of living independently; or
- b) A record of having such impairment;
- c) Being regarded as having such impairment.

*Guest house* means a second detached dwelling unit on a parcel with an existing dwelling unit (principal residence) that:

- (1) Shall not be used as a principal residence or permanent dwelling unit;
- (2) Shall not be a manufactured home;
- (3) Shall not be used in exchange for any form of compensation;
- (4) Shall not be larger in gross floor area than seventy-five percent (75%) of the principal residence;
- (5) Shall be at least fifty (50) feet from any existing dwelling and must meet all applicable building setback requirements for a non-accessory structure.

*Gun club* means any public or private organization whose principal activity involves the discharge of firearms, including but not limited to rifle or pistol ranges, trap or skeet shooting facilities, sporting clay facilities, or similar facilities or uses.

*Handicapped* shall not, however, include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

*Historical area* means an area indicated on the zoning map to which the provisions of this chapter apply for protection of a historical landmark.

*Home occupation* means an occupation carried on by the occupant of a dwelling as a secondary use in which there is no display, no noise, no odor, no change from the residential or agricultural character of the home, and no one is employed in the home other than the members of the family residing on the premises. Traffic impacts to adjacent residences should be consistent with adjacent uses and zoning.

*Hospital* means any facility licensed pursuant to this chapter in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term,

outpatient surgical, and inpatient or outpatient maternity hospitals. Certain nursing homes and homes for the aged may be a home occupation if they comply with the definitions in this section.

**State Law reference**— Similar provisions, Code of Virginia § 32.1-123.

*Hotel* means a building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

*Household pet* means animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.

*In home daycare* means a daycare run as an accessory use to a single family residential home, subject to the conditions of state licensure, with access approved by VDOT, providing at least two parking spaces off of the street for customers, adequate lighting and fencing for safety and meeting the bulk requirements of the subject zoning district, without any bonus provision.

*Inert waste* means the establishment of a landfill to handle stumps, roots, limbs, brush, leaves, and inert waste which means solid waste which is physically, chemically and biologically stable from further degradation and considered to be non-reactive waste which includes rubble, concrete, broken bricks, rocks and road pavement. All of which can be deposited without a liner providing it is five foot above the water table.

*Junkyard* means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard; and the term shall include garbage dumps and sanitary fills.

**State Law reference**— Similar provisions, Code of Virginia § 33.1-348.

*Kennel, commercial* means any structure or any land or any combination of either used, designed or arranged for the commercial grooming, boarding, breeding, training, selling or care of dogs, cats or other household pets that charges to or collects from animal owners a fee for overnight maintenance, care or boarding of animals or which is operated for any purpose other than that of a private kennel. For the purpose of this term, outdoor confinement shall mean any commercial kennel that utilizes any form of animal confinement and/or animal runs which are not completely enclosed in a structure that is properly ventilated and air conditioned. Facilities with a combination of indoor and outdoor confinement shall be deemed to have outdoor confinement.

*Kennel, private* means any structure or any land or any combination of either used, designed or arranged for grooming, boarding, breeding, training or care of dogs, cats or other household pets belonging to the owner of the property, kept principally for the purposes of show, hunting, or as household pets on the premises of the facility.

*Kindergarten, private* means a school which is primarily educational in nature, meets the needs of a child of five years and is operated at least five hours but not more than 6.5 hours per day.

*Land sales office* means a small structure or office used for displaying and selling lots from land which has been subdivided or partitioned in accordance with county regulations.

*Livestock market* means a commercial establishment wherein livestock is collected for sale and auctioned off.

*Lot* means a parcel of land, including a residue, described by metes and bounds or otherwise shown on a plat, and intended as a unit of real estate for the purposes of ownership, conveyance or development. For the purposes of this chapter, lot shall be interchangeable with "parcel", "tract" and "plot" or any similar term.

*Lot, area* means the total square footage included within the lot lines.

*Lot, corner* means a lot abutting on two or more streets at their intersection.

*Lot, depth of* means the average horizontal distance between the front and rear lot lines.

*Lot, double-frontage* means an interior lot having frontage on two streets.

*Lot, flag* means a residential building lot that utilizes unique physical features but does not have the required lot width at the normal setback line. Flag lot configurations are prohibited.

*Lot, interior* means any lot other than a corner lot.

*Lot of record* means a lot that exists as shown or described on a plat or deed in the records of the Clerk's Office of the Circuit Court of Cumberland County, Virginia.

*Lot, reverse frontage* means a double frontage lot which has its vehicular access point limited to the back of the lot, rather than having access on its front.

*Lot, width of* means the average horizontal distance between side lot lines.

*Lot line, front* means in the case of an interior lot, the line separating said lot from the road. In the case of a corner or double frontage lot, the line separating said lot from that road which is designated as the front road.

*Lot line, rear* means the lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line not less than ten feet long and wholly within the lot.

*Lot line, side* means any lot boundary not a front or rear lot line.

*Manufacture and/or manufacturing* means the processing and/or converting of raw, unfinished materials, products, or either of them into articles or substances of different character, or for use for a different purpose.

*Manufactured home* means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

*Manufactured home park* means any area designed to accommodate two or more manufactured homes or mobile homes intended for residential purposes.

*Modular and prefabricated housing unit* means an industrialized building assembly consisting of two or more standardized subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems which are built to the Virginia Uniform Statewide Building Code standards, manufactured off-site and transported to the point of use for installation or erection, to a permanent foundation, as a finished building and not designed for removal to or installation, erection or assembly on another site.

*Multiple part parcel* means a parcel of land that is in multiple parts or portions, that may or may not be contiguous with one another.

*Nonbuildable lot* means a lot intended for the following uses: wells, septic systems (including conventional drain fields), stormwater management facilities, open space, noncommercial family cemeteries, but which is not used for residential purposes and does not meet one or more of the dimensional requirements of this chapter.

*Nonconforming activity* means the otherwise legal use of a building or structure that does not conform to the use regulations of this chapter for the district in which it is located either at the effective date of the ordinance from which this chapter derives or as a result of subsequent amendments to such ordinance or this chapter.

*Nonconforming lot* means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of the ordinance from which this chapter derives or as a result of subsequent amendments to such ordinance or this chapter.

*Nonconforming structure* means an otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the ordinance from which this chapter derives or as a result of subsequent amendments to such ordinance or this chapter.

*Nursing home, convalescent home and rest home* means an establishment used as a dwelling place by the aged, infirm, chronically ill, or incurably afflicted persons, in which not less than four persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured.

*Off-street parking area* means space provided for vehicular parking outside the dedicated street right-of-way.

*One-room school house* means an accessory structure used as a school house for members of the immediate community, situated on a parcel of at least 20 acres, with no more than a total of 30 students and no larger than 1,500 square feet in size. The school house must meet the same setbacks as the principal structure, have a VDOT approved entrance, have an average of no more than ten vehicle trips per day, meet health department requirements for the provision of water and wastewater, only operate during daylight hours, and allow no provision for overnight accommodation.

*Open space* means that area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, undisturbed natural areas, agriculture, wooded areas, water bodies; and provided further, however, that the area within wetlands, floodplains and slopes greater than 15 percent shall not comprise more than 50 percent of the total required open space. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. Within a residential subdivision, open space shall be composed of only those areas not contained in individually owned lots.

*Pen* means a small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop, enclosed pasture or range with an area in excess of 100 square feet for each hog or 200 square feet for each larger animal shall not be regarded as a pen.

*Poultry* means fowl normally raised on a farm such as chickens, ducks, geese and turkeys.

*Private landing area* means an area for landing aircraft which has been constructed by a person for private use and which is not open to the general public.

*Processing and assemblage of wood products* means processing (excluding chemical treatment) and assemblage of wood products, including but not limited to assembling structural components for sheds, specialty buildings, etc., and/or processing wood and/or by-products such as mulch, pellets, chips, firewood, sawdust, etc.

*Professional office* means any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals, including but not limited to architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, planners, landscape architects, computer programmers, and other related fields. Veterinarian offices and animal hospitals are excluded from this definition.

*Public health clinic* means a building or complex in which physicians or dentists, or both, and nurses offer diagnosis and treatment to the sick and injured. A clinic shall not include inpatient care.

*Public water and sewer* means a water or sewer system owned and operated by the county or an authority or owned and operated by a private individual or a corporation approved by the board of supervisors and properly licensed by the state corporation commission, and subject to special regulations as set forth in this chapter.

*Recreational vehicle* means a vehicle, regardless of size, which is not designed to be used as a permanent dwelling, and in which the plumbing, heating and electrical systems contained in the vehicle may be operated without connection to outside utilities, which are self-propelled or towed by a light-duty vehicle. Recreational vehicles are not to be inhabited as permanent residences but may be established for temporary occupations, within designated recreational vehicle parks that comply with all County Codes and ordinances.

*Recreational vehicle park* also known as an RV park or RV campground means a camping and overnight area for two or more recreational vehicles, pick-up coaches, motor homes, camping trailers, other vehicular accommodations and tents, suitable for temporary habitation operated as a business or for a fee. A recreational vehicle park shall be served by water and sewer systems approved by the Cumberland County Health Department. A recreational vehicle park shall not be construed to mean a mobile home park or be used for permanent residence. Continuous occupancy by the same person for more than six months in any 12-month period shall be prohibited, except that one permanent residence may be permitted for the park owner or manager. All recreational vehicles are required to maintain current licenses, inspections, and registrations. Additionally, the vehicles must have wheels, tires, tongue and no permanent underpinning. Recreational vehicles shall comply with the setback requirements of the zoning ordinance.

~~*Rental cabin campground* means a camping and overnight area for use as temporary habitation operated as a business or for a fee. Continuous occupancy by the same person for more than 14 days in any 30-day period or more than six months in any 12-month period shall be prohibited, except that one permanent residence may be permitted for the park owner or manager.~~

*Required open space* means any space required in any front, side or rear yard.

*Restaurant* means any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops and refreshment stands.

*Restaurant, drive-in* means an establishment from which, for compensation, food or beverages are dispensed for consumption within automobiles or on informal facilities on the premises.

*Retail stores and shops* means buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following, which will serve as illustrations: drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique shop, gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

*Riding and boarding stable* means any structure or any land or any combination of either use, designed or arranged for the maintenance and boarding of horses, mules, ponies or donkeys for hire either with or without instructions or a riding area but exclusive of horses or mules used for agricultural purposes.

*Road* means highway, street, avenue, boulevard, road, lane, alley, or any other thoroughfare for vehicular traffic.

*Sales lot* means any land used or occupied for the purpose of buying and selling new or secondhand passenger cars or trucks, motor scooters, motorcycles, boats, travel trailers, motor homes, mobile homes, campers, aircraft or monuments and for their storage prior to sale.

*Sawmill, portable* means a portable sawmill located on private property for the processing of timber cut only from that property or from immediately contiguous and adjacent property.

*Service business* means a contractor firm such as a painter, carpenter, plumber or electrician that requires only an office and/or storage for materials and equipment, generally not accessible by the public and with less than three staff or employees on-site at any time. Service businesses also include professional offices that require infrequent access by the public. Such professional offices may have no more than three total on-site staff with customary hours of operation beginning no earlier than 7:00 a.m. and ending no later than 9:00 p.m., Monday through Saturday.

*Setback* means the minimum distance by which any building or structure must be separated from the front, side or rear lot lines, or from the centerline of any road right-of-way on any designated primary highway or from the centerline of any secondary road right-of-way or street right-of-way for any private road.

- (1) For the purposes of this definition, "primary highway" shall mean U.S. Route 60, Route 45 and Route 13, and any other public streets and roads shall be deemed to be "secondary road rights-of-way."
- (2) For the purposes of this definition, "centerline" shall mean the midpoint of the paved or graveled portion of any road in the county.

*Short-term rental complex means a camping and overnight area for use as temporary habitation operated as a business or for a fee.*

*Sign structure* means the supports, uprights, bracing and framework of any structure, be it single-faced, double-faced, V-type, or otherwise exhibiting a sign.

*Special event* means an event or gathering (i) having more than 75, but no more than 150 people, reasonably expected to be in attendance at any one point in time; (ii) is established for a limited duration in one day; and (iii) is held outside a building or held in a temporary or portable structure on open land or space, not associated with a commercial building or established facility, on private or public property or public right-of-way on a temporary basis. Use of public property or right-of-way requires applicable governmental approvals. Special events are limited to four times a year or less. Special events sponsored by non-profit organizations are not limited to the number of events each year. Special events can include, but are not limited to, weddings, parties, receptions or catered events. An event that would otherwise qualify as a special event but has fewer than 75 people in attendance can be held without limitation.

Where more than 150 people are reasonably expected to attend, a festival permit is required. See Cumberland County Code, chapter 6, article II, for festival permit requirements.

*Special exception* means a use that would not be appropriate generally or without restrictions throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as special exceptions if specific provisions for such special exceptions are made in this chapter. For the purpose of this chapter, the terms "*special exception*," "*use by special exception*" and "*conditional use*" shall be deemed to be synonymous.

*Special recreational event* means either:

- (1) A special event held more than four times a year and not sponsored by a non-profit organization; or
- (2) An event or gathering at which (a) more than 150 people are reasonably expected to be in attendance at any one point in time; (b) the event or similar event is held two or more times a year; and (c) each event or similar event is held over two or more consecutive days. Special recreational events are held outside a building or held in a temporary or portable structure on open land or space, not associated with a commercial building or established facility, on private or public property. Use of public property requires applicable governmental approvals. Special recreational events can include, but are not limited to, concerts, musical festivals, stage or theatrical shows, fairs, carnivals, exhibitions, sports events, automobile or animal races or competitions and off-road vehicle events.

Where more than 150 people are reasonably expected to attend but an event does not have the intensive use of a special recreational event, a festival permit is required. See Cumberland County Code, chapter 6, article II, for festival permit requirements.

*Store* means the same as "retail stores and shops."

*Story* means that portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it; if there is no floor above it, the space between the floor and the ceiling next above it.

*Story, half* means a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

*Street and road* means a public thoroughfare which affords principal means of access to abutting property.

*Street line* means the dividing line between a street or road right-of-way and contiguous property.

*Structure* means anything constructed or erected the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. This definition includes, among other things, dwellings, buildings, signs, etc.

*Subdivision* means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership of building development, or if a new street is involved in such division, any division of a parcel of land.

*Transitional home* means a dwelling unit, other than a group home, shared by four to 20 unrelated persons, including resident staff, who live together temporarily as a single housekeeping unit, and in which staff persons provide or facilitate care, education, counseling and participation in community activities for the resident clients. The minimum lot size for a transitional home shall be based on the number of residents (including resident staff) proposed to be housed in the facility, as set forth below:

# of Residents	Minimum Lot Area for Zoning District	
	A-2 and A-20	R-1, R-2 and R-3
4 to 8	2 × district minimum	2 × district minimum
9 to 14	6 × district minimum	3 × district minimum
15 to 20	10 × district minimum	5 × district minimum

The following and similar types of occupancy shall be considered to be transitional housing:

- a) Temporary quarters for victims of physical or emotional abuse.
- b) Temporary or emergency quarters for children or adults needing room and board and support services that would lead to self-sufficiency and permanent shelter.

The term transitional home shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

*Travel trailer* means a mobile unit less than twenty-nine (29) feet in length and less than four thousand five hundred (4,500) pounds in weight which is designed for human habitation.

*Use, accessory* means a subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

*Variance* means, in the application of this chapter, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of this chapter would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this chapter and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.

**State Law reference**— Similar provisions, Code of Virginia § 15.2-2201.

*Veterinary hospital* means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use. For the purpose of this term, outdoor confinement shall mean any veterinary hospital that utilizes any form of animal confinement and/or animal runs which are not completely enclosed in a structure that is properly ventilated and air conditioned. Facilities with a combination of indoor and outdoor confinement shall be deemed to have outdoor confinement. For animals boarded not incidental to hospital care see the term Kennel. Veterinary clinic, veterinary office and animal hospital mean the same as veterinary hospital.

*Wayside stand, roadside stand, wayside market* means any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

*Wireless telecommunications facility* means all infrastructure and equipment including but not limited to antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless communications.

*Wood products* means the same as "processing and assemblage of wood products."

*Yard* means an open, unoccupied space that lies between the principal building or building and the nearest lot line on a lot unobstructed from the ground upward, except as otherwise provided by this chapter.

*Yard, front* means an open, unoccupied space that extends the full width of the lot between any building and the front lot line and measured perpendicular to the building and the closest point to the front lot line.

*Yard, rear* means an open, unoccupied space that extends across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

*Yard, side* means an open, unoccupied space that extends from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

(Ord. No. 11-05, § c, 7-12-2011; Ord. No. 11-08, 2-14-2012; Ord. No. 11-07, 7-10-2012; Ord. No. 14-05, 10-14-2014; Ord. No. 14-06, 11-18-2014; Ord. No. 15-01, 3-10-2015; Ord. No. 15-

07, 5-12-2015; Ord. No. 15-08B, 10-13-2015; Ord. No. 16-05, 4-12-2016; Ord. No. 16-08, 10-11-2016; Ord. No. 16-10, 3-14-2017; Ord. No. 16-11, 4-11-2017; Ord. No. 18-05, 11-13-2018)

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

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

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

- (1) Airstrips.
- (2) Animal research facility.
- (3) Antique shops.
- (4) Borrow, extraction, excavation and stockpiling of soil, gravel, or sand, ~~consistent with the provisions of section 74-150.~~
- (5) Churches (of over one hundred thousand (100,000) square feet) and cemeteries, private, cemetery association or for-profit.
- (6) Convenience and general stores.
- (7) Event facilities.
- (8) Fire and rescue facilities.
- (9) Garage, automotive repair.
- (10) Golf courses, country clubs, golf driving ranges and mini-golf.
- (11) Group home.
- (12) Guesthouse.
- (13) Gun clubs with or without indoor or outdoor shooting ranges, skeet shooting ranges and ball clubs.
- (14) Kennels, commercial.
- (15) Landfill (CDD) (including inert waste).
- (16) Livestock markets.
- (17) Nursery schools and private kindergartens.
- (18) Nursing home, convalescent home and rest home.
- (19) Off site collection, transportation and disposal of waste.
- (20) Parks and playgrounds.
- (21) Porta-John business~~es~~.
- (22) Public utilities.
- (23) Public utility generating plants, public utility booster or relay stations, transformer substations, meters and other facilities, including railroads and facilities, and water and sewerage facilities.
- (24) Racetracks (auto, motorcycle, and horse).
- (25) Radio stations, television stations and cable TV facilities, communication station and/or tower or related facilities; subject to provisions of section 74-731 et seq.

(26) Recreational Vehicle (RV) park.

(~~2627~~) Retail sales and display of storage sheds and carports.

(28) Short-term rental complex.

(~~2729~~) Special recreational events.

(~~2830~~) Transitional home.

(~~2931~~) Veterinary hospital.

(~~3032~~) Wood products (processing and assemblage of), as defined in section 74-2.

(Ord. No. 11-05, § c, 7-12-2011; Ord. No. 11-08, 2-14-2012; Ord. No. 11-07, 7-10-2012; Ord. No. 14-02, 7-8-2014; Ord. No. 15-01, 3-10-2015; Ord. No. 15-08A, 7-14-2015; Ord. No. 15-08B, 10-13-2015; Ord. No. 16

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, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in closed meeting to which this certification 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 meeting 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. 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; and (iii) no action was taken in closed meeting.

**Treasurer's Office**  
**Outstanding Collections Report**

October 31, 2019

**Real Estate**

	<u>As of 09/30/19</u>	<u>As of 10/31/19</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2001-2007	\$ 1,946.33	\$ 1,946.33			
2008	1,394.29	1,394.29			
2009	2,518.85	2,474.14	44.71	1.77%	
2010	6,155.61	6,029.66	125.95	2.04%	
2011	12,538.39	12,276.97	261.42	2.08%	
2012	23,735.06	23,005.07	729.99	3.07%	
2013	45,245.10	44,678.95	566.15	1.25%	
2014	63,005.92	60,620.14	2,385.78	3.79%	
2015	76,680.49	74,047.53	2,632.96	3.43%	
2016	107,128.62	103,900.27	3,228.35	3.01%	
2017	162,028.49	153,717.97	8,310.52	5.13%	4,784.42
2018	241,669.24	227,571.96	14,097.28	5.83%	4,784.42
2019 (first half)	201,078.10	184,511.84	16,566.26	8.24%	2,392.21
Total	\$ 945,124.49	\$ 896,175.12	\$ 48,949.37		

**Personal Property**

	<u>As of 09/30/19</u>	<u>As of 10/31/19</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2014	26,070.77	25,852.46	218.31	0.84%	
2015	29,962.82	29,573.00	389.82	1.30%	
2016	41,728.10	41,326.53	401.57	0.96%	
2017	62,523.78	61,024.45	1,499.33	2.40%	268.94
2018	135,254.83	124,995.06	10,259.77	7.58%	658.58
Total	\$ 295,540.30	\$ 282,771.50	\$ 12,768.80		

# Collection Rates - As of October 31, 2019

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## Real Estate:

	Current Collection %	Prior Year %	Change
Tax Year - 2018	96.16%	95.89%	+0.27%
Tax Year - 2019 (First Half)	93.83%	93.38%	+0.45%

## Personal Property:

	Current Collection %	Prior Year %	Change
Tax Year - 2017	98.08%	98.05%	+ 0.05%
Tax Year - 2018	96.21%	96.07%	+0.14%

Major# - 011010 \* Board of Supervisors \*

ACCT#	DESCRIPTION	BUDGET	APPROP.	TOTAL SUPPL.	TRANSFERS	ACT/BUD.	CUR/MTH	THIS YEAR	ENCUMBER.	AVAILABLE	USED
011010-1100-	Salaries & Wages - Regular	31200.00	31200.00			31200.00	2300.00	10100.00		21100.00	32.3
011010-2100-	FICA	2387.00	2387.00			2387.00	175.99	772.81		1614.19	32.3
011010-2210-	VRS										
011010-2300-	Hospital/Medical Plans										
011010 2310-	POST - EMPLOYMENT BENEFITS										
011010-2600-	Unemployment Insurance										
011010-2710-	Workers Compensation - Self-Insure	500.00	500.00			500.00		7.81		492.19	1.5
011010-3100-	Professional Services										
011010-3110-	Professional Health Services										
011010-3500-	Printing & Binding										
011010-3600-	Advertising										
011010-3800-	Purchase of Services from Other Go	2500.00	2500.00			2500.00				2500.00	
011010-5210-	Postal Services										
011010-5230-	Telecommunications										
011010-5305-	Motor Vehicle Insurance										
011010-5307-	Public Officials Liability Insuran							2623.00		2623.00-	
011010-5510-	Travel - Mileage	50.00	50.00			50.00				50.00	
011010-5530-	Travel - Subsistence & Lodging	600.00	600.00			600.00		942.33		342.33-	157.0
011010-5540-	Travel - Convention & Education	1000.00	1000.00			1000.00		225.00		775.00	22.5
011010-5600-	Contributions to Other Entities										
011010-5600-	Dues and Association Memberships	6000.00	6000.00			6000.00				6000.00	
011010-6001-	Office Supplies	100.00	100.00			100.00				100.00	
011010-6002-	Food Supplies and Food Service Sup	200.00	200.00			200.00		40.00-		240.00	20.0-
011010-6011-	Uniforms & Wearing Apparel										
011010-6012-	Books & Subscriptions										
011010-6014-	Other Operating Supplies	500.00	500.00			500.00				500.00	
011010-8002-	Furniture & Fixtures										
011010-8003-	Communications Equipment										
011010-8016-	Contingency							104.00		104.00-	
	DEPT. TOTAL	45037.00	45037.00			45037.00	2475.99	14734.95		30302.05	32.7

Major# - 012100 \* County Administrator \*

ACCT#	DESCRIPTION	BUDGET	APPROP.	TOTAL SUPPL.	TRANSFERS	ACT/BUD.	CUR/MTH	THIS YEAR	ENCUMBER.	AVAILABLE	USED
012100-1100-	- Salaries & wages - Regular	232059.00	232059.00			232059.00	6429.51	58022.02		174036.98	25.0
012100-1131-	- INCENTIVES	2000.00	2000.00			2000.00		1415.85		584.15	70.7
012100-1300-	- Part Time Salaries & Wages -Regula										
012100-2100-	- FICA	17753.00	17753.00			17753.00	467.73	4354.25		13398.75	24.5
012100-2210-	- VRS	22324.00	22324.00			22324.00	534.30	4373.86		17950.14	19.5
012100-2300-	- Hospital/Medical Plans	20280.00	20280.00			20280.00	565.00	2260.00		18020.00	11.1
012100-2400-	- Group Insurance	1207.00	1207.00			1207.00	33.42	208.63		998.37	17.2
012100-2500-	- Disability Insurance	250.00	250.00			250.00	19.28	175.44		74.56	70.1
012100-2710-	- Worker's Comp. - Self Insured	800.00	800.00			800.00		105.47		694.53	13.1
012100-3100-	- Professional Services						21.00	72.90		72.90-	
012100-3310-	- Repair & Maintenance - Contractual										
012100-3320-	- Maintenance Service Contracts	2500.00	2500.00			2500.00	1481.00	1481.00		1019.00	59.2
012100-3500-	- Printing & Binding	500.00	500.00			500.00		25.00		475.00	5.0
012100-5210-	- Postal Services	500.00	500.00			500.00		13.05		486.95	2.6
012100-5230-	- Telecommunications	1000.00	1000.00			1000.00	110.02	510.05		489.95	51.0
012100-5306-	- Surety Bonds										
012100-5510-	- Travel - Mileage	750.00	750.00			750.00	184.21	184.21		565.79	24.5
012100-5530-	- Travel - Subsistence & Lodging	2500.00	2500.00			2500.00	39.91	74.11		2425.89	2.9
012100-5540-	- Travel - Convention & Education	2500.00	2500.00			2500.00	230.00-	370.00		2130.00	14.8
012100-5810-	- Dues & Association Memberships	1600.00	1600.00			1600.00	150.00	243.00		1357.00	15.1
012100-6001-	- Office Supplies	4500.00	4500.00			4500.00	73.05	733.36		3766.64	16.2
012100-6002-	- Food Supplies & Food Service Suppl	200.00	200.00			200.00		313.94		113.94	156.9
012100-6008-	- Veh. & Powered Equip Fuels	1000.00	1000.00			1000.00	49.65	134.73		865.27	13.4
012100-6009-	- Veh. & Pow. Equip Supplies	2000.00	2000.00			2000.00	647.40	797.40		1202.60	39.8
012100-6012-	- Books & Subscriptions	1900.00	1900.00			1900.00		71.19-		1971.19	3.7-
012100-8002-	- Furniture & Fixtures	1000.00	1000.00			1000.00				1000.00	
012100-8016-	- Contingency							150.00		150.00-	
	DEPT. TOTAL	319123.00	319123.00			319123.00	10575.48	75947.08		243175.92	23.7

# Transactions for DMV Select

October 2019

	# Transactions	Total \$	# Helped	# Transactions	Total \$	# Helped
1	55	\$3,621.83	3	17	\$1,855.60	19
2	61	\$4,570.37	7	18	\$2,212.01	9
3	26	\$699.50	10	19		
4	55	\$3,096.83	9	20		
5				21	\$1,548.74	15
6				22	\$434.34	13
7	38	\$2,119.86	12	23	\$595.75	13
8	27	\$943.41	7	24	\$3,027.63	10
9	58	\$3,401.07	12	25	\$2,726.59	6
10	19	\$874.37	8	26		
11	44	\$1,918.76	12	27		
12				28	\$1,674.96	8
13				29	\$1,590.46	10
14				30	\$4,020.03	15
15	46	\$1,343.96	11	31	\$17,322.40	15
16	47	\$2,780.28	12	899	\$62,378.75	236

CUMBERLAND COUNTY

BUILDING INSPECTIONS  
DEPARTMENT



OCTOBER 2019

MONTHLY  
REPORT

# COUNTY of CUMBERLAND VIRGINIA

FOUNDED • 1749

## Building Official's Office

Leland H. Leeds  
Building Official  
lleeds@cumberlandcountyvirginia.gov

Mackenzie Tate  
Building Coordinator  
mtate@cumberlandcountyvirginia.gov

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

October	Current Month 2018	YTD 2018	Current Month 2019	YTD 2019
Singlewides	0	8	2	4
Doublewides	0	9	1	7
Modular	1	4	0	7
New Homes	1	20	2	29
Ag & Exempt	0	1	0	1
Garages & Carports	2	26	3	26
Additions & Remodels	0	24	1	20
Misc	11	166	27	241
Commercial	2	27	3	28
<b>Totals</b>	<b>17</b>	<b>285</b>	<b>39</b>	<b>364</b>
Total Fees Collected	\$2,770.73	\$55,067.89	\$5,106.80	\$51,643.10
E-911 Fees Collected	\$12.00	\$360.00	\$48.00	\$492.00
Total Estimated Value	\$464,950.00	\$10,698,728.00	\$699,997.00	\$11,880,213.00
Admin. Fees	\$0.00	\$115.00	\$0.00	\$235.50
CO's Issued	9	47	5	34



www.cumberlandcountyvirginia.gov

**MINUTES OF THE CUMBERLAND COUNTY  
PLANNING COMMISSION  
Regular Meeting  
Cumberland County Community Center, Rm. C-8  
Monday, September 23, 2019  
6:30 p.m.**

**PRESENT:** Bill Burger, District 3, Chairman  
Randy Bryant, District 1, Vice-Chairman  
Stephen Donahue, District 2  
Hubert Allen, District 4  
Roland Gilliam, District 5  
William Flippen, At-Large

**ALSO PRESENT:** JP Duncan, Planning Director

**ABSENT:** Leo Henderson, At-Large

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**CALL TO ORDER AND ROLL CALL**

Chairman Burger called the Planning Commission's regular meeting of Monday, September 23, 2019 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 as presented. 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 8/26/19 meeting minutes. Commissioner Bryant seconded. The motion carried unanimously with a vote of 6-0.

**PUBLIC HEARING: REZ 19-05 JCM 3 (RESUMED FROM 8/26/2019)**

Mr. JP Duncan stated that the applicant has requested the rezoning application to be tabled indefinitely following the tabling by the Planning Commission the previous month.

**MOTION:**

Commissioner Donahue made a motion to table REZ 19-05 indefinitely. Commissioner Allen seconded the motion. The motion carried unanimously with a vote of 6-0.

**GENERAL CITIZEN COMMENTS**

There were no general citizen comments.

