



CUMBERLAND COUNTY BOARD OF SUPERVISORS

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

March 8, 2016
Regular Meeting – 7:00 p.m.

1. **Call to Order**
2. **Welcome and Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda** **Motion**
5. **Public Comments (Part one)**
6. **State and Local Departments/Agencies/Community Service Providers**
 - a. Dr. Amy Griffin, Superintendent of Cumberland County Public Schools **Information**
 - b. VDOT **Information**
 - c. Ms. Robin Sapp, Cumberland Public Library **Information**
 - d. Linda Eanes, Cumberland Extension Office **Information**
 - e. **Earlene Canaan, Cartersville Volunteer Rescue Squad** **Motion**
 - f. **Amy Beatson, STEPS – Request for appropriation and letter of support** **Motion**
7. **Public Hearings**
 - a. **Code Amendment 16-04 Code Enforcement (Attached pgs.1-2)** **Motion**
8. **County Attorney/County Administrator Report**
 - a. Consent agenda **Motion**
 - i. Approval of bills
 - ii. Approval of Minutes (February 9, 2016, February 17, 2016, February 18, 2016, February 23, 2016)
 - b. Resolution for Robert J. Oertel (pg. Addendum) **Motion**
 - c. Set public hearing for Code Amendment 16-04 Code Enforcement (pg. 1) **Motion**
 - d. Code Amendment 16-03 Amending Utility Rates (pg. 2-7) **Motion**
 - e. Reappointments to Piedmont Senior Resources Board – Carter Harrison and Karen Blackwell **Motion**
 - f. STEPS appropriation (pg. 8) **Motion**
 - g. SVCC Adult Education Funding request (pg. 9-10) **Motion**

9. **Finance Director's Report**
- a. Monthly Budget Report (pg. 11-20) **Information**
 - b. FY16 Revenue Appropriations (pg. 21-42) **Motion**
10. **Planning Director's Report**
- a. Planning Project updates (pg. 43-44) **Information**
 - b. Set public hearing for Conditional Use Permit 16-01 Lipscomb (pg. 45) **Motion**
 - c. Set Public Hearing for Conditional Use Permit 16-02 Newton (pg. 46) **Motion**
 - d. Set Public Hearing for Code Amendment 16-05 Event Facility (pg. 47) **Motion**
 - e. **Set Public Hearing for CUP 16-03 (Attached pg. 3)** **Motion**
 - e. Capital Improvements Plan Memo from the Planning Commission (pg. 48-50) **Information**
 - f. **Duncan CUP violation status** **Information**
11. **Old Business**
12. **New Business**
13. **Public Comments (Part two)**
14. **Board Members Comments**
15. **Adjourn into Closed Session** **Motion**
- Pursuant to Va. Code § 2.2-3711(A)(7): Consultation with Legal Counsel;
 Subject: Host Community Agreement
Subject: Sewer line easements
16. **Reconvene in Open Session** **Motion**
- Roll call vote pursuant to Virginia Code § 2.2-3712 certifying “that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter, ~~and~~ (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body **and (iii) no action was taken in closed session.**”
17. **Additional Information – (pg. 51-65)**
- a. Treasurer’s Report
 - b. DMV Report
 - c. Monthly Building Inspections Report
 - d. Approved Planning Commission meeting minutes – 01/19/16 and 02/02/16
 - e. Approved IDA minutes – 01/12/16
18. **Adjourn – Regular Meeting – April 5, 2016**



DATE: March 8, 2016
TO: Cumberland County Board of Supervisors
FROM: Vivian Seay Giles
RE: March 8, 2016 Board Agenda Item
CA 16-04 Code Enforcement

Recommendation

Amend Section 74-13 of the Cumberland County Code to incorporate the provisions of Va. Code § 15.2-2286(A)(5).

Information

The enabling legislation for zoning ordinances is found in Va. Code § 15.2-2286. The provision regarding enforcement of zoning ordinances is found in Va. Code § 15.2-2286(A)(5). Currently the Cumberland County Code does not contain the language of Va. Code § 15.2-2286(A)(5), and if we seek to enforce our zoning ordinances, then for several reasons our local ordinance should mirror the state code. This matter has been discussed with the chief magistrate in our circuit.

• **Sec. 74-13. - Violation; penalty.**

- (a) All departments, officials and public employees of this county which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter; and any permit or license issued in violation of this section shall be null and void.
- (b) Except as otherwise provided in this chapter, any person, whether as principal, agent or otherwise, violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction may be fined not less than \$10.00 nor more than \$1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$ 2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$ 5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$ 7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55 of the Code of Virginia, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

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MEMO

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

From: Sara Carter, Planning Director

Date: March 8, 2016

**Re: CUP #16-03 Higgins Events at Northfield Plantation
Tax Map Parcel #58-A-1-A
Address: 189 Old Buckingham Road
R-2 Residential
CUP for event facility**

Heather Higgins has a lease/purchase agreement for Northfield Plantation and is seeking a CUP for the use of the property for an event facility (indoor and outdoor). The Planning Commission will hold a public hearing on this proposal on March 28, 2016, and the Board is requested to hold a public hearing on April 12, 2016. There will also be an associated Zoning Ordinance amendment for this use to be heard concurrently with the zoning case.

Staff recommends that the Board set a public hearing for April 12, 2016 for a Conditional Use Permit to allow an event facility on 189 Old Buckingham Road.