

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14<sup>th</sup> day of February 2006, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1  
Clifton C. White, District 2  
Van Petty, District 3  
Elbert Womack, District 4  
Jeremiah Heaton, District 5  
Darvin E. Satterwhite, County Attorney  
Judy Ownby, County Administrator  
Sandy Sullivan, Deputy Clerk

Absent: Sherry Swinson, Assistant County Administrator

The Chairman called the meeting to order and the Deputy Clerk called the roll. The Chairman gave the invocation and led in the pledge of allegiance.

**1. Approval of Agenda**

On a motion by Mr. Osl and carried, the Board amended the agenda as follows:

2) VDOT

Information only regarding Patriot Day traffic and Rt. 45 Bridge Construction

4) County Administrator's Report

c) Info only - Emergency Services Committee minutes

Update on proposed landfill

5. County Administrator's Report

e) Quarterly budget report

f) Conditional Use Permit (Board referral to Planning Commission for consideration)

g) Proposal to renovate Flippen's Store



**ARTICLE VII.  
RURAL RESIDENTIAL DISTRICT R-2**

**Sec. 74-263. Conditional uses.**

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

[(1) through (7) remain unchanged.]

[Add:]

- (8) Maintenance of a horse or pony as follows: For any lot or parcel of land less than four acres in size, a conditional use permit may be issued to allow one horse or one pony to be maintained on the property.

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - aye	

- b) Consider CUP application by Elaine Van Honk for one horse or one pony at 69 French's Store Road

The County Attorney explained the proposed conditional use permit.

The Chairman opened the public hearing and with there being no speakers, the Chairman closed the public hearing.

On a motion by Mr. Petty and carried, the Board approved the following resolution:

WHEREAS, Elaine Von Honk has requested a conditional use permit to allow for the maintenance on the property of one horse or one pony on her property located at 69 Frenches Store Road, identified as Tax Map Parcel No. 52-5-10, said property being less than four acres and located in the Rural Residential District R-2;

WHEREAS, the Board of Supervisors finds that the subject property adjoins the A-2 zoning district where such uses are permitted as a matter of right and that



- c) Consider application by David Bullock for CUP to allow antique shop at 2494 Cumberland Road

The County Attorney explained the proposed conditional use permit.

The Chairman opened the public hearing and with there being no speakers, the Chairman closed the public hearing.

On a motion by Mr. Womack and carried, the Board adopted the following:

RECITAL 1

WHEREAS, David Bullock has requested a conditional use permit pursuant to Sec. 74-143(2) of the Zoning Ordinance to allow an antique shop on the property located at 2494 Cumberland Road, identified as Tax Map Parcel 89-A-85.

RECITALS II

WHEREAS, the Applicant wishes to reuse the 32 square foot sign that is currently being used at his present business location in Farmville, Virginia.

WHEREAS, Sec. 74-632(5) of the County Zoning Ordinance states that a business sign in the A-2 District shall not exceed 24 square feet in area.

WHEREAS, the Board of Supervisors finds that the existing 32 square foot qualifies as a pre-existing nonconforming sign pursuant to Sec. 74-630.

WHEREAS, although Section 74-630(2) states that any nonconforming sign that is "moved" must comply with the existing provisions of the Zoning Ordinance, the Board of Supervisors finds that the word "moved" was not intended to apply to situations where the entire business is relocated, and that the 32 square foot sign may be reused at the new location of 2494 Cumberland Road.

RECITALS III

WHEREAS, the Applicant has brought to the County's attention his desire to paint signage on the roof of the building at the new location building to promote his business.

WHEREAS, the Board of Supervisors is aware that "Roof Signs" are prohibited pursuant to Sec. 74-628(e) of the Zoning Ordinance.

WHEREAS, the Board of Supervisors finds that the definition of "Roof Sign" as stated in Sec. 74-622 states: "Roof sign means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. A roof sign is further defined to be above the ridge line of the roof of the building."

WHEREAS, the Board of Supervisors further finds that the proposed painting of a sign directly onto the roof surface does not fall within the definition of "Roof Sign" in Sec. 74-622 due to the fact that Sec. 74-622 envisions the erection or construction of some type of structural signage above the roof itself that would differ from simply painting signage on the slope of the roof surface.

RECITALS IV

WHEREAS, the Board of Supervisors finds that granting the conditional use permit promotes good zoning practice and will not adversely affect the public health, safety and welfare and is required by public necessity, convenience, general welfare or good zoning practice.

WHEREAS, the Board of Supervisors has considered the standards and guidelines provided in Sec. 74-702 of the Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors grants the conditional use permit as requested by the Applicant to allow an antique shop on the property located at 2494 Cumberland Road,

identified as Tax Map Parcel 89-A-85, subject to the following conditions that shall run with the land:

1. The Applicant may reuse the 32 square foot sign that is currently being used at his present business location in Farmville, Virginia, but shall comply with all other applicable provisions of Article XVI entitled "Signs" in the Zoning Ordinance.

2. The Applicant may paint signage directly upon the roof surface of his building, provided that the Applicant shall: (a) adhere to the requirement that the aggregate sign area shall not exceed ten percent (10%) of the roof surface facing the road, and (b) utilize no other commercial advertising on the roof except as is directly related to the Applicant's business operations of the antique shop.

Adopted the 14<sup>th</sup> day of February 2006 by the Cumberland County Board of Supervisors.

Vote: Mr. Osl - aye            Mr. White - aye  
      Mr. Petty - aye        Mr. Womack - aye  
      Mr. Heaton - aye

- (d) Consider amendment of subdivision ordinance to state that family subdivision lots shall be held for a minimum of 5 years after conveyance

The County Attorney explained the proposed amendment.

The Chairman opened the public hearing and with there being no speakers, the Chairman closed the public hearing.

A motion was made by Mr. Heaton to refer the proposed amendment back to the Planning Commission for a review of the five (5) year holding period and reconsider a six month holding period for family subdivisions.

Vote: Mr. Osl - nay                            Mr. White - aye  
      Mr. Petty - nay                        Mr. Womack - nay  
      Mr. Heaton - aye



Kevin Ingle stated that the County fire departments and rescue squads have received the new communications base stations. With the upgrades, the County has more than 80% communication coverage.

Training classes for Firefighter 1 will be held in April 2006 and the Committee is in the process of finalizing a procurement plan for the purchase of vehicles and other equipment.

**5. County Administrator's Report**

a) Consent Agenda

The County Administrator explained each item in the consent agenda and the following actions were taken:

On a motion by Mr. Petty and carried, the Board approved the items in the consent agenda as presented:

- 1. Approved minutes for January 2005.
- 2. Approved bills for February 2005 totaling \$244,555.61 and ratified bills for January 2005 of warrants totaling \$355,793.67 with check numbers ranging from 46580 to 47021. Direct Deposit totaling \$97,750.20.

Vote: Mr. Osl - aye                      Mr. White - aye  
      Mr. Petty - aye                     Mr. Womack - aye  
      Mr. Heaton - aye

- 3. Set joint public hearing with Planning Commission for March meeting re: CUP for Convanche Research Inc.

On a motion by Mr. Petty and carried, the Board agreed to hold a joint public hearing with the Planning Commission at the regular March 2006 Board of Supervisors meeting regarding the CUP for Convanche Research Inc.

Vote: Mr. Osl - aye                      Mr. White - aye  
      Mr. Petty - aye                     Mr. Womack - aye  
      Mr. Heaton - aye

- b) Appointment to Water & Sewer Advisory Committee -  
Major Thompson - District 5

On a motion by Mr. Heaton and carried, the Board appointed Major Thompson to serve on the Water & Sewer Advisory Committee for District 5.

Vote: Mr. Osl - aye                      Mr. White - aye  
      Mr. Petty - aye                     Mr. Womack - aye  
      Mr. Heaton - aye

- c) Appointment to Piedmont Disabilities Services Board -  
Susan Lynch

On a motion by Mr. Womack and carried, the Board appointed Susan Lynch to serve as an alternate to the Piedmont Disabilities Board to take the place of Cliff White.

Vote: Mr. Osl - aye                      Mr. White - aye  
      Mr. Petty - aye                     Mr. Womack - aye  
      Mr. Heaton - aye

- d) Discuss funding request of Chief Magistrate

It was the consensus of the Board to discuss this issue during the next scheduled Budget Work Session on February 17, 2006.

- e) Quarterly budget report

The County Administrator stated the County's expenditures and revenues are in order.

- f) Conditional Use Permit (Board referral to Planning Commission for consideration)

On a motion by Mr. Osl and carried, the Board agreed to refer an application for rezoning submitted by Southern Land Services, to the Planning Commission for consideration.

Vote: Mr. Osl - aye                      Mr. White - aye

Mr. Petty - aye  
Mr. Heaton - aye

Mr. Womack - aye

g) Proposal to renovate Flippen's Store

The County Administrator stated that the County has received two RFP's for professional services for design and construction supervision of the project at the old Flippen's Store.

On a motion by Mr. White and carried, the Board agreed to table discussions until the February 17, 2006 budget work session.

Vote: Mr. Osl - aye  
Mr. Petty - aye  
Mr. Heaton - aye

Mr. White - aye  
Mr. Womack - aye

**6. Assistant County Administrator's Report**

a) Project Updates

The Assistant County Administrator was not present.

Mr. Osl, Chairman stated that Allied Waste Company had been selected for negotiations regarding the proposed landfill. Two negotiation meetings have been held and there will be additional meetings forthcoming.

The Reservoir project continues to move forward and is in the permitting stage.

**7. County Attorney's Report**

a) Consider resolution regarding initiation of Public-Private Education Facilities and Infrastructure Act of 2002

The County Attorney stated that it is not necessary at this point for the Board to adopt a resolution for the schools to proceed with new school construction under the Public-Private Education Facilities and Infrastructure Act of 2002. However, the Board of

Supervisors would need to take action before the School Board begins construction or signs any construction contract.

## **8. Board Members**

Mr. Petty stated that he and others within the County are working on various projects for the County including a communication system and that Longwood College along with Southside Virginia Community College may be able to assist with these projects.

Mr. Heaton stated that he would like to remind the citizens that any governmental body, rather big or small, can get ahead of themselves and that the citizens need to be watchful of the governmental body to make sure that they do not take any rights away from them. Mr. Heaton also reminded citizens of how rural the County is.

Mr. White stated that the County is trying to get wireless internet available to the County and that citizens will be surveyed on their interest for this service. Mr. White also stated that the current School Board and Board of Supervisors are looking into utilizing the Old Elementary School.

Mr. Womack stated that he and other Board members attended Legislative Day and the Board feels that in the future they would like to make appointments with Legislators in advance to better utilize discussions.

Mr. Osl stated that he; Ms. Swinson and Mr. Petty have been reviewing the Economic Development Strategy for the County with different institutions and that the Commonwealth Regional Council has hired a legislator liaison to assist with items of interest to localities during the General Assembly.

## **9. Public Comments**

There were citizens with concerns of the Boards interest in pursuing eminent domain litigation regarding the Old Elementary School, and the cut in vocational courses in the school system by the School Board.

There was also a question regarding the installation of the Civil War Plaques in the Courthouse foyer.

Mr. White stated that he and the County Administrator attended a meeting with architects who reviewed the plans submitted by Ms. Faxon and the architects felt that a similar design would accommodate the project and that a proposal would be submitted to the Board of Supervisors.

There was a complaint about barking dogs and Mr. Osl stated that no ordinance had been violated and the Board hopes that the two parties can resolve the issue.

**10. Additional Information**

N/A

**11. Adjourn**

The Chairman ordered the meeting recessed until Monday, February 17, 2006 for a budget work session in the Old Clerk's Office.

\_\_\_\_\_  
Chairman

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