

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 10th day of May, 2011, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
Timothy Kennell, District 2
Van Petty, Chairman, District 3
Elbert Womack, District 4
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator
Mike Cooper, Assistant County Administrator
Andrew Sorrell, Zoning Administrator
Stephany Johnson, Deputy Clerk
Bret Schardein, Planning Technician

Absent: Robert Oertel, Vice Chairman, District 5

The Chairman called the meeting to order and the County Administrator called the roll.

The invocation and the Pledge of Allegiance were led by the Chairman.

1) Approval of Agenda-

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

5. Departments/Agencies
 - a) Ms. Jorg Huckabee-Mayfield, VDoT Director of Transportation and Land Use
 - 2) Set public hearing on Secondary Six Year Plan for June 14, 2011
 - 3) Letter from Mrs. Jervis re: Rt. 624, Jenkins Church Rd.

6. Assistant County Administrator/Finance
 - a) Consent Agenda
 - 1) Minutes
 - a) April 12, 2011 Board minutes
 - c) Clerk of Circuit Court – Request for permission to hire deputy’s replacement July 1, 2011

8. County Administrator
 - b) Representative and alternate to CRC effective July 1, 2011
 - c) 2012 Subrecipient Designation – Indoor Plumbing Rehabilitation Loan Program

Vote: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

2) **Resolution of Appreciation – Cartersville Garden Club**

County Administrator, Judy Ownby, read the Proclamation, and the Chairman presented it to Cartersville Garden Club members present.

On a motion by Supervisor Osl and carried, the Board approved the Resolution of Appreciation for the Cartersville Garden Club:

RESOLUTION OF APPRECIATION

Cartersville Garden Club

WHEREAS the Cartersville Garden Club was organized in 1979 and federated in 1980; and is affiliated with National Garden Clubs, Inc., the Virginia Federation of Garden Clubs, Inc., South Atlantic Region of Garden Clubs and Piedmont District of VFGA, all of which provide education, resources and networking opportunities for its members to promote the love of gardening, floral design, and civic and environmental responsibility; and

WHEREAS, five community-minded and garden-wise leaders formed the Cartersville Garden Club and will go through history being known as the charter members: Edith Poates; Kathleen Boggs; Mona Dabney; Marlene Martens; and Laura Trace; and

WHEREAS, Marlene Martens is still an active and important part of the Cartersville Garden Club and she has witnessed the growth and many accomplishments of the group, along with the changes which have occurred over the last thirty years; and

WHEREAS, the Cartersville Garden Club has always been and will continue to be dedicated to the study of floral design and horticulture; continuing education for both youth and adults; and involvement in our community; and

WHEREAS, over the years, several members of Cartersville Garden Club have attended the various schools offered through the Virginia Federation of Garden Clubs, and present members Maria Baber and Judy Hodges have earned the Landscape Design Consultant designation; and

WHEREAS, the 2010-2011 programs schedule for the Club include:

- Advanced floral design
- Landscape challenges
- Horticulture challenger

- Moss gardening
- International horticulture (slides of Columbia); and

WHEREAS, some of the many Cartersville Garden Club Projects for 2009-2011 include:

- Installation of a Blue Star Memorial Marker and Tranquility Garden at the Cartersville Cemetery (a primary project)
- Golden Days Plantings at the Cartersville Community House (planting of bulbs)
- Arrangements/designs for Ruritan Club Holiday Banquet and Meals on Wheels in December of each year.
- Youth Gardening and Educational Projects at Cumberland Schools
- Plant Sale at the Cumberland Patriot Day
- Blue Bird House Family Day at Bear Creek Lake
- Spring Seedling Give-Away (over 200 tree seedlings with planting instructions)
- Landscape Design and Maintenance at Cartersville Community House
- Flower arrangements for the Powhatan Historical Society House Tour
- “For the Birds” basket for the RCGD Fashion and Flowers Silent Auction to help with the Nature Club fundraiser; and

WHEREAS, five members attended the last Fall District meeting, and nine attended the Spring meeting and received on behalf of the Cartersville Garden Club, a red Awards Certificate for the newsletter; an honorable mention for the yearbook; and a certificate of participation for Smoky Bear; and

WHEREAS, the Club is currently working to raise money for the Tranquility Garden at Cartersville Cemetery by applying for grants, conducting raffles and soliciting community involvement in supporting the “Garden,”

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors recognizes and expresses with utmost appreciation the time, devotion and commitment of the Cartersville Garden Club for the numerous projects which have been undertaken for the beautification of the community and the education of our youth and adults;

AND, BE IT FURTHER RESOLVED that the Cumberland County Board of Supervisors directs that this resolution of appreciation be made a permanent part of the official minutes of the Cumberland County Board of Supervisors.

Adopted the 10th day of May 2011.

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

3) **Public Comments-**

Once citizen reminded the Board of his request to use a county building for helping wounded military veterans. Two citizens advised the Board of their discontentment with the condition of Rt. 624, Jenkins Church Road, and requested that the Board keep the project on the six year plan. Another citizen requested the Board reconsider a decision made in regards to a zoning violation on his property.

4) **Public Hearings -**

a) CUP 11-03 – Jones Chapel Baptist Church

Planner, Andrew Sorrell, informed the Board that the Church is proposing to construct a fellowship hall on the property. Mr. Sorrell reviewed the permit application, and informed the Board that the Planning Commission unanimously recommended the Board approve the proposed Conditional Use Permit.

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

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING
CONDITIONAL USE PERMIT APPLICATION #11-03
FOR TAX MAP PARCEL 39-A-7
REQUESTED BY
JONES CHAPEL BAPTIST CHURCH
May 10, 2011

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m., May 10, 2011, the following action was taken following a duly held public hearing during which time County staff provided a review of the conditional use permit request, the applicant’s representative and agents provided a review of the proposal and members of the public offered comment:

On a motion made by Supervisor Kennell, it was moved that the Board of Supervisors of Cumberland County grant, in accordance with the following Resolution, the request for the conditional use permit described in said Resolution;

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

<u>Present:</u>	<u>Vote:</u>
Van H. Petty, Chairman	Aye
William F. Osl, Jr.	Aye
Timothy Kennell	Aye
Elbert R. Womack	Aye
<u>Absent:</u>	Robert J. Oertel

WHEREAS, Jones Chapel Baptist Church (the "Applicant") filed a conditional use permit application and supporting materials (the "CUP Application, CUP #11-03") seeking a conditional use permit for the property described below in accordance with Section 74-143 of Chapter 74 of the Cumberland County Code of Ordinances (the "Zoning Ordinance"); specifically the Applicant has requested a conditional use permit to allow for the expansion of a pre-existing church. The applicant proposes to construct an addition in the form of a fellowship hall connected to the church by a covered walkway; and

WHEREAS, the subject property is located on the south side of Route 622 approximately 200 feet west of the intersection of Trents Mill Road (Route 622) and Sports Lake Road (Route 672). The affected property is approximately one half (1/2) mile east of the Cumberland County and Buckingham County line. The physical address of the parcel is 947 Trents Mill Road. The parcel is not located in a growth area as designated by the Comprehensive Plan. The affected property is located in Election District 2 and more particularly described as Tax Map Parcel 39-A-7 (the "Property"), with respect to approximately 1.00 acres more or less, as shown on the Site Plan attached to the CUP Application; and

WHEREAS, the Board of Supervisors duly referred the CUP Application to the County Planning Commission for its recommendation on April 12, 2011; and

WHEREAS, the Planning Commission directed staff to make the CUP Application available for public review on March 28, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on April 18, 2011; and

WHEREAS, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed CUP Application; and

WHEREAS, after the Planning Commission duly considered the testimony and evidence presented at the public hearing in support or opposition to the proposed CUP Application and gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for the proposed use, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies, the conditional use permit standards more fully described in Section 74-702 of the Zoning Ordinance;

WHEREAS, the Planning Commission, by resolution adopted at its April 18, 2011 meeting after a duly held public hearing, recommends conditional approval of this CUP Application;

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on May 10, 2011; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed CUP Application including the information and recommendation from the Planning Commission;

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

a. The foregoing recitals are hereby incorporated by this reference.

b. Upon consideration of the foregoing and the conditions set forth on the Zoning Ordinance, including Section 74-702, the Planning Commission finds it appropriate to grant Conditional Use Permit #11-03 in accordance with the CUP Application.

c. The Planning Commission further finds that the request made in the CUP Application is in substantial accordance with the County's Comprehensive Plan.

d. The Planning Commission has also determined that the request made in the CUP Application furthers the general purpose and objectives of the Zoning Ordinance and such use would be beneficial and appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice; and

The Planning Commission recommends that the Board of Supervisors grant the CUP Application to the Applicant to allow for the expansion of a pre-existing church by construction of an addition in the form of a fellowship hall connected to the church by a covered walkway on the Property subject to the following terms and conditions:

1. A final site plan shall be submitted for review and approval by the Zoning Administrator in accordance with Sec 74-1100 et seq. of the zoning ordinance.

e. This Resolution is effective immediately.

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

b) CUP 11-01 – National Communication Towers, LLC

Planning & Zoning Technician, Bret Schardein, provided the Board with a PowerPoint presentation regarding the proposed telecommunications tower. Mr. Al Doss, representative for NCT, LLC, also provided the Board with a PowerPoint presentation regarding the proposed conditional use permit.

The Chairman opened the public hearing. Mr. Mack Robinson, owner of the property leased for the tower, stated that the proposed telecommunications tower will help residents with better cell phone service area coverage. With no other citizens signed up to speak, the Chairman then closed the public hearing.

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION GRANTING
CONDITIONAL USE PERMIT
APPLICATION #11-01
FOR TAX MAP PARCEL 54-A-19
REQUESTED BY
NATIONAL COMMUNICATION TOWERS, LLC

May 10, 2011

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., May 10, 2011, the following action was taken following a duly held public hearing during which time the Planning Director provided a review of the conditional use permit request, the applicant provided a review of the proposal and members of the public offered comment:

On a motion made by Supervisor Womack, it was moved that the Board of Supervisors of Cumberland County grant the Conditional Use Permit in accordance with the following Recitals and Resolutions;

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

<u>Present:</u>	<u>Vote:</u>
Van H. Petty, Chairman	Aye
William F. Osl, Jr.	Aye
Timothy Kennell	Aye
Elbert R. Womack	Aye
 <u>Absent:</u>	Robert J. Oertel

WHEREAS, National Communication Towers, LLC (the "Applicant") filed a conditional use permit application and supporting materials (the "CUP Application, CUP #11-01") seeking a conditional use permit for the property described below in accordance with Section 74-143 of Chapter 74 of the Cumberland County Code of Ordinances (the "Zoning Ordinance"); specifically, the Applicant has requested a conditional use permit to allow for the construction and operation of a 250 foot tall telecommunications tower and related facilities; and

WHEREAS, the subject property is located on the north side of Route 60 (Anderson Highway) and is accessed from a 30 foot private access easement entering onto Route 60. The affected property is approximately one half (1/2) mile east of the boundary of the Cumberland County and Buckingham County line. The affected property is currently zoned A-2, Agricultural and R-2, Rural Residential. The proposed tower would be on an approximately 125 feet by 125 foot leased area on the portion of

the property with A-2 zoning. The parcel is not located in a growth area as designated by the Comprehensive Plan. The affected property is located in Election District 2 and more particularly described as Tax Map Parcel 54-A-19 (the "Property"), with respect to approximately 47.63 acres, as shown on the Site Plan attached to the CUP Application; and

WHEREAS, the Board of Supervisors duly referred the CUP Application to the County Planning Commission for its recommendation on February 8, 2011; and

WHEREAS, the Planning Commission directed staff to make the CUP Application available for public review on March 28, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on April 18, 2011; and

WHEREAS, after the Planning Commission duly considered the testimony and evidence presented at the public hearings and workshops in support or opposition to the proposed CUP Application and gave reasonable consideration to numerous factors, including but not limited to the County's Comprehensive Plan and the suitability of the Property for various uses, the Planning Commission recommended approval of the conditional use permit; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on May 10, 2011; and

WHEREAS, the Board of Supervisors carefully considered the Planning Commission's recommendation and the testimony and evidence presented at the public hearing on April 18, 2011, in support or opposition to the proposed CUP Application and gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for the proposed use, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies, the conditional use permit standards more fully described in Section 74-702 of the Zoning Ordinance and the supplemental standards for communications antennas and towers more fully described in Section 74-731 through 747 of the Zoning Ordinance; and

WHEREAS, in its review of the CUP Application, the Board of Supervisors further finds that the proposed telecommunication tower and its related facilities provide a reasonable signal coverage that cannot be accommodated on an existing tower; and

WHEREAS, in its review of the CUP Application, the Board of Supervisors gave reasonable consideration to numerous

factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for various uses, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such documentation, information and data, including information and materials presented at this public hearing, the Board of Supervisors desires to affirm its findings and take action with respect to the CUP Application;

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

f. The foregoing recitals are hereby incorporated by this reference.

g. Upon consideration of the foregoing and the conditions set forth in the Zoning Ordinance, including Section 74-702 and the supplemental standards for communications antennas and towers more fully described in Section 74-731 through 747 of the Zoning Ordinance, the Board of Supervisors finds it appropriate to grant Conditional Use Permit #11-01 in accordance with the CUP Application.

h. The Board of Supervisors further finds that the request made in the CUP Application is in substantial accordance with the County's Comprehensive Plan.

i. The Board of Supervisors has also determined that the request made in the CUP Application furthers the general purpose and objectives of the Zoning Ordinance and such use would be beneficial and appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice; and

The Board of Supervisors hereby grants the CUP Application to the Applicant to allow the use of a 250 foot tall telecommunications tower and related facilities on the Property subject to the following terms and conditions:

1. This conditional use permit shall allow for construction work commenced on or before **one (1) year from the effective date of the conditional use permit**, and any such expansion activities commenced thereafter shall require a new conditional use permit.

2. All operations on the Property shall comply with all applicable health and environmental laws, rules and regulations,

and with all County, State and Federal Laws which govern construction and operation of the tower.

3. All representations of National Communication Tower, LLC's conditional use permit application #11-01 for a 250 foot Telecommunication Tower and associated equipment, including all attached documentation, filed on February 3, 2011, are included herein as conditions.

4. This permit shall not become effective until a removal bond in the amount of \$25,000 pursuant to Section 74-745 of the Zoning Ordinance has been approved by the County Attorney executed, and filed with the County Administrator.

5. The radius width shall be limited to three (3) feet for any antennae or dish placed on the tower.

j. This Resolution is effective immediately.

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

5) Departments and Agencies -

a) VDoT

1) Monthly report

N/A

2) Set Public hearing for Secondary Six Year Plan

On a motion by Supervisor Osl and carried, the Board set a public hearing on the Secondary Six Year Plan for the next regular meeting of the Board to be held on Tuesday, June 14, 2011 at 7:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

3) Letter from Mrs. Jervis re: Rt. 624, Jenkins Church Road

County Administrator, Judy Ownby, informed the Board that staff received a letter from Ms. Jane Jervis with

concerns regarding the Rt. 624, Jenkins Church Road Project.

- b) Dr. Amy Griffin, Superintendent of Schools

Dr. Amy Griffin, Superintendent of Schools, introduced Mr. John Brandt, 2011 Valedictorian, and Ms. Heather Fowler, 2011 Salutatorian. The Board congratulated Mr. Brandt and Ms. Fowler, and urged them to continue their excellence in education.

6) **Assistant County Administrator/Finance**

- a) Consent Agenda-
1) Approval of minutes for April 2011
2) Approval of Bills- April 2011 and May 2011
Approved bills for May 10, 2011 total \$102,070.86. Ratified bills for April 2011 of warrants total \$222,922.46 with check numbers ranging from 61130-61417. Direct deposits total \$151,466.19.

On a motion by Supervisor Petty and carried, the Board approved the consent agenda as amended:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

- b) Monthly Budget Report

Assistant County Administrator, Jill Matthews, reviewed the budget report. The Board members had no questions.

- c) Clerk of Circuit Court – Request permission to hire deputy’s replacement July 1, 2011

On a motion by Supervisor Osl and carried, the Board granted permission for staff to hire a replacement Deputy Clerk in the Circuit Court Clerk’s office in anticipation of the retirement of the current Deputy Clerk:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

7) **Director of Planning-**

- a) Festival Permit 11-03 for Cartersville Ruritan Club; 4th of July event

On a motion by Supervisor Osl and carried, the Board approved Festival Permit 11-03:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

- b) Request for renewal of Special Temporary Use Permit 10-01 for Mary Tyson

On a motion by Supervisor Osl and carried, the Board renewed STUP 10-01 for a period of one (1) year:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

- c) Request for renewal of Special Temporary Use Permit 10-02 for Jerry Toney

On a motion by Supervisor Osl and carried, the Board renewed STUP 10-02 for a period of one (1) year:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

- d) Update on Planning Commission activities

Andrew Sorrell, County Planner, informed the Board that the Planning Commission is currently revising the Subdivision and Zoning Ordinances.

- e) Set two public hearings for June 14th, 2011

On a motion by Supervisor Osl and carried, the Board set public hearings for CA 10-01 regarding the Subdivision Ordinance, and CA 10-10 regarding the Zoning Ordinance revisions for June 14, 2011:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

- f) Discuss/set for public hearing on July 12th 2011 – Rezoning of Foster Road Parcels

On a motion by Supervisor Osl and carried, the Board set a public hearing regarding the Rezoning of parcels on Foster Road for July 12th, 2011:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – absent

8) County Administrator’s Report –

- a) Discuss Randolph Fire Station parking and lighting

No action taken. This item has been moved to the June 14th, 2011 agenda.

- b) Representative and alternate to CRC effective July 1

No action taken. This item has been moved to the June 14th, 2011 agenda.

- c) 2012 Sub recipient Designation – Indoor Plumbing Rehabilitation Loan Program

The Department of Housing and Community Development indicated that they will continue to utilize Southside Outreach Group for Cumberland County, unless the County decides to change administrators. No action was taken on this item.

9) Assistant County Administrator/Community Development

- a) Set public hearing for approval of the \$939,000 borrowing from USDA Rural Development for the waterline extension project for June 14, 2011

On a motion by Supervisor Osl and carried, the Board set a public hearing for the \$939,000 borrowing from USDA Rural Development for the waterline extension project to be held on June 14, 2011:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

b) Project updates

Mr. Michael Cooper, Assistant County Administrator, informed the Board that during a recent tornado, Supervisor Kennell and Gary Thompson, Emergency Services Coordinators, and Red Cross representatives assisted displaced residents. Mr. Cooper also informed the Board that the Planning office in working with the Commonwealth Regional Council, scheduled planning workshops in anticipation of the County's Comprehensive Plan update process.

10) County Attorney's Report -

a) Redistricting Information/update

County Attorney, Howard Estes, informed the Board that the required filing to the Department of Justice has been submitted.

The Governor has signed a redistricting plan, and the state is now in the process of going forward with its submission to Department of Justice for preclearance. Mr. Estes provided the Board with maps showing the House and Senate districts.

11) Board Member Comments-

Supervisor Osl stated that citizens could use public facilities in accordance with the Facility Use Policy.

Supervisor Womack thanked Mr. Cooper for his years of service and wished him well in the future.

Supervisor Kennell thanked the Patriot Day Committee for the wonderful festival, and thanked Mr. Gary Thompson, for assisting the citizens during the recent tornado.

Supervisor Petty thanked the Patriot Day Committee for their hard work. Supervisor Petty stated that he attended a planning growth workshop at CRC, and thanked the Cumberland High School culinary arts class for providing refreshments for the workshop.

Supervisor Osl asked that Ms. Matthews provide flyers at the transfer stations about our Recycling Program and the new Contractor, Van der Linde Recycling.

12) Additional Information

- a) Treasurer's Report
- b) Building Inspections Report

- c) DMV Report
- d) Recycling Report
- e) Water and Sewer Advisory Committee minutes

13) Adjourn

With no additional business to come before the Board, the Chairman adjourned the meeting until the next regular meeting of the Board to be held on Tuesday, June 14, 2011 at 7:00 p.m.

Chairman

County Administrator