

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13th day of November, 2012, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2, Vice-Chairman
Kevin Ingle, District 3
David Meinhard, District 4, Chairman
Parker Wheeler, District 5
Vivian Giles, County Administrator / Attorney
Greg Baka, Director of Community Development
Bret Schardein, Planning Director
Meghan Allen, Deputy Clerk

Absent: NONE

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

1. Invocation and Pledge of Allegiance

The Invocation and Pledge of Allegiance was led by Supervisor Osl.

2. Approval of Agenda

On a motion by Supervisor Wheeler and carried the Board approved the Agenda as amended.

New Item 5. State and Local Departments / Agencies
c) Piedmont Regional Jail

New Item 6. County Attorney/County Administrator Report
d) Approval of FY 2013-14 Budget Calendar

New Item 11. Additional Information
d) Building Inspections Report

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

3. Public Hearing

a) CUP 12-02 National Communication Towers, LLC

 Planning Director Mr. Bret Schardein advised the Board that the proposed Conditional Use Permit is to allow a telecommunication tower to be built at the intersection of Cartersville Road (Route 45) and Jenkins Ridge Road (Route 697). He also stated that there were some corrections to be made to the original information that was provided in the Board packet that stated Cumberland Road instead of Cartersville Road and zoning of neighboring property should say A2 and A20.

 There were two (2) representatives present from National Communication Towers, LLC. Vice President of Development Mr. Al Doss reviewed a power point presentation for the Board.

 Supervisor Osl commented about the improvement of service to the area.

 The Chairman opened the Public Hearing for comment. There were no citizens signed up to speak, however one citizen came in late and requested to be able to comment. The citizen had concerns with the tower due to the fact that it was going to be so close to their property.

With no other citizens to speak the Chairman closed the Public Hearing.

On a motion by Supervisor Wheeler and carried the Board approved the CUP 12-02 for the National Communication Towers, LLC.

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
GRANTING
CONDITIONAL USE PERMIT
APPLICATION #12-02
FOR TAX MAP PARCEL 29-A-100A
REQUESTED BY
NATIONAL COMMUNICATION TOWERS, LLC**

November 13, 2012

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., November 13, 2012, 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 Wheeler, 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:

Present: Vote:

David Meinhard, Chairman	Aye
Lloyd Banks, Jr., Vice-Chairman	Aye
William F. Osl, Jr.	Aye
Kevin Ingle	Aye
Parker Wheeler	Aye

Dated: 111312

Attested: _____
Vivian Seay Giles, Clerk to the Board of Supervisors

WHEREAS, National Communication Towers, LLC (the “Applicant”) filed a conditional use permit application and supporting materials (the “CUP Application, CUP #12-02”) seeking a conditional use permit for the property described below in accordance with Section 74-1343 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 195 foot tall telecommunications tower and related facilities; and

WHEREAS, the subject property is located at the intersection of Cumberland Cartersville Road (Route 45) and Jenkins Ridge Road (Route 697) and is proposed to be accessed from a proposed 30 foot private access easement entering onto Jenkins Ridge Road (Route 697). The affected property is currently zoned A-2, Agricultural. The proposed tower would be on an approximately 125 feet by 125 foot leased area on the portion of the property. The parcel is not located in a growth area as designated by the Comprehensive Plan. The affected property is located in Election District 1 and more particularly described as Tax Map Parcel 29-A-100A (the “Property”), with respect to

approximately 14.783 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 September 11, 2012; and

WHEREAS, the Planning Commission directed staff to make the CUP Application available for public review on September 17, 2012; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on October 15, 2012; 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 November 13, 2012; and

WHEREAS, the Board of Supervisors carefully considered the Planning Commission's recommendation and the testimony and evidence presented at the public hearing on October 15, 2012, 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, the Board expressly approves the use of a communication tower on the property subject to the conditions included in the CUP application; 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:

- a. The foregoing recitals are hereby incorporated by this reference.
- b. 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 #12-02 in accordance with the CUP Application.

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

d. 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 195 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 three (3) years 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 #12-02 for a 195 foot Telecommunication Tower and associated equipment, including all attached documentation, filed on September 5, 2012, are included herein as conditions.

4. As a condition for the permit, NCT shall provide on a reserved basis and at no cost or expense to the County or its political subdivisions (collectively, the "County") space on the tower to the County of not less than 10 feet in radial direction and at a height of at least 80 feet above ground level for the installation by the County, at the County's sole cost and expense, for communications equipment and antennas. NCT shall also make space available for ground equipment supporting such County tower use. NCT shall be able to install its own or third-party antennas and/or equipment located on the same height and/or platform, pass through the County space, perform construction to increase the height of the tower and/or take any other action as may be necessary or incidental to NCT's ownership or operation of the tower. Such County use shall be consistent with Federal Communications Commission ("FCC") licenses for wireless telecommunications service and be operated in a lawful and proper manner, in accordance with good engineering practices and be compliant with all applicable laws, ordinances, rules and regulations, relating to such operation and use.

5. 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.

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

e. This Resolution is effective immediately.

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

b) CA 12-02 Childcare Centers and Auctions

Planning Director Mr. Bret Schardein advised the Board that the Code Amendment was to add childcare centers and auctions to

The Chairman opened the Public Hearing for comment. There were no citizens signed up to speak. The Chairman closed the Public Hearing.

On a motion by Supervisor Osl and carried the Board approved CA 12-02 adding Childcare Center and Auctions to

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION ADOPTING
PROPOSED AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 12-02:
“AN ORDINANCE AMENDING CHAPTER 74 ZONING OF THE
CUMBERLAND COUNTY CODE AMENDING SECTION 74-421
B-1 BUSINESS DISTRICT PERMITTED USES, SECTION 74-
462 B-2 BUSINESS DISTRICT PERMITTED USES, AND
SECTION 74-502 B-3 BUSINESS DISTRICT PERMITTED
USES.”**

November 13, 2012

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse Courtroom A, Cumberland, Virginia 23040 commencing at 7:00 p.m., November 13, 2012, the following action was taken following a duly held public hearing during which time the Planning Director provided a review of the code amendment request and the text of the ordinance 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, in accordance with the following Resolution, an ordinance amending an ordinance amending Chapter 74 relating to permitting childcare centers in B-2 and B-3 zoning and auctions in B-1, B-2, and B-3 zoning;

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

----- Present:	Vote:
David Meinhard, Chairman	Aye
Lloyd Banks, Jr., Vice-Chairman	Aye
William F. Osl	Aye
Kevin Ingle	Aye
Parker Wheeler	Aye

Dated: 111312

Attested: _____
Vivian Giles, Clerk to the Board of Supervisors

WHEREAS, at a meeting held on October 15, 2012, the Planning Commission discussed the proposed amendment to the Code of Cumberland County, which said amendment address “B-1 BUSINESS DISTRICT PERMITTED USES, SECTION 74-462 B-2 BUSINESS DISTRICT PERMITTED USES, AND SECTION 74-502 B-3 BUSINESS DISTRICT PERMITTED USES.” (as shown in the attached ordinance); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment for public review on September 17, 2012; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on October 15, 2012; and

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

WHEREAS, in its review of the Code Amendment, the Planning Commission gave reasonable consideration to furthering the goals of the County's Comprehensive Plan and Zoning Ordinance by addressing permitting childcare centers in B-2 and B-3 and auctions in all business zoning districts; and

WHEREAS, after conducting a public hearing and considering the comments of County staff, landowners, residents, and the general public, the Planning Commission found that the Code Amendment furthers the goals of the Comprehensive Plan and Zoning Ordinance by promoting small business growth, convenience and health; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, the Planning Commission desired to affirm its findings and make its unanimous recommendation to the Board of Supervisors for approval with respect to the Code Amendment;

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on November 13, 2012; and

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

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County’s Comprehensive Plan and Zoning Ordinance;

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

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 finds that the Code Amendment is in substantial accordance with the County’s Comprehensive Plan and Zoning Ordinance.
- c. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment numbered 12-02 to amend the County Code of Cumberland, Virginia with the specific text and provisions of such ordinance as attached to and incorporated in this Resolution.
- d. This Resolution is effective immediately.

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

c) Northfield Ministries Tax Request

County Administrator Ms. Vivian Giles advised the Board that Northfield Ministries was requesting a tax exemption on their property taxes.

The Chairman opened the Public Hearing for comment. There were two (2) citizens signed up to speak comments for the Board included: Ms. Gwen Syler from Northfield advised the Board that she wanted to thank Ms. Giles and Mr. Baka for all their help. They estimated that Northfield could bring around \$20,000 of economic benefit to the County, and they appreciate any help to Board could give them to get this program going. The other citizen commented that they did not agree with giving Northfield a tax break that it was not fair to the rest of the citizens who can't afford to pay their taxes. With no other citizens to speak the Chairman closed the Public Hearing.

The Board members had numerous questions for Ms. Syler such as: if there were any residence currently at the facility, if there were any Cumberland citizens employed by Northfield, how were they currently paying their taxes, and how much do they charge per day. Ms. Syler advised the Board that currently they do not have any residents at the facility, she was not sure if one employee lived in Cumberland or Buckingham but knew she lived around the County line, that currently they are behind on their taxes they are paying \$500 a month, and Northfield would charge approximately \$250 per day per person.

There was some discussion between the Board members on how they would like to go about to help Northfield, some suggestions were to reduce the price of their taxes, or to set an amount in next year's budget to donate to them each year.

On a motion by Supervisor Banks and carried the Board denied the request from Northfield Ministries for a tax exemption.

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

4. Public Comments

There were no citizens signed up to speak

5. State and Local Departments / Agencies

a) VDOT

There was no representative from VDOT present.

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

Dr. Amy Griffin advised the Board that the National School Board Association has deemed November take your legislature to school lunch month. Cumberland has invited Delegate Wright, who is planning to attend, Senator Garrett, who cannot, the Board of Supervisors, County Administrator and County Staff on November 28th. The annual community outreach meetings will be held at 7:00pm on November 27th at Randolph Fire Department, November 28th at Cumberland Middle School Media Center and November 29th at Cartersville Rescue Squad. The citizens will be able to give input on the budget and any other issues. They can also share their budget concerns at the December School Board meeting. There was a great turn out on Educator for a Day; the County Administrator Vivian Giles came, Tonya Branch would like to come back and do motivational speaking for students, Mark Warner's representative Patrice Lewis came out that day to visit the

Renewable Sustainable Technology course and would like to participate in the Educator for a Day next year. ROTC students presented service flags at the Veterans Day breakfast at the Cumberland fire house on Monday, November 12th. The region eight (8) forum was held on November 6th at Longwood University; Rafe Esquith from Los Angeles spoke to about 1600 teachers from region eight. Cumberland will be traveling to Mecklenburg for a regional professional development program for project based learning. Fall sports are complete and Winter sports are starting up. And the makeup days for Hurricane Sandy are Wednesday, November 21st and December 19th.

c) Piedmont Regional Jail

Supervisor Wheeler advised the Board that the Jail is still having financial difficulty and they are losing Federal inmates that they currently house and they may be seeking help from the Counties. He stated that they have discussed some options such as reducing the size of the facility, or to wait to see if they get any more Federal Inmates.

Supervisor Meinhard questioned if the INS Facility opening had any effect on the Jail's financial problems.

Supervisor Wheeler advised that the inmates that were lost from INS were replaced with Federal inmates.

Supervisor Banks questioned if the County had any other options as far as paying the Jail if needed.

Ms. Vivian Giles advised that the County was obligated to pay if needed due to the fact that the County owns a portion of the Jail.

6. County Attorney / County Administrator Report

a) Consent Agenda

1) Approval of Minutes

2) Approval of Bills for October and November 2012.

Approved bills for October total \$149,198.91. Ratified bills for October warrants total \$444,441.45 with check numbers ranging from 64909-64174. Direct Deposits total \$164,558.76.

3) Monthly Budget Report

Supervisor Osl questioned the payment of \$2,967 to England Mobile Home Service.

Ms. Vivian Giles stated that the money was paid to them to move one of the old trailers from the School that was given to the County for the Recreation Department. And that there are hopes to do some fundraising to replace the money used.

Supervisor Osl also questioned PNR Construction \$2,550.

Ms. Giles stated she did have the info with her and would have to get back with him.

Supervisor Osl questioned the Legal fees and bond council fees total for refinancing.

Ms. Giles advised that everything that they stated they would charge was accurate.

On a motion by Supervisor Wheeler and carried the Board approved the Consent Agenda

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

b) Appropriation of \$50 for Animal Control

County Administrator Vivian Giles advised the Board that the Treasurer's office had received \$50 donation for the Animal Control Department.

On a motion by Supervisor Osl and carried the Board the appropriation of \$50 for Animal Control

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

c) Appropriation of \$4,705 for Recreation Department

Mr. Keith White from the Recreation Department advised the Board that the Recreation Department had received money from fundraisers that were done by parents of children who participated in the Youth League and requested these funds be appropriated to the Recreation Department. There were no questions from the Board.

On a motion by Supervisor Osl and carried the Board approved the Appropriation of \$4,705 for the Recreation Department

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

d) Approval of FY 2013-14 Budget Calendar

County Administrator Vivian Giles advised the Board that in their packets were a copy of the Budget

Calendar for the Fiscal Year 2013-14. There were no questions from the Board.

On a motion by Supervisor Wheeler and carried the Board approved the Budget Calendar for the FY 2013-14

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

7. Planning Director's Report

a) Update on Planning Commission Activities

Planning Director Mr. Bret Schardein advised the Board that they had finished the public forums and they had a good turnout for them. He noted that the most common issues that everyone noted were not having a grocery store and lowering taxes.

b) Set Public Hearing date for CUP 12-03

Planning Director Mr. Bret Schardein advised the Board that he is requesting the Board refer CUP 12-03 to the Planning Commission and set a public hearing for next month's meeting.

On a motion by Supervisor Osl and carried the Board approved to refer CUP 12-03 to the Planning Commission

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

On a motion by Supervisor Meinhard and carried the Board approved to set a Public Hearing for CUP 12-03 for

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

8. Community Development Director’s Report

a) Update on projects

Community Development Director Greg Baka went over the list of project updates that was in the Board packet. There were no questions from the Board.

9. Public Comments (Part Two)

There was one (1) citizen signed up to speak, their comments for the Board included; complementing Dr. Amy Griffin with the School Board, the extending learning classes the school is offering are great.

Supervisor Ingle questioned if the citizen had taken the ride on the Piedmont Area Transit bus yet.

The citizen advised that he had not ridden the bus yet but will soon.

10. Board Member Comments

Supervisor Osl commented that he wanted to thank Ms. Giles for her response on their questions about the Cobbs Creek Reservoir project and that he still had some concerns about it. He also asked were the background checks being completed for County Employees.

Supervisor Wheeler commented about the MOU for the Cobb's Creek Reservoir and questioned the cost for the County down the road. After some discussion Supervisor Osl suggested Mr. Wheeler email Ms. Giles for more information.

Supervisor Ingle commented that he wanted to commend the County Staff and Social Services for their work and preparation on Hurricane Sandy.

Supervisor Meinhard commented that he wanted to thank everyone who came out to the meeting.

11. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Recycling Report
- d) Building Inspections Report

12. Adjourn - Scheduled meeting: December 11, 2012

David Meinhard, Chairman

Vivian Giles, County Administrator