

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8th day of September, 2015, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2, Chairman
Kevin Ingle, District 3, Vice-Chairman
David Meinhard, District 4
Parker Wheeler, District 5
Vivian Giles, County Administrator / Attorney
Tracie Wright, Finance Director

Absent: Sara Carter, Planning Director

1. Call to Order

Chairman Banks called the meeting to order.

2. Welcome and Pledge of Allegiance

The Pledge of Allegiance was led by the Chairman.

3. Roll Call

County Administrator, Vivian Giles, called the roll.

4. Approval of Agenda

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

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

Mr. Wheeler – aye

5. Adjourn into Closed Session

On a motion by Supervisor Meinhard and carried, the Board entered into closed meeting pursuant to the Virginia Code Sections below:

Pursuant to Virginia Code § 2.2-3711.A.1: Personnel

Subject: (i) Salaries; and
(ii) Assignment and appointment – position classification and job performance of employees; assignments of duties and training.

Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel

Subject: Community Host Agreement

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

6. Reconvene in Open Session

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

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

Mr. Osl - aye
Mr. Banks – aye
Mr. Ingle – aye
Mr. Meinhard - aye

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, 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.

No action was taken regarding the items discussed.

7. Public Comments

Ms. Barbara Gamage informed the Board that the 15th annual Walk for Education is planned for Friday, October 2, 2015. Ms. Patty Pedrick informed the Board that there would be a potato drop on October 3, 2015 and they Centenary needed volunteers. Mr. Lou Seigel informed the Board that the parking lot at the Community Center is in bad condition, and needs repair.

8. State and Local Department/Agencies

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

Dr. Amy Griffin, Superintendent of Cumberland County Public Schools, gave the Board the following update on school activities:

- The School is hosting a Strategic Planning Forum on September 16, 2015 at 7:00 p.m. in the Cumberland Middle/High School Cafetorium.
- Two Focus groups will be held on September 21, 2015, at 10 a.m. and 7 p.m.
- All 15/16 Class officers have been elected at the Middle and High School
- The Varsity football team won their first football game with the new Coaching staff
- Mr. Hamilton won WFLO's Teacher of the week and his class will receive \$100 from Delegate James Edmond's office
- Team WIN at the Elementary School is looking for volunteers to help paint the 3rd and 4th grade pods

Dr. Amy Griffin also wanted to recognize "The Cumberland 10" and Sharon Baptist Church. This year marks the 50th anniversary of the integration of Cumberland County Public School. The integration took place ten years after the Brown -vs- Board of Education decision. With collaboration between the NAACP, and local families, ten children would be allowed to attend the all-white school. Eight of the ten children were from Sharon Baptist Church.

- b) VDOT

There were no representatives from VDoT present.

- c) Cumberland Public Library

Jennifer Beach, Librarian, was not present.

- d) Ms. Susanna Blauch, American Red Cross/Relay for Life

Ms. Blauch was not present, but will attend the October Board of Supervisors meeting.

9. Public Hearings

N/A

10. County Attorney/County Administrator Report

- a) Consent Agenda

- 1) Approval of Bills for August and September 2015. Approved bills for September 8, 2015 total \$172,845.90. Ratified bills for August 12, 2015 through September 7, 2015 warrants total \$327,044.37 with check numbers ranging from 71130 to 71309. Direct Deposits total \$156,076.88.
- 2) Approval of Minutes (August 11, 2015)

On a motion by Supervisor Osl and carried by the following vote, the Board approved the consent agenda:

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

b) Amended Consortium Agreement – Set public hearing

On a motion by Supervisor Meinhard and carried unanimously, the Board set a public hearing for October 13, 2015 to approve the Amended Consortium Agreement by Ordinance:

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

c) Town of Farmville Wastewater Agreements

County Administrator, Vivian Giles, informed the Board that recently, the Town of Farmville verbally gave Cumberland permission to dispose of leachate from the County landfills in the Town’s wastewater system for treatment. The amended Agreement includes this change.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the Amended and Restated Wastewater Agreement dated January 1, 2015:

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

(A copy of the Agreement is in the Official Board File)

d) Acceptance of deed of real property

County Administrator, Vivian Giles, reminded the Board that Cumberland, Buckingham, Amelia, Nottoway, and Prince Edward Counties are planning to purchase a piece of property adjacent to the Piedmont Regional Jail. This will

effectively be at no cost due to the fact that there is sufficient money in the reserve at the Juvenile Detention Facility. State Code stipulates that each County accept the deed of real property, and does not require a public hearing. The deed has been executed by the seller, and if the Board wishes to accept the deed, that will enable the closing to proceed, and Ms. Giles suggests that the Board do so with the condition that on an acceptable title examination and appropriate number of easements.

On a motion by Supervisor Wheeler and carried unanimously, the Board accepted the deed of real property on the condition that the property moved to closing:

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

(A copy of the deed is located in the Official Board File)

e) Randolph Volunteer Fire Department truck payment

A motion was made by Supervisor Ingle to approve and appropriate a payment of \$11,820 for the final truck payment to Randolph Volunteer Fire Department; and write a letter of guarantee for \$9,428.00 to secure the Department of Homeland Security grant for the Randolph Volunteer Fire Department Award number EMW-2014-FV-01513.

The Chairman discussed his concern with the means to pay these new costs. After some discussion, Supervisor Ingle withdrew his motion.

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved and appropriated a payment of \$11,820 for the final truck payment to Randolph Volunteer Fire Department; and the Board directed staff to

write a letter of guarantee for \$9,428.00 to secure the Department of Homeland Security grant for the Randolph Volunteer Fire Department Award number EMW-2014-FV-01513:

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

f) Approval of Septic Truck bid and appropriation of funds –

County Administrator, Vivian Giles, informed the Board that staff received one bid that was responsive to the RFP.

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved the Bid award and appropriated the finds for the Septic Truck to Taylor’s Septic Service, Inc. for \$45,000.00, contingent upon a satisfactory inspection by a mechanic and County staff:

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

11. Finance Director’s Report

a) Monthly budget Report

There was no monthly budget report submitted to the Board this month.

12. Planning Director's Report

a) Planning Project update

There was no discussion on the current Planning projects.

b) Sign Ordinance

On a motion by Supervisor Banks and carried unanimously, the Board rescinded the vote on July 14, 2015 by the Board that adopted Code Amendment 15-04, the current Sign Ordinance:

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

On a motion by Supervisor Wheeler and carried by the following vote, the Board approved the currently proposed and staff recommended version of the Sign Ordinance and initiate the Planning Commission to suggest further amendments:

Sec. 74-621. Statement of purpose.

(a)The purpose of this article is to promote proper signage that provides a strong visual character in the county and promotes the public health, safety and welfare by providing standards to ensure against signs which:

- (1) Unduly distract or obstruct the vision of motorists and pedestrians;
- (2) Are structurally unsafe; and
- (3) By their location, design or materials, create hazardous conditions for the public.

(b)This article shall govern and control the erection, remodeling, enlarging, moving, maintenance and operation of all exterior signs within all zoning districts established by this chapter. This article shall be applicable only to those signs that are visible from public rights-of-way and adjoining properties. All applicants for sign permits shall adhere to the design standards for signs furnished by the county administrator's office.

(Code 1990, § 14-60A)

Sec. 74-622. 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:

Banner sign means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this article. *Billboard* means a panel used for the display in public places of advertisements or messages.

Canopy sign means a sign affixed to any roof-like projection attached to a building.

Changeable copy sign means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign. Changeable copy signs may include signs with copy changed manually, or signs that contain internal lighting that changes to vary the contents of signs. Electronic changeable copy signs that have a cycle time of more than four seconds are not considered animated signs.

Directional sign means any sign designed and located to mark a site feature, assist in traffic operations, or assist in locating a thing or place.

Freestanding sign means any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Identification sign means a sign not exceeding 16 square feet of sign area identifying only the name and address of the dwelling, farm, subdivision or planned development and/or dwelling owner or manager.

Project Identification Sign means a sign identifying a residential, industrial, commercial or public development project or its occupants, or both.

Sign means any exterior display of letters, words, numerals, figures, devices, emblems, pictures or any parts or combinations, by any means whereby the sign is made visible for the purpose of making anything known, whether such display is made on, attached to, or as a part of a structure, ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one square foot in area is excluded from this definition.

Sign area means the surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas, that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Street banner sign means any banner sign which is stretched across and hung over a public right-of-way, with the exception of any sign used in conjunction with county, state or federally sponsored events or activities.

Temporary sign means any sign, banner, pennant or other advertising medium intended to be displayed for a short period of time (not to exceed 30 days) as regulated by the provisions of this chapter.

Wall or fascia sign means any sign attached to and supported by the exterior surface of the wall of a building or structure in a place substantially parallel to that of the supporting wall, and projecting no more than 18 inches from the wall or fascia.

Yard sale sign means any sign advertising a yard sale by property owners or their lessees.

(Code 1990, §§ 14-60B, 14-60D)

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

Sec. 74-623. General provisions.

The following regulations shall apply to all signs in the county:

- (1) Unless specifically exempted, a sign permit issued through the zoning administrator's office shall be required for the erection, alteration or reconstruction of any sign, not including temporary signs.
- (2) No sign shall be erected or maintained unless it is in compliance with the regulations of this chapter.
- (3) Signs shall be constructed of durable materials maintained in good condition and not permitted to become dilapidated.
- (4) No signs, except as otherwise specified, shall exceed the height limit for structures of the district in which they are located.
- (5) Any sign which advertises any activity, business, product or service which has ceased operation or production shall be removed within six months of the discontinuance of such activity.
- (6) Any business sign may be illuminated by indirect lighting, the source of which is not directed toward the public right-of-way or adjoining properties, or by interior diffused lighting.
- (7) Notwithstanding any provisions in this section to the contrary, the location, size or construction of all signs shall comply with all applicable state and federal laws, rules and regulations.
- (8) No wall sign shall extend or be mounted above or beyond the wall of the building.

(Code 1990, § 14-60C)

Sec. 74-624. Prohibited signs.

- (1) Billboards greater than 300 square feet are not allowed in any district.
- (2) Street banner signs shall be prohibited except as used in connection with civic, patriotic or religious holidays or events.
- (3) Signs shall not be posted on utility poles or street signs.

(Code 1990, § 14-60D)

Sec. 74-625. Signs not requiring a permit.

The following type of signs do not require a permit, but they shall be established in accordance with the structural and safety requirements of the building code:

- (1) Plaques or tablets denoting names of buildings or dates. Traffic or other signs erected and maintained by the state department of transportation, the county or other governmental agencies, legal notices and all other similar signs required by law to be posted.
- (2) Painted, magnetic or adhesive affixed signs on any duly licensed, operable vehicle, . This section shall not be interpreted to permit parking for display of any vehicle to which signs are constructed as a separate structure and attached, or any inoperable or unlicensed vehicle for the purpose of advertising.
- (3) Yard sale signs are allowed in all zoning districts. Such signs shall be placed at least one foot from the right-of-way and shall not obstruct the view of traffic. No yard sale sign shall remain for longer than 48 hours past the end of the sale.
- (4) No trespassing, no hunting and no fishing signs, or signs of similar nature, shall not require sign permits.
- (5) Temporary signs. No temporary or portable sign may be used for a period exceeding 30 days.

(Code 1990, § 14-60E)

Sec. 74-626. Nonconforming signs.

All signs established prior to the effective date of the ordinance from which this article derives, and not in conformance with the provisions of this article, shall be allowed to remain subject to the following conditions:

- (1) No such nonconforming sign may be enlarged or altered in a way which would increase its nonconformity, but any structure or portion may be altered to decrease its nonconformity.
- (2) Should such sign structure be moved for any reason, it shall thereafter conform to the regulations for signs.

- (3) Notwithstanding any of the foregoing, non-conforming signs shall be maintained in good condition in accordance with Section 74-623 (3).

(Code 1990, § 14-60F)

Sec. 74-627 Setbacks and other:

- (a) Front yard. No portion of any sign other than a freestanding pole type sign shall be located within eight (8) feet of the right-of-way of any public road. Freestanding pole type signs may be located within five (5) feet of the right-of-way of any public road if:
- a. The structure's sign face is at least seven (7) feet high from grade, and
 - b. The pole and any pole skirt do not exceed eighteen (18) inches in width or diameter.
- (b) Side yard. No portion of any sign shall be located within five (5) feet of a side property line.
- (c) Rear yard. No portion of any sign shall be located within five (5) feet of a rear property line.

Sec. 74-631 Project Identification Signs .

All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres in size, such as shopping centers or planned industrial parks shall be permitted to have project identification signs, in addition to individual business signs otherwise allowed by this ordinance. Every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification freestanding signs to identify the development complex.

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

- c) Set public hearing for CUP 15-07 Blue Door Mini Storage

On a motion by Supervisor Banks and carried unanimously, the Board set CUP 15-07 for Blue Door Mini-Storage for October 13, 2015:

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

d) Set public hearing for CUP 15-08 Mitchell’s Market

On a motion by Supervisor Banks and carried unanimously, the Board set CUP 15-08 for Mitchell’s Market for October 13, 2015:

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

e) Set public hearing for CA 15-08 Cemeteries

On a motion by Supervisor Banks and carried unanimously, the Board set CA 15-08 for Cemeteries for October 13, 2015:

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

f) Set public hearing for CA 15-09 Buffers

On a motion by Supervisor Banks and carried unanimously, the Board set CA 15-09 for Buffers for October 13, 2015:

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

g) Set public hearing for CUP 15-09 – Harrison

On a motion by Supervisor Banks and carried unanimously, the Board set CUP 15-09 for Harrison for October 13, 2015:

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

h) Vacation of Plat Agreement

County Administrator, Vivian Giles, informed the Board that the property in question is mostly located within the Town of Farmville. The property owner, Ms. Catherine H. Estes, is requesting to vacate property lines and alleyways to create a larger track of land. Supervisor Osl inquired as to whether the intent of the alleys were for emergency services. Ms. Giles stated that it is believed that the small alleyways were created for potential utility easements.

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved the vacation of Plat Agreement:

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

(A copy of the Agreement is located in the Official Board File)

13. Old Business

N/A

14. New Business

N/A

15. Public Comments (Part 2)

Mrs. Patricia Pedrick asked if the new septic truck purchase will require a new hire for a driver. Ms. Vivian Giles informed those in attendance that this truck does not require a CDL driver, and current staff is able to drive the truck. Mrs. Pedrick also inquired as to who would perform the inspection of the new truck. Supervisor Ingle stated that he plans to approach C.F. Marion Trucking to complete this inspection. Mr. Lou Seigel inquired as to the mileage of the new Utility pump truck and payment terms.

Mr. Tim Kennell informed the Board that Governor McAuliffe and his wife, as well as the Secretary of Natural Resources, Molly Ward were recently in attendance at an event at Bear Creek Lake. Mr. Kennell stated his concern that there was no representation by the Board of Supervisors or County staff at this event.

Ms. Rose McClinton stated her concern with the state of the road on Samuel's Drive.

Mr. Virgil Chick questioned the pounds per square inch (psi) the new pump truck would accommodate.

16. Board Member Comments

N/A

17. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Recycling Report
- d) Monthly Building Inspections Report
- e) Approved Planning Commission meeting minutes – N/A
- f) Approved IDA meeting minutes-N/A

18. Adjourn -

On a motion by Supervisor Banks and carried unanimously, the Board adjourned the meeting until the next regular meeting of the Board to be held on October 13, 2015 at 6:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia.

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

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney