



CUMBERLAND COUNTY BOARD OF SUPERVISORS

Regular Monthly Meeting Cumberland County Circuit Courtroom A Cumberland, VA

September 8, 2015
Regular Meeting – 6:30 p.m.

1. **Call to Order**
2. **Welcome and Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda** **Motion**
5. **Adjourn into Closed Session** **Motion**

Pursuant to Va. 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.
6. **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; (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.”
7. **Public Comments (Part one)**
8. **State and Local Departments/Agencies/Community Service Providers**
 - a. Dr. Amy Griffin, Superintendent of Cumberland County Public Schools **Information**
 - b. VDOT **Information**
 - c. Jennifer Beach, Cumberland Public Library **Information**
 - d. Susanna Blauch, American Cancer Society/Relay for Life **Information**

9. **County Attorney/County Administrator Report**
 - a. Consent agenda **Motion**
 - i. Approval of bills
 - ii. Approval of Minutes (June 9, 2015)
 - b. Amended Consortium Agreement – set public hearing **Motion**
 - c. Town of Farmville Agreement (pgs. 1-6) **Motion**
 - d. Acceptance of deed of real property (Va. Code § 15.2-1803) **Motion**
 - e. Randolph Fire Department – truck payment (\$11,820); grant match (\$9,000) **Motion**

10. **Finance Director’s Report**
 - a. Monthly Budget Report – n/a **Information**

11. **Planning Director’s Report**
 - a. Planning Project updates (pgs. 7-8) **Information**
 - b. Sign Ordinance (pgs. 9-30) **Motion**
 - c. CUP 15-07 – set public hearing (pg. 31) **Motion**
 - d. CUP 15-08 – set public hearing (pg. 32) **Motion**
 - e. CA 15-08 – set public hearing (pg. 33) **Motion**
 - f. CA 15-09 – set public hearing (pgs. 34-35) **Motion**

12. **Old Business**

13. **New Business**

14. **Public Comments (Part two)**

15. **Board Members Comments**

16. **Additional Information – (pg. 36-53)**
 - a. Treasurer’s Report
 - b. DMV Report
 - c. Recycling Report
 - d. Monthly Building Inspections Report
 - e. Approved Planning Commission meeting minutes
 - f. Approved IDA minutes-N/A

17. **Adjourn – Regular Meeting – October 13, 2015**

**AMENDED AND RESTATED
WASTEWATER AGREEMENT**
between
THE COUNTY OF CUMBERLAND, VIRGINIA
and
THE TOWN OF FARMVILLE, VIRGINIA

THIS AMENDED AND RESTATED AGREEMENT, dated the 1st day of January, 2015, by and between the County of Cumberland, Virginia, a body politic and political subdivision of the Commonwealth of Virginia, hereinafter “Cumberland”; and the Town of Farmville, Virginia, hereinafter “the Town”.

WHEREAS, the Town owns and operates a wastewater treatment system, hereinafter referred to as the “Town wastewater system”, consisting of wastewater pumping stations, gravity and force mains, a wastewater treatment facility, and other structures and equipment; and

WHEREAS, the Town and Cumberland desire that wastewater service be provided to a portion of Cumberland and for many years such service has been provided by the Town to Cumberland pursuant to a Wastewater Agreement dated September 28, 1994, as amended and restated by Agreement dated February 2, 1995, and as amended by Agreement dated October 16, 1995; and

WHEREAS, in the course of providing services to Cumberland, the Town has agreed to accept into the Town wastewater system the leachate collected by Cumberland County at its closed landfills, and accordingly, Cumberland and the Town wish to hereby amend and restate in its entirety the said Wastewater Agreement, originally dated September 28, 1994 and as later amended, in order to reflect the acceptance of the said leachate.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that for and in consideration of the promises and the mutual covenants and undertakings of the parties to this Agreement, the parties hereto mutually agree as follows:

Section 1. Upon execution of this Amended and Restated Wastewater Agreement by the Town and Cumberland, the Town will take and convey, at a point located on State Route 45 at the Farmville Town boundary limits as more particularly shown on Sheet No. 4 of “Project C” of the plans entitled “Courthouse/Route 45 Area Sanitary Sewer Improvements Project, Cumberland County, Virginia,” by Dewberry & Davis, (Architects, Engineers, Planners and Surveyors), identified as File Number PP239C, reference to which is hereby made for the specific location thereof, wastewater originating in Cumberland County into the “Town sewerage system” for treatment and disposal.

Section 2. The Town agrees to take and convey an average daily flow per billing period not to exceed a maximum of Three Hundred Thousand (300,000) gallons per day through the Town sewerage system, hereinafter referred to as “Cumberland’s allocation”. Cumberland agrees to pay a one-time fee of Four Hundred Thousand Dollars (\$400,000.00) to the Town for Cumberland’s allocation, which said fee heretofore has been paid. The parties hereto agree that Cumberland’s obligations under this Agreement are contingent upon it obtaining a Farmer’s Home Administration loan and grant and a Virginia Department of Housing and Community Development grant to fund the sewer project in Cumberland County. The parties further agree that sewer capacity used by the Riverside Industrial Park shall not be included in Cumberland’s allocation.

Section 3. Cumberland shall construct, maintain, repair, and operate, at its sole expense, such wastewater system as is necessary to provide wastewater service in Cumberland, and to convey said wastewater to the Town sewerage system. The plans and specifications and the materials used in the construction, maintenance, repair, and operation thereof shall meet all federal, state, and local requirements.

Section 4. Upon prior notice to Cumberland, the Town shall have the right to inspect all work done in connection with construction, maintenance, repair and operation of the wastewater facilities to determine whether such work is done in accordance with the provision of Section 3. The Town shall be notified of, and shall have the right to witness, infiltration tests on all sewers connected to the Town sewerage system. In no event shall the infiltration/inflow rate for the new

construction exceed the rate allowed by the State Health Department regulations in effect at the time of construction.

Section 5. Cumberland agrees to adopt an ordinance regulating the use of residential, commercial, and industrial sewage in Cumberland County in a manner consistent with the regulations presently regulating the use of residential, commercial and industrial sewage in the Town of Farmville.

Section 6. In the event that the Town expands the capacity of its wastewater treatment plant, Cumberland shall have a first option to purchase up to an additional one-eighth (1/8) of the total expanded capacity at a cost calculated on a prorata basis of the cost of any such plant expansion.

Section 7. Cumberland shall have title to wastewater facilities in Cumberland County constructed or provided by Cumberland. The Town shall have title to wastewater facilities constructed by the Town located within the geographic boundaries of the Town.

Section 8. Cumberland will not collect wastewater from, nor provide wastewater service to, customers outside of Cumberland County without the consent and written approval of the Town. The Town or Cumberland may provide wastewater service directly to customers located within the other jurisdiction along the Cumberland County boundary if mutually agreed to in writing by the Town and Cumberland.

Section 9. Cumberland shall install, own, and maintain, at its own expense, a wastewater meter at the point of delivery to the Town sewerage system. The type, size, location, and installation of said meter must be approved by the Town Director of Public Utilities.

Section 10. Nothing in this Agreement shall give Cumberland the right to discharge, or permit the discharge of, wastewater of unusual strength or character unless approved by the Farmville Town Council. All discharges under this Agreement are subject to the constraints of all applicable Federal and State laws, regulations, and orders as well as local ordinances of the Town of Farmville. The parties hereto expressly agree that leachate collected at Cumberland

County landfills may be discharged into the Town sewerage system and such leachate is not wastewater of unusual strength or character.

Section 11. Cumberland shall provide any information the Town may reasonably need for complying with the terms and conditions of the Virginia Pollutant Discharge Elimination system permit applicable to the Town's wastewater treatment system as the same shall now or hereafter be in force.

Section 12. Upon the Town's request, Cumberland shall report the total number of residential, commercial, industrial, and other units connected to Cumberland's wastewater system and similar information which may be requested by the Town's Director of Public Utilities.

Section 13. The Town's charges to Cumberland for the taking, conveying, treating, and disposing of all wastewater originating on premises within Cumberland and discharged into the Town sewerage system shall be determined annually on a fiscal year basis according to the Town's actual costs for operation and maintenance, excluding any debt service not related to any wastewater facility improvements solely serving Cumberland. At Cumberland's request, the Town agrees to provide Cumberland with reasonable documentation to verify such operation and maintenance costs. Each fiscal year shall begin on July 1 and end on the following June 30.

Section 14. The parties agree that the charges for taking, conveying, treating, and disposing of wastewater originating within Cumberland shall be set at \$1.50 per 1000 gallons for the first three years of this Agreement, and thereafter at such rates as may be mutually agreed upon by the Town and Cumberland and shall not exceed eighty-five percent (85%) of the overall average charges set for the Town's customers located with the Town of Farmville. In setting any such mutually acceptable rates, the Town agrees that the rates charged to Cumberland shall be increased or decreased proportionately with the overall average rates set for the Town's customers, subject only to the foregoing eighty-five percent (85%) cap. The aforementioned initial three year period shall be deemed to commence upon Cumberland's actual connection to, and use of, the Town sewerage system. Upon Cumberland's request, the Town agrees to provide Cumberland with reasonable documentation, including, but not limited to, its audited financial

reports, operational and maintenance records and fee schedules for its operation and maintenance of the Town sewerage system, to verify the accuracy of the overall average charges set for the Town's customers as they relate to the establishment of Cumberland's user rate and to ascertain that Cumberland is not being charged any portion of the Town's debt service for treatment plant expansion. Notwithstanding any of the foregoing, Cumberland shall pay to the Town thirteen cents (\$0.13) per gallon for leachate discharged into the Town sewerage system. This payment shall be in addition to the charge that will be imposed on the increased quantity conveyed by Cumberland to the Town as a result of the leachate discharged into the Town sewerage system. The quantity of leachate discharged into the Town sewerage system shall be monitored by Cumberland utilizing a methodology mutually agreeable to the parties hereto and shall be provided to the Town, with payment, no less frequently than once per quarter.

Section 15. Neither the Town nor Cumberland shall be liable in damages to the other for any act, omission, or circumstances occasioned by, or in consequence of, any acts of God, acts of the public enemy, wars, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, civil disturbances, explosions, breakage or accident to machinery or lines of pipe, or any other cause, not reasonably within the control of the party claiming suspension and which by the exercise of due diligence such party is unable to prevent or overcome. Such causes or contingencies affecting the performance hereunder by either the Town or Cumberland shall not relieve it of liability in the event of its concurring negligence or in the event of its failure to use due diligence to remedy the situation and to remove the cause in an adequate manner and with all reasonable dispatch, nor shall such causes or contingencies affecting such performance relieve either party from its obligations to make payment of amounts then due hereunder in respect of waste water theretofore delivered. Nothing contained in this section shall be construed as waiving any immunity which either the Town or Cumberland may possess.

Section 16. Subject to the foregoing provisions in Section 13 and in Section 14, this Agreement shall continue in full force and effect from its date through and including February 28, 2036, and shall continue thereafter upon the same terms and conditions until terminated or modified by the mutual agreement of the parties hereto.

Section 17. The parties hereto covenant and warrant to each other that all formalities and approvals necessary to validly enter into this Agreement have been observed and obtained prior to the execution of this Agreement.

Section 18. In the event of any dispute, disagreement, misunderstanding, or litigation concerning this Agreement, the appropriate venue shall be in the Circuit Court of Prince Edward County, Virginia.

Section 19. The parties hereto agree to make such reasonable amendments to this agreement as may be required by the Farmer's Home Administration or the Virginia Department of Housing and Community and Development to satisfy any conditions imposed in connection with Cumberland's loan and grant from the Farmer's Home Administration and from the Virginia Department of Housing and Community Development. The parties hereto further agree that Cumberland's rights under this Agreement may be assignable to the Farmer's Home Administration during the term of any outstanding loan payable by Cumberland to the Farmer's Home Administration for the construction of Cumberland's wastewater facilities.

IN WITNESS WHEREOF, the Town and Cumberland caused this Agreement to be executed by their duly authorized officers.

COUNTY OF CUMBERLAND, VIRGINIA

TOWN OF FARMVILLE, VIRGINIA

By: _____
Title: _____

By: _____
Title: _____

ATTEST:

ATTEST:

Clerk

Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Cumberland County Attorney

Town of Farmville Attorney

**Planning Projects:
September 2015**

Zoning:		
<i>Pending Zoning Questions and Requests</i>		
<i>CUP's and Rezoning Requests</i>		
Kevin Dunn	1671 Cumberland Road	Kevin Dunn is requesting rezoning from R-2 to B-1 on the frontage of his property. This case has been deferred by the applicant. The Planning Commission has scheduled the public hearing for their October meeting.
Larry Atkins	1547 Cumberland Road	Approved.
Spears	1875 Anderson Highway	Approved.
Blue Door Mini Storage	Address TBD Plank Road	Michael Yoder is requesting a CUP for mini-storage in an A-2 district. The Planning Commission public hearing will be held on September 21, 2015, and a public hearing with the Board of Supervisors is recommended for their October meeting.
Bobby Woodson	753 Old Buckingham Road	Variance Approved.
Mitchell's Market	2487 Cumberland Road	Jason Sanchez is requesting a CUP for a restaurant/brewpub/brewery. The Planning Commission is exploring a code amendment to address these uses in the A-2. The Planning Commission public hearing is scheduled for September 21, 2015. A public hearing for the Board is requested for the October meeting.
<i>Other Zoning Issues-</i> Three cases under legal review.		
Subdivisions:		
<i>Approved Subdivisions</i>		
Charles Clark	Plank Road	Boundary line adjustment between two parcels and creation of a third parcel.
<i>Pending Subdivisions</i>		
Pearl Mayers	Morningside Drive	Subdivision of one lot.
Delana Glenn	Holman Mill Road	Family division of two lots.
James Grissom	Waterfront Lane	Subdivision of three lots.
Doc Carter	Something Lane, off of Stoney Point Road	Family division of three parcels.
Marion family	Anderson Highway and Clinton Road	Waiver to Ordinance approved; awaiting plat.
<i>Subdivision Plat Vacation</i>		
Chris Bishop	Address TBD Tarwallet Road	Applicant requests a vacation of plat to eliminate a 0.24 acre dedication for a road on an existing subdivision plat.
Other Regulatory Functions:		
<i>Erosion and Sediment Control Applications</i>		
Henrico County	Utility Corridor Clearing Project	Utility corridor being cleared.
Sherice Brown	Address TBD Clark Road	Agreement in Lieu of a Plan for a single family residence.

Code Amendment Questions		
Wineries and Breweries	Countywide	As part of the request for Mitchell's Market, the Planning Commission is considering an amendment to the Zoning Ordinance to allow wineries and breweries as a conditional use in the A-2 district. A public hearing with the Commission will be held on September 21, 2015.
Sign Ordinance	Countywide	The Board of Supervisors referred the draft back to the Planning Commission with specific questions for their June 15, 2015 meeting. The Board adopted the Ordinance at their July 14, 2015 meeting. The Board directed staff to bring a recommendation to their September meeting.
Buffers	Countywide	The Planning Commission recommends approval of the addition of a buffer requirement for commercial development adjacent to residential development. A public hearing with the Board is requested.
Cemeteries	Countywide	The Planning Commission held a public hearing on this amendment on June 15, 2015, and recommends approval to the Board. A public hearing with the Board is requested.
Watershed Protection Ordinance	Cobbs Creek Reservoir Watershed	The Planning Commission will begin work on the Watershed Protection Ordinance this fall, as required by the County's MOU with Henrico County. The Commission has a workshop meeting scheduled for September 14, 2015 with Henrico to gain a better understanding of the overall project, recreational opportunities, and requirements for the Ordinance.
Definitions	Countywide	An update should happen as part of mixed use district. Rachel completed first draft during her initial review of the Ordinance for the mixed use district.
Business uses	Countywide	All business uses should be inclusive as the Ordinance moves from a less intensive to a more intensive business zone. In other words, all uses in the B-3 should be included in B-2, and so on.
Overlay district standards	Anderson Highway between 45 and 45	Standards to require improved appearance in mixed use district around the Courthouse.
Mixed Use Zoning District	Cumberland Road and Anderson Highway	Combine uses in B-3 and R-2 for a mixed use district.



DATE: September 2, 2015
TO: Cumberland County Board of Supervisors
FROM: Sara Carter
RE: Sign Ordinance Recommendations

Recommendation

Confirm that the attached Sign Ordinance addresses the Board’s concerns and forward the proposed Ordinance to the Planning Commission for review and adoption. While these changes are not substantive if approved as written, an additional review by the Planning Commission would offer staff input if there are portions that could be worded more clearly.

Information

A revised Sign Ordinance was adopted on July 9, 2015. There are some inconsistencies that should be remedied, as well as some portions that no longer make sense when taken into the context of the adopted Ordinance.

Staff has proposed an Ordinance that removes inconsistencies and liberalizes some additional portions of the Ordinance from what was adopted in July. The changes are meant to reflect the Board’s direction in July, while addressing the provision for standards within zoning districts.

Also included for the Board’s information is the Planning Commission’s recommendation and the proposal forwarded by staff at the August 11, 2015 meeting.

Changes Made in Staff Recommendation

- Some definitions have been added or subtracted based upon on-going discussion.
- Off-premise signs in all districts will be treated exactly the same as on-premise signs.
- Any regulation of electronic or animated signs is subject to existing State Code and compliance with current Federal and State requirements will be shown on sign permit applications.
- New language clarifies that sign area calculations are per parcel, and may be used as one, or multiple signs.
- Provision for the use of banner signs in business and industrial districts.
- The prohibited section relating to billboards has been removed from Section 74-625 (Prohibited Signs), edited to address “off-premise signs” and moved to Section 74-623 (General Provisions).

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.

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 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.

Menu board means a free-standing sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window.

Off-premise sign means a sign which directs attention to a profession, business, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such sign is located, or on the building to which such sign is affixed.

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

Roof sign means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure, as that term is defined and illustrated in the International Zoning Code.

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 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 and compliance with state and federal laws shall be shown on sign permit applications.
- (8) No wall sign shall extend or be mounted above or beyond the wall of the building.
- (9) Off-premise signs are allowed in any district, and subject to the same regulations as on-premise signs.

(Code 1990, § 14-60C)

Sec. 74-624. Prohibited signs.

- (1) Street banner signs shall be prohibited except as used in connection with civic, patriotic or religious holidays or events.
- (2) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) No trespassing, no hunting and no fishing signs, or signs of similar nature, shall not require sign permits.
- (6) 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. 74-628. Signs permitted in residential land use districts (R-1, R-3 and R-MH) and in recreational area access districts (RA-1).

The following signs shall be permitted in R-1, R-3 and R-MH districts subject to the restrictions stated in this subsection:

One or more identification signs, the total square footage of which shall not exceed 16 square feet. Identification signs contain only the name and address of the dwelling owner or occupant or the name of the home and do not require a permit.

(Code 1990, § 14-60G)

Sec. 74-629. Signs permitted in the R-2, A-1 and A-2 districts.

The following signs shall be permitted in the R-2, A-1, and A-2 districts subject to the restrictions stated in this subsection:

- (1) One or more directional signs, tot total square footage of which shall not exceed 6 square feet, provided any such signs are located no closer than two feet from any road, street, highway or right-of-way.
- (2) One or more identification signs, the total square footage of which shall not exceed 16 square feet. Identification signs contain only the name and address of the dwelling owner or occupant or the name of the home and do not require a permit.
- (3) One or more freestanding signs, the total square footage of which shall not exceed 36 square feet in sign area. The height limit for freestanding signs shall be 20 feet.
- (4) One or more wall signs, the total square footage of which shall not exceed 16 square feet in sign area.

Sec. 74-630. Signs permitted in business and industrial agricultural land use districts (B-1, B-2, B-3, M-1 and M-2)).

The following signs shall be permitted in the B-1, B-2, B-3, M-1, and M-2 districts subject to the restrictions stated in this subsection:

- (1) Directional signs of up to 6 square feet each, provided any such signs are located no closer than two feet from any road, street, highway or right-of-way.
- (2) One or more freestanding signs, the total square footage of which shall not exceed 60 square feet in sign area. The height limit for freestanding signs shall be 35 feet.
- (3) One or more wall or roof signs, the total square footage of which shall not exceed 60 square feet in sign area.
- (4) One or more canopy signs, the total square footage of which shall not exceed 40 square feet in sign area.
- (5) One menu board of up to 30 square feet in sign area.
- (6) One or more banner signs, the total square footage of which shall not exceed 100 square feet in sign area.

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.

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:

Animated sign means a sign employing actual motion or the illusion of motion.

Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. *Flashing.* Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle with periods of illumination and nonillumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.

2. *Patterned illusionary movement.* Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of production repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

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.

Canopy sign means a sign affixed to the visible surface(s) of an attached or free-standing canopy. For reference, see illustration following definitions.

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, and are regulated as any other sign in the applicable zoning district, including the provisions of 74-623.

Construction sign means any sign giving the name or names of principal contractors, architects, engineers and landscape architects and/or lending institutions responsible for construction on the site where the sign is placed.

Development complex sign means a free-standing sign identifying a multiple-occupancy development, such as a shopping center or industrial park, which is controlled by a single owner or landlord.

Directional sign means any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Farm sign, except as otherwise provided in this article, means a sign not exceeding 25 square feet of sign area placed on farm property advertising the sale of agricultural products on the premises or identifying the name of the farming operation.

Fascia sign See "Wall or fascia sign."

Flashing sign See "Animated sign, electrically activated."

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.

Illuminated sign means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

Interior sign means any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs, as defined, are not regulated by this chapter.

Marquee sign See “Canopy sign.”

Menu board means a free-standing sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which is no larger than 30 square feet.

Off-premise sign (including billboards) means a sign which directs attention to a profession, business, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such sign is located, or on the building to which such sign is affixed.

Portable sign means any sign not permanently attached to the ground, a structure or any other sign. A separation of at least 200 feet must be maintained between portable signs.

Projecting sign means any sign which extends in excess of 18 inches beyond any vertical surface of the building which supports it.

Real estate lead-in sign means a directional sign used to provide directions to real estate for sale or lease. Such signs shall not exceed 2.5 square feet in sign area. No more than one real estate lead-in sign per real estate company shall be allowed at any road intersection. Such sign must be removed within ten days after the real estate closing of the subject property.

Real estate sign means any sign which is used to offer for sale or lease the property upon which the sign is placed. Such sign must be removed within ten days after the real estate closing of the subject property.

Roof sign means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. For reference, see illustration following definitions.

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.

Window sign means a sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

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. In the case of temporary signs, no permit is required, however, no temporary or portable sign may be used for a period exceeding 30 days .
- (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; however, flashing may not be used, and no colored lights may be used that could be mistaken for traffic control devices.
- (7) No sign shall be erected or maintained along any road, street, highway or right-of-way that unduly distracts or obstructs the vision of motorists and pedestrians; nor shall any signs by their location, design or materials create hazardous conditions for the public.
- (8) 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.
- (9) No wall sign shall extend or be mounted above or beyond the wall of the building.
- (10) Electronic changeable copy signs are only permitted in business zoning districts and in the R-2 district that surrounds Anderson Highway (Route 60). Electronic changeable copy signs in the R-2 district must front on Route 60.

(Code 1990, § 14-60C)

Sec. 74-624. Prohibited signs.

- (1) Off-premise signs are not allowed in any district.
- (2) Animated signs shall be prohibited.
- (3) Banner signs, except as used for a temporary sign, shall be prohibited.
- (4) Street banner signs shall be prohibited except as used in connection with civic, patriotic or religious holidays or events.
- (5) 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 cut into any masonry surface.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) No trespassing, no hunting and no fishing signs, or signs of similar nature, shall not require sign permits.

(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. 74-628. Signs permitted in residential land use districts (R-1, R-3 and R-MH) and in recreational area access districts (RA-1).

- (a) The following signs shall be permitted in R-1, R-3 and R-MH districts subject to the restrictions stated in this subsection:
 - (1) Identification signs containing only the name and address of the dwelling owner or occupant or the name of the home. Identification signs shall not exceed 16 square feet in sign area and do not require a permit.
 - (2) Freestanding signs, of up to 24 square feet in sign area for non-residential uses. The height limit for freestanding signs shall be 20 feet.
- (b) The following signs shall be permitted in RA-1 districts subject to the restrictions stated in this subsection:
 - (1) Business signs solely for the purpose of advertising the sale or rent of the premises upon which the sign is erected.

(Code 1990, § 14-60G)

Sec. 74-629. Signs permitted in the R-2, A-1 and A-2 districts.

The following signs shall be permitted in the R-2, A-1, and A-2 districts subject to the restrictions stated in this subsection:

- (1) Directional signs of up to 6 square feet total, provided any such signs are located no closer than two feet from any road, street, highway or right-of-way.
- (2) Identification signs containing only the name and address of the dwelling owner or occupant or the name of the home. Identification signs shall not exceed 16 square feet in sign area and do not require a permit.
- (3) Freestanding signs, of up to 36 square feet in sign area for non-residential uses. The height limit for freestanding signs shall be 20 feet.
- (4) Wall signs, of up to 16 square feet in sign area for non-residential uses.

Sec. 74-630. Signs permitted in business and industrial agricultural land use districts (B-1, B-2, B-3, M-1 and M-2)).

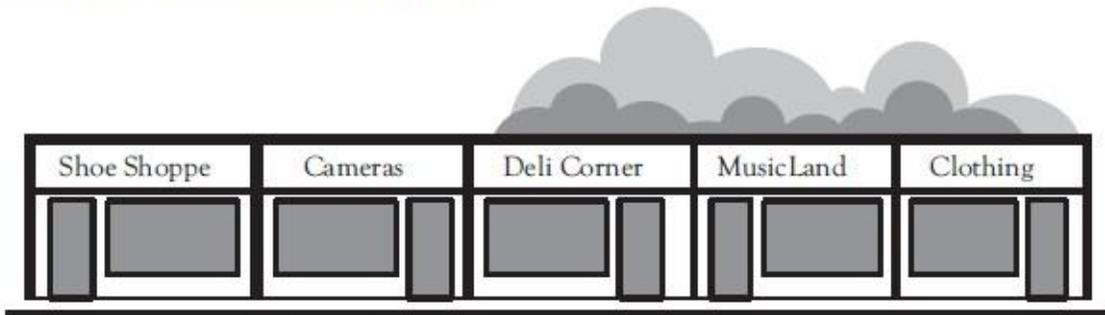
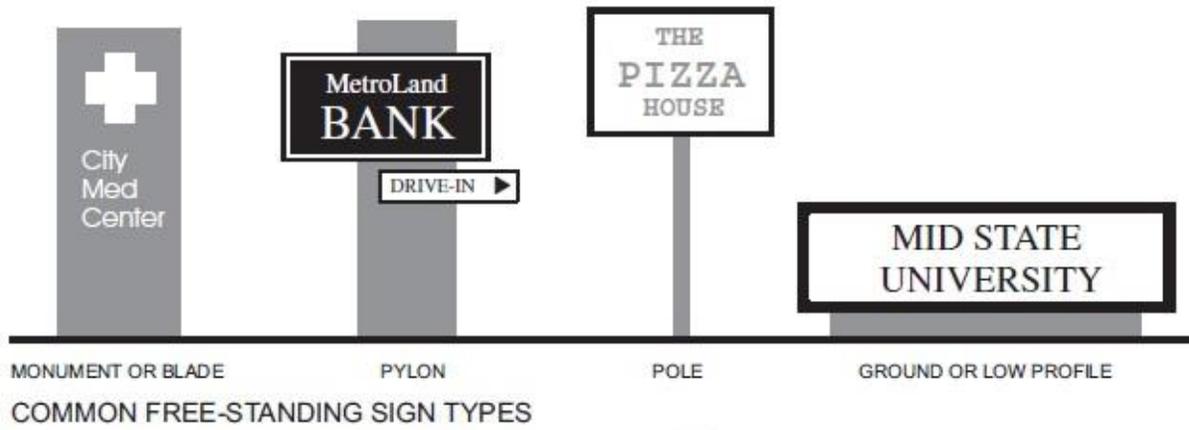
The following signs shall be permitted in the B-1, B-2, B-3, M-1, and M-2 districts subject to the restrictions stated in this subsection:

- (1) Directional signs of up to 6 square feet each, provided any such signs are located no closer than two feet from any road, street, highway or right-of-way.

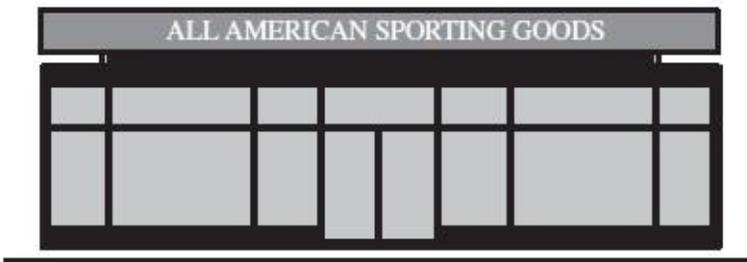
- (2) Freestanding signs, of up to 60 square feet in sign area. The height limit for freestanding signs shall be 35 feet.
- (3) Wall or roof signs of up to 60 square feet in sign area.
- (4) Canopy signs of up to 40 square feet in sign area.

Sec. 74-631 Signs for development complexes.

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 development complex 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.



WALL OR FASCIA SIGNS ON STOREFRONTS



ROOF SIGN

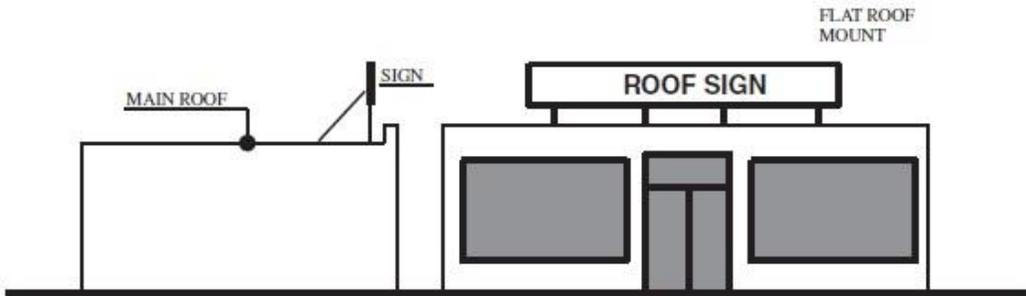


CANOPY SIGN
ON FREE-STANDING CANOPY

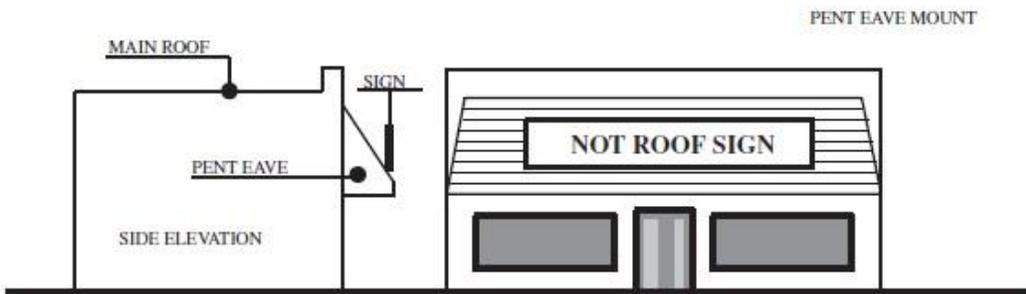
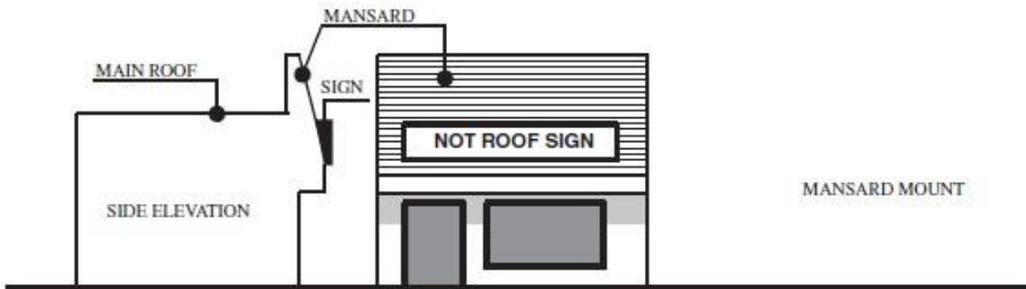
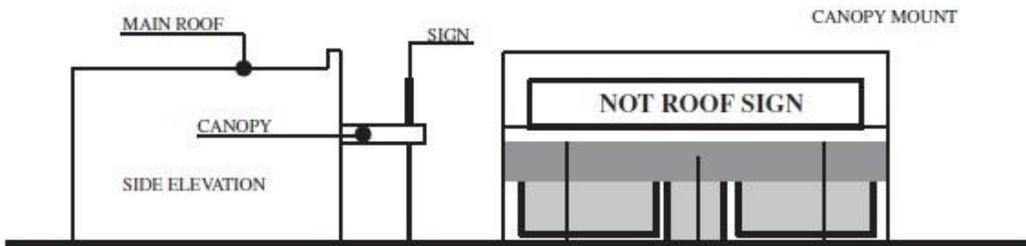


PROJECTING SIGN

ROOF SIGNS



FASCIA SIGNS ON ROOF-LIKE PROJECTIONS



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.



MEMO

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

From: Sara Carter, Planning Director

Date: September 1, 2015

Re: **CUP #15-07 Blue Door Mini Storage**
Tax Map Parcel 96-A-12
Address: Address TBD Plank Road
A-2 Agricultural Zoning
CUP for mini-storage

Michael Yoder is requesting a Conditional Use Permit for a four unit mini-storage facility on an 8.53 acre site on Plank Road, approximately one mile north of Airport Road. The Planning Commission will hold their public hearing on this request on September 21, 2015. **Staff recommends that the Board set a public hearing for October 13, 2015 for a Conditional Use Permit to allow a four unit mini-storage facility on tax map parcel 96-A-12, Address TBD Plank Road.**



MEMO

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

From: Sara Carter, Planning Director

Date: September 1, 2015

Re: **CUP #15-08 Mitchell's Market (Jason Sanchez)**
Tax Map Parcel 89-A-100 and 100A
Address: 2487 Cumberland Road
A-2 Agricultural Zoning with existing CUP's for an automotive garage and a store
Request: CUP for restaurant, brewpub and brewery

Jason Sanchez is requesting a Conditional Use Permit for a restaurant and a brewery in an A-2 district. The property is currently known as Mitchell's Market and is located at 2487 Cumberland Road. The Planning Commission will hold their public hearing on this request on September 21, 2015. **Staff recommends that the Board set a public hearing for October 13, 2015 for a Conditional Use Permit to allow a restaurant and a brewery on tax map parcels 89-A-100 and 100A, Address 2487 Cumberland Road.** There is an associated code amendment with this request (CA 15-10) to add wineries and breweries as conditional uses in the A-2 district. The Commission will consider this amendment concurrently with the Conditional Use Permit.



MEMO

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

From: Sara Carter, Planning Director

Date: August 31, 2015

Re: **Code Amendment to allow cemeteries in the A-2 district as a permitted use**

This code amendment would move family and church cemeteries from the Conditional Use category to the Permitted Use category in the A-2 district. Cemeteries are being considered as a change to address the desire of some citizens to be able to establish family cemeteries on their property. The Planning Commission held a public hearing for June 15, 2015 and recommend approval of this amendment. Staff requests that the Board hold their public hearing at their October meeting.

The Commission's recommended language follows this memo.

Staff recommends that the Board set a public hearing for October 13, 2015, to consider amending the Cumberland County Code in Chapter 74-132, Permitted uses and structures in the A-2 district and 74-2 Definitions.



MEMO

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

From: Sara Carter, Planning Director

Date: August 31, 2015

Re: **Code Amendment to require buffers for commercial development adjacent to residential uses**

This code amendment would require buffers where commercial development is being expanded or redeveloped next to existing residential uses. The Planning Commission recommends language that adds a provision to the Zoning Permit section of the Zoning Ordinance, so that when a commercial use is being expanded more than 50%, or torn down and rebuilt, some buffer will be provided for protection of any adjacent residential properties. The Planning Commission held a public hearing on July 20, 2015, and finalized their recommendation on August 17, 2015.

Staff recommends that the Board set a public hearing for October 13, 2015, to consider amending the Cumberland County Code in Chapter 74-5, Zoning Permits.

- **Sec. 74-5. - Zoning permits.**

(a) Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the administrator.

(b) The commission may request a review of the zoning permit approved by the administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.

(c) Each application for a zoning permit shall be accompanied by ~~three~~ one ~~copies~~ of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of the parcel of land and to the right-of-way of any street or highway adjoining the parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this chapter, a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

(d) Where a zoning permit is for expansion (over 50% of building area) or redevelopment (tear down and rebuilding) of a commercial use, the scale drawing shall show how vegetation, landscaping, fencing, or other means shall provide for a reasonable buffer to any adjacent residential properties. If the property owner is unable to provide a buffer, a waiver may be sought pursuant to Section 74-14.

(Ord. No. 11-05, § c, 7-12-2011)

9/02/15
FUND #-999

GL070
* TREASURER'S ACCOUNTABILITY *

CUMBERLAND CO
BALANCE SHEET
7/31/2015

PAGE 1
TIME 11:27

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
* TREASURER'S ACCOUNTABILITY *					
ASSETS					
100-0000	CASH IN OFFICE	1,000.00			1,000.00
100-0105	C&F BANK - CHECKING	726,006.47	3,344,010.17	3,470,016.64-	600,000.00
100-0115	C&F BANK - INVESTMENT ACCT	2,558,739.44	1,768.42	867,736.31-	1,692,771.55
100-0120	C&F BANK - SAVINGS ACCT	13,966.10	2,144.70		16,110.80
100-0121	C&F BANK-IPR ACCOUNT	14,052.58	.36		14,052.94
100-0122	ESSEX BANK - CD	2,212,083.39			2,212,083.39
100-0124	C&F BANK-FAF(JUSTICE)	20,188.31			20,188.31
100-0125	C&F BANK-FAF (TREASURY)	2,708.27			2,708.27
100-0126	NEW HORIZON BANK-MONEY MKT	681,726.38	202.65		681,929.03
100-0128	C&F BANK-MONEY MARKET ACCT	142,101.19	36.21		142,137.40
100-0129	FIRST BANK	104,106.63	16.98		104,123.61
100-0131	LOCAL GOV INVESTMENT POOL	5,270.37	.65		5,271.02
100-0137	RIVER COMM BANK - CERT. OF DEPOSIT	364,191.10			364,191.10
100-0140	FIRST BANK/SEWER RESERVE	123,390.62	20.12		123,410.74
100-0141	FIRST BANK/WATER RESERVE	18,002.78	2.94		18,005.72
100-0142	C&F BANK/ASSET FORFEITURE (SAF)	55,248.58			55,248.58
100-0143	C&F BANK-IDA RD OES DSR	53,116.59			53,116.59
100-0144	C&F BANK-GOVERNOR'S SCHOOL FUND	439,989.64	180,436.62	78,986.83-	541,439.43
100-0145	C&F BANK-WATERLINE EXT DSR ACCT	3,541.95			3,541.95
100-0146	RETURNED CHECKS	575.87			575.87
100-0155	E & S CONTROL BOND ESCROW	13,406.97			13,406.97
100-0160	**ASSETS**	7,553,413.23	3,528,639.82	4,416,739.78-	6,665,313.27
TOTAL ASSETS		7,553,413.23	3,528,639.82	4,416,739.78-	6,665,313.27
REVENUE FUND BALANCES					
300-0000	GENERAL FUND BALANCE	5,300,476.12-	2,105,914.13	1,499,148.85-	4,693,710.84-
300-0100	ECONOMIC DEVELOPMENT FUND	38,871.00-			38,871.00-
300-0120	ASSET FORFEITURE FUND BALANCE	78,570.16-			78,570.16-
300-0150	HEALTH INSURANCE FUND	714,075.10-	287,995.61	56,635.57-	482,715.06-
300-0170	SOCIAL SERVICES FUND BALANCE		91,014.53	103,106.74-	12,092.21-
300-0201	NCLB FUND	67,443.89		67,443.89-	
300-0203	SCHOOL CONTINGENCY FUND	653,185.59-	653,185.59		
300-0204	SCHOOL FUND BALANCE		462,397.48	794,282.02-	331,884.54-
300-0205	GOVERNOR'S SCHOOL FUND (GSSV)	439,989.64-	78,986.83	180,436.62-	541,439.43-
300-0207	CAPITAL PROJECTS FUND BALANCE	267,322.67-	71,748.75	107.97-	195,681.89-
300-0302	DEBT SERVICE FUND		1,326,755.59	1,326,755.59-	
300-0401	COMPREHENSIVE SERVICES ACT	26,436.87		100,000.00-	73,563.13-
300-0500	UTILITY FUND (WATER/SEWER)	50,805.81	34,209.75	19,954.71-	65,060.85
300-0501	SEWER RESERVE FUND (DSR)	123,390.62-		20.12-	123,410.74-
300-0515	WATER RESERVE FUND	18,002.78-		2.94-	18,005.72-
300-0540	WATERLINE EXT DSR FUND	3,541.95-			3,541.95-
300-0545	IDA OES RD DSR FUND	53,116.59-			53,116.59-
300-0550	IPR FUND BALANCE	14,052.58-		.36-	14,052.94-
300-0580	IDA FUND BALANCE	51,634.70	8,633.60	85,014.00-	24,745.70-
300-0715	SPECIAL WELFARE FUND BALANCE	15,839.48-		419.97-	16,259.45-
300-0733	**REVENUE FUND BALANCES**	7,524,113.01-	5,120,841.86	4,233,329.35-	6,636,600.50-
TOTAL PRIOR YR FUND BALANCE		7,524,113.01-	5,120,841.86	4,233,329.35-	6,636,600.50-
TOTAL REVENUE					

TOTAL EXPENDITURE
TOTAL CURRENT FUND BALANCE

9/02/15 TOTAL LIABILITIES AND FUND BALANCE 7,524,113.01- 5,120,841.86 4,233,329.35- 6,636,600.50-
FUND #-999 *GL070* CUMBERLAND CO BALANCE SHEET PAGE 2
 * TREASURER'S ACCOUNTABILITY * 7/31/2015 TIME 11:27

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
400-0000	**OTHER FUND BALANCES**				
400-0105	OVERPAYMENTS		7.35	7.35-	
400-0110	PREPAID TAXES	13,908.93-	16.43	1,548.98-	15,441.48-
400-0140	COMMONWEALTH DEBIT ACCOUNT		1,800.00		1,800.00
400-0150	COMMONWEALTH CREDIT ACCOUNT	410.00-	2,875.71	2,555.71-	90.00-
400-0160	EROSION & SED CONTROL BOND ESCROW	13,406.97-			13,406.97-
400-0216	ATTORNEY FEES	1,574.32-			1,574.32-
	OTHER FUND BALANCES	29,300.22-	4,699.49	4,112.04-	28,712.77-
		29,300.22-	4,699.49	4,112.04-	28,712.77-
500-0000	**UNCOLLECTED TAXES**				
500-0010	PUBLIC SERVICE CORP. TAXES PP/RE	359,489.19			359,489.19
500-0078	UNCOLLECTED 2015 REAL ESTATE TAX	2,953,035.17	667.92	58,293.91-	2,895,409.18
500-0079	UNCOLLECTED 2014 REAL ESTATE TAX	264,578.77	339.53	9,081.18-	255,837.12
500-0080	UNCOLLECTED 2013 REAL ESTATE TAXES	175,748.36		2,784.02-	172,964.34
500-0081	UNCOLLECTED 2012 REAL ESTATE TAXES	105,441.66		955.82-	104,485.84
500-0082	UNCOLLECTED 2011 REAL ESTATE TAXES	64,938.75		1,218.85-	63,719.90
500-0083	UNCOLLECTED 2010 REAL ESTATE TAXES	34,482.02		1,026.14-	33,455.88
500-0084	UNCOLLECTED 2009 REAL ESTATE TAXES	15,073.65		358.34-	14,715.31
500-0085	UNCOLLECTED 2008 REAL ESTATE TAXES	11,557.95			11,557.95
500-0086	UNCOLLECTED 2007 REAL ESTATE TAXES	8,560.17			8,560.17
500-0087	UNCOLLECTED 2006 REAL ESTATE TAXES	5,197.34		38.96-	5,158.38
500-0150	UNCOLLECTED 2005/2000 REAL ESTATE	8,253.58		31.59-	8,221.99
500-0153	2009 VEHICLE LICENSE TAX				
500-0154	2010 VEHICLE LICENSE TAX	6,523.76		46.00-	6,477.76
500-0155	2011 VEHICLE LICENSE TAX	7,917.32		115.00-	7,802.32
500-0156	2012 VEHICLE LICENSE TAX	7,789.23		253.00-	7,536.23
500-0157	2013 VEHICLE LICENSE TAX	11,510.64		820.02-	10,690.62
500-0158	2014 VEHICLE LICENSE TAX	26,829.17		3,956.19-	22,872.98
500-0159	2015 VEHICLE LICENSE TAX				
500-0172	UNCOLL. 2009 PERSONAL PROPERTY TAX				
500-0173	UNCOLL. 2010 PERSONAL PROPERTY TAX	36,478.04		101.60-	36,376.44
500-0174	UNCOLL. 2011 PERSONAL PROPERTY TAX	38,160.05		153.02-	38,007.03
500-0175	UNCOLL. 2012 PERSONAL PROPERTY TAX	40,431.93		706.26-	39,725.67
500-0176	UNCOLL. 2013 PERSONAL PROPERTY TAX	55,823.27		2,606.77-	53,216.50
500-0177	UNCOLL. 2014 PERSONAL PROPERTY TAX	147,826.56		25,110.45-	122,716.11
500-0178	UNCOLL. 2015 PERSONAL PROPERTY TAX				
500-0200	RESERVE UNCOLLECTED COUNTY TAXES	4,385,646.58-	107,657.12	1,007.45-	4,278,996.91-
500-0400	UNCOLL MISC FEES	3,693.57			3,693.57
500-0401	RESERVE-MISC FEES	3,693.57-			3,693.57-
500-0800	UNCOLLECTED WATER CHARGES	14,817.64	58,077.53	55,952.28-	16,942.89
500-0810	RESERVE UNCOLLECTED WATER CHARGES	14,817.64-	55,952.28	58,077.53-	16,942.89-
500-0900	UNCOLLECTED SEWER CHARGES	25,441.39	56,149.87	49,000.59-	32,590.67
500-0910	RESERVE UNCOLLECTED SEWER CHARGES	25,441.39-	49,000.59	56,149.87-	32,590.67-
500-1009	UNCOLLECTED 2009 ROLLBACK TAX				
500-1010	UNCOLLECTED 2010 ROLLBACK TAX		2.02		2.02
500-1011	UNCOLLECTED 2011 ROLLBACK TAX		1.83		1.83

9/02/15
FUND #-999

GL070
* TREASURER'S ACCOUNTABILITY *

CUMBERLAND CO
BALANCE SHEET
7/31/2015

PAGE 3
TIME 11:27

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
500-1012	UNCOLLECTED 2012 ROLLBACK TAX		1.70		1.70
500-1013	UNCOLLECTED 2013 ROLLBACK TAX		1.56		1.56
500-1014	UNCOLLECTED 2014 ROLLBACK TAX		1.56		1.56
500-1015	UNCOLLECTED 2015 ROLLBACK TAX		1.46		1.46
500-1099	RESERVE-UNCOLLECTED ROLLBACK TAXES			10.13-	10.13-
	UNCOLLECTED TAXES		327,854.97	327,854.97-	
COMMONWEALTH REIMB-PPTRA					
510-2009	COMMONWEALTH REIMB-2009				
510-2010	COMMONWEALTH REIMB-2010	871,639.77		23.65-	871,616.12
510-2011	COMMONWEALTH REIMB-2011	864,150.65		23.31-	864,127.34
510-2012	COMMONWEALTH REIMB-2012	873,743.64		28.46-	873,715.18
510-2013	COMMONWEALTH REIMB-2013	865,666.43		51.39-	865,615.04
510-2014	COMMONWEALTH REIMB-2014	874,104.59	211.26	153.09-	874,162.76
510-2015	COMMONWEALTH REIMB-2015				
510-9999	ESTIMATED COMMONWEALTH RESERVE	4,349,305.08-	279.90	211.26-	4,349,236.44-
	COMMONWEALTH REIMB-PPTRA		491.16	491.16-	
			328,346.13	328,346.13-	
STATE ACCOUNTS					
600-0000	UNCOLL. STATE INCOME TAX-2014				
600-0173	UNCOLL. STATE INCOME TAX-2013				
600-0174	ESTIMATED STATE INCOME TAX-2015		1,300.00	2,343.00-	1,043.00-
600-0185	ESTIMATED STATE INCOME TAX-2014				
600-0186	RESERVE UNCOLLECTED STATE TAXES		2,343.00	1,300.00-	1,043.00
600-0190	**STATE ACCOUNTS**		3,643.00	3,643.00-	
			3,643.00	3,643.00-	
DEBT FUNDS					
700-0000	CERT OF PARTICIPATION -ELEM 97	1,015,000.00		315,000.00-	700,000.00
700-0151	LITERARY LOAN - ELEMENTARY SCHOOL	1,999,999.94			1,999,999.94
700-0221	HIGH SCH/MIDDLE SCH-SUNTRUST LOAN	17,905,000.00			17,905,000.00
700-0222	SEWER LOAN - FARMERS HOME ADM	1,367,189.24			1,367,189.24
700-0226	WATERLINE EXT LOAN-USDA	921,396.56			921,396.56
700-0227	COURTHOUSE LOAN-SUNTRUST	1,818,000.00		209,000.00-	1,609,000.00
700-0231	PUBLIC FACILITIES NOTE-2009	4,135,000.00			4,135,000.00
700-0236	VPSA	8,186,778.00		538,514.00-	7,648,264.00
700-0237	IDA RD LOAN-OES PROPERTY	1,886,606.90			1,886,606.90
700-0239	AMERESCO LOAN	1,056,145.00			1,056,145.00
700-0240	RESERVE DEBT FUND	40,291,115.64-	1,062,514.00		39,228,601.64-
700-0250	**DEBT FUNDS**		1,062,514.00	1,062,514.00-	
			1,062,514.00	1,062,514.00-	

Treasurer's Office

Outstanding Collections Report

August 2015

Real Estate

	As of 7/31/15	As of 8/31/15	Change	% Collected	Abatements/ Exonerations
2000-2005	\$ 8,221.99	\$ 8,021.31	\$ 200.68	2.44%	
2006	5,158.38	5,133.68	24.70	0.48%	
2007	8,560.17	8,547.51	12.66	0.15%	
2008	11,557.95	11,439.35	118.60	1.02%	
2009	14,715.31	14,596.71	118.60	0.80%	
2010	33,455.88	32,459.99	995.89	2.98%	
2011	63,719.90	62,584.85	1,135.05	1.78%	
2012	104,485.84	103,247.58	1,238.26	1.18%	
2013	172,964.34	166,305.64	6,658.70	3.85%	
2014	255,837.12	245,955.35	9,881.77	3.86%	
2015 (First Half)	267,539.88	218,694.15	48,845.73	18.26%	
Total	\$ 946,216.76	\$ 876,986.12	\$ 69,230.64		

Personal Property

	As of 7/31/15	As of 8/31/15	Change	% Collected	Abatements/ Exonerations
2010	\$ 36,376.44	\$ 36,327.23	49.21	0.14%	
2011	38,007.03	37,720.02	287.01	0.75%	
2012	39,725.67	39,021.93	703.74	1.77%	524.30
2013	53,216.50	48,311.13	4,905.37	9.22%	176.07
2014	122,716.11	107,742.23	14,973.88	12.20%	447.52
Total	\$ 290,041.75	\$ 269,122.54	\$ 20,919.21		

Collection Rates - As of August 31, 2015

Real Estate:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	95.57%	95.29%	+ 0.28%
Year 2015 - 1st half	92.11%	91.26%	+ 0.85%

Personal Property:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	96.14%	95.87%	+ 0.27%
Year 2013	98.28%	98.16%	+ 0.12%

Transactions for DMV Select

August 2015

	# Transactions	Total \$	# Helped		# Transactions	Total \$	# Helped
1				17	34	\$986.00	6
2				18	13	\$448.50	5
3	48	\$2,484.74	7	19	26	\$1,200.31	10
4	41	\$2,122.42	6	20	31	\$1,198.23	7
5	21	\$919.83	11	21	36	\$1,993.27	8
6	21	\$952.82	6	22			
7	34	\$1,268.76	12	23			
8				24	45	\$4,325.09	8
9				25	20	\$592.75	10
10	49	\$2,241.47	13	26	41	\$2,000.58	11
11	23	\$527.07	4	27	37	\$1,685.06	4
12	14	\$432.25	7	28	57	\$2,474.89	9
13	20	\$899.50	7	29			
14	35	\$4,988.71	6	30			
15				31	102	\$6,317.85	12
16					748	\$40,060.10	169

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Workshop Meeting
Cumberland County Community Center Rm. C-8
Monday, June 8, 2015
6:30 p.m.**

PRESENT: Bill Burger, District 3, Chairman
Randy Bryant, District 1, Vice-Chairman
Stephen Donahue, District 2
Hubert Allen, District 4
Roland Gilliam, District 5
Irene Wyatt, At-Large
Larry Atkins At-Large
David Meinhard, Board of Supervisors member

ALSO PRESENT: Sara Carter, Planning Director

ABSENT: Vivian Giles, County Attorney/Administrator

CALL TO ORDER AND ROLL CALL

Chairman Burger called the Planning Commission's workshop meeting of Monday, January 26, 2015 to order at 6:00 p.m. and a quorum was established.

APPROVAL OF AGENDA

MOTION:

Commissioner Allen made a motion to approve the agenda. Commissioner Donahue seconded. The motion carried unanimously with a vote of 7-0.

DISCUSSION: BUFFERS

Staff reviewed two separate Ordinance options for buffer requirements (Amherst and Bedford). Amherst regulates buffers in the landscaping section of the Ordinance. Cumberland County does not have a landscaping ordinance. Amherst has a very low intensity Ordinance in relation to other localities that regulate landscaping. Bedford County has a different approach to landscaping with a buffer matrix. They also require a landscaping bond. Staff advised about the time requirement for localities to administer an ordinance of this nature. Staff suggested that an approach that may work for Cumberland would be to require a site plan for new non-residential development and add language to address retention of existing landscaping next to residential development or addition of a landscaping strip. Relief could be granted through the Zoning Ordinance's waiver provision. The Commission discussed the relative merits of the different approaches.

Staff reviewed the circumstances that the Ordinance currently requires site plan review. The concern that the Commission is attempting to address is the situation where there is redevelopment or expansion adjacent to residential uses that does not require any zoning action.

Commissioner Bryant stated that he is concerned about adding too much regulation at one time. He also stated that site specific focus, rather than uniformity would be better.

Commissioner Donahue stated that he is opposed to any further regulation.

Commissioner Wyatt stated that she does not want to deter business and suggested that an emphasis should be placed on using native species.

Commissioner Allen stated that tying the buffer regulation to the site plan process sounded like the appropriate way to handle the process, and agreed that a simple approach would be best.

Commissioner Gilliam expressed concern about the cost for individuals to meet the requirement and stated that it should kept easy.

Commissioner Atkins stated that is should be as light as possible, but still offer some protection to the neighbors. Requirements should be based upon the business type and its impacts.

Commissioner Donahue asked why the burden is solely placed upon the business owner, rather than the residential use. Commissioner Allen answered that the burden needs to be placed on the property where the change of use is occurring.

The Commission discussed what type of developments would need to have a buffer.

The Commission had an extended conversation about what should be the trigger for consideration of a buffer. There was general agreement that a change in use was not sufficient to need a buffer, that there should be a significant expansion or redevelopment to require additional language.

The Commission directed staff to formulate language for discussion and public hearing at a future meeting.

DISCUSSION: COMPREHENSIVE PLAN UPDATE

Staff reviewed the State Code requirements for Comprehensive Plan updates and reviews. Staff suggested that the Commission may want to spend time considering future development potential around Cobbs Creek Reservoir and what the county should be planning for.

Chairman Burger stated that there were many conversations early in the process, but that there had been no substantive conversations since all of the decisions and negotiations has been completed. He said that if the Commission were updated about what is allowed, there should be discussions at that time.

The Commission discussed their questions about the reservoir. The Commission agreed that they would like to discuss this at their workshop meeting in September.

OLD BUSINESS

None.

NEW BUSINESS

None.

GENERAL COMMISSIONER COMMENTS

Commissioner Donahue cautioned the Commission about adding additional regulations. Rarely are regulations removed, only added.

Mr. Meinhard updated the Commission on his efforts to have Route 60 four laned through Cumberland County.

ADJOURNMENT

MOTION:

At 7:48 p.m., Commissioner Allen moved to adjourn to the next Planning Commission regular meeting of Monday, June 15, 2015, at 6:30 p.m. or as soon after as may be heard. Commissioner Gilliam seconded. The motion carried unanimously with a vote of 7-0.

Attested:

Bill Burger, Planning Commission Chairman Date

Sara Carter, Planning Director Date

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Regular Meeting
Cumberland County Community Center Rm. C-8
Monday, June 15, 2015
6:30 p.m.**

PRESENT: Bill Burger, District 3, Chairman
Stephen Donahue, District 2 (arrived 6:32)
Hubert Allen, District 4
Roland Gilliam, District 5
Irene Wyatt, At-Large
Larry Atkins At-Large
David Meinhard, Board of Supervisors member

ALSO PRESENT: Sara Carter, Planning Director
Vivian Giles, County Administrator/Attorney

ABSENT: Randy Bryant, District 1, Vice-Chairman

CALL TO ORDER AND ROLL CALL

Chairman Burger called the Planning Commission's regular meeting of Monday, June 15, 2015 to order at 6:30 p.m. and a quorum was established.

APPROVAL OF AGENDA

MOTION:

Commissioner Gilliam made a motion to approve the agenda. Commissioner Allen seconded. The motion carried unanimously with a vote of 5-0.

APPROVAL OF MINUTES (5/18/2015)

MOTION:

Commissioner Wyatt made a motion to approve the minutes from the 5/18/2015 meeting as presented. Commissioner Allen seconded. The motion carried unanimously with a vote of 6-0.

REZ 15-02 JOHNNY R. ASAL LUMBER

Staff provided an overview of the process to date, including the Conditional Use Permit approved by the Board for the same property at their previous meeting. This rezoning would rezone the lumber yard to M-2, Industrial.

PUBLIC HEARING:

Chairman Burger opened the public hearing.

There were no speakers to the proposal.

Chairman Burger closed the public hearing.

MOTION:

Commissioner Gilliam made a motion to recommend approval of the rezoning to the Board of Supervisors. Commissioner Wyatt seconded. The motion passed unanimously 6-0.

CA 15-08 CHURCHES AND CEMETERIES IN THE A-2 DISTRICT

Staff reviewed the proposed language for allowing churches and cemeteries as permitted uses in the A-2 district.

PUBLIC HEARING:

Chairman Burger opened the public hearing.

There were no speakers to the proposal.

Chairman Burger closed the public hearing.

DISCUSSION:

Commissioner Atkins stated that he liked having a survey required for a cemetery.

Ms. Giles suggested that a setback would be good to have to prevent encroachment on adjacent lots. Five feet (the same as accessory structures) would suffice.

Commissioner Gilliam agreed that a survey would be appropriate.

Commissioner Allen stated that a survey and setback should be mandatory. He further stated that the definitions needed to be improved. Cemeteries should also include mausoleums, columbaria, sprinkling gardens, etc. The definition should include “burial, inurnment, scattering or entombment of human remains.”

The Commission discussed how to word a definition that would address changes in the future. The Commission agreed on “storage place for human remains.” The Commission further discussed setbacks. Commissioner Wyatt suggested that five feet was sufficient, but that a 100 foot setback from active wells would be desirable.

Commissioner Donahue stated that a survey would be wise, but he would not like to see one required. Further, he stated that the State Code language would probably address the well issue, based upon the distance required from neighbor’s homes.

The Commission agreed to update the definitions, require a five foot setback and a survey. The revised language will be discussed at the next meeting. Commissioner Allen further stated that a “cemetery association” should be added to the second definition.

MOTION:

Commissioner Allen made a motion to recommend the changes for churches in the A-2 district to the Board of Supervisors and table the cemetery discussion to next month. Commissioner Donahue seconded. The motion passed unanimously 6-0.

SIGN ORDINANCE DISCUSSION

The Board of Supervisors, at their meeting on June 9, 2015, discussed the Planning Commission's recommendation for the Sign Ordinance. There were some specific concerns on the part of the Board. Staff handed out information received from two Board members outlining what they hoped the Commission would address. The Commission is requested to consider these items and forward any recommendations to the Board for the July meeting.

Chairman Burger asked if there were non-conforming signs that the new Ordinance brought into conformance. Staff answered that the one legal sign that is definitely out of conformity on Route 60. Chairman Burger emphasized that the new Ordinance brings more signs out of non-conformity.

For yard sales, the Commission discussed how yard sales are regulated and what part the sign portion of the Ordinance should have. There was an extended discussion about the timeframe for yard sale signs. The Commission agreed to change the timeframe for yard sale signs to 48 hours, but stated that a definition of a yard sale compared to flea market needed to be added to the Zoning Ordinance.

The Commission discussed regulations about signs on a vehicle and how they are regulated based upon Board comments. The Commission requested that staff rewrite the applicable language to clarify the intent of the Ordinance.

For banner signs, the Commission agreed with the comment of the Board to eliminate the size restriction. For temporary signs, the Commission agreed to remove the 180 day portion of the timeframe, reverting to the language of the current Ordinance.

The Commission agreed to leave the animated sign section the same as the current Commission recommendation.

MOTION:

Commissioner Allen made a motion to leave animated signs with the existing recommendation. Commissioner Wyatt seconded. The motion passed 5-1 with Commissioner Donahue voting against.

The Commission discussed fees and permits and whether fees or permits should be changed, or with a different fee structure for residential or non-profit. The Commission generally felt that a permit enabled citizens to have verification of their legal status for their signs. After discussion, the Commission decided to leave the fee and permit the same.

MOTION:

Commissioner Allen made a motion to leave permit fees as they are. Chairman Burger seconded. The motion passed 5-1 with Commissioner Donahue voting against.

Commissioner Wyatt found a correction that needed to be made. Staff made a note of the correction.

GENERAL CITIZEN COMMENT

Mrs. Carol Miller of Cumberland Road asked about front setbacks for barns and burial structures and if they would be consistent.

OLD BUSINESS

Staff updated the Commission on old business and cases.

NEW BUSINESS

Ms. Giles reviewed the results of the last Board of Supervisors meeting.

GENERAL COMMISSIONER COMMENTS

None.

ADJOURNMENT

MOTION:

At 8:54 p.m., Commissioner Wyatt moved to adjourn to the next Planning Commission meeting of Monday, July 20, 2015 at 6:30 p.m. or as soon after as may be heard. Commissioner Gilliam seconded. The motion carried unanimously with a vote of 6-0.

Attested:

Bill Burger, Planning Commission Chairman Date

Sara Carter, Planning Director Date

**MINUTES OF THE CUMBERLAND COUNTY
PLANNING COMMISSION
Regular Meeting
Cumberland County Community Center Rm. C-8
Monday, July 20, 2015
6:30 p.m.**

PRESENT: Randy Bryant, District 1, Vice-Chairman
Stephen Donahue, District 2
Bill Burger, District 3, Chairman
Roland Gilliam, District 5
Irene Wyatt, At-Large
Larry Atkins At-Large
David Meinhard, Board of Supervisors member

ALSO PRESENT: Sara Carter, Planning Director
Vivian Giles, County Administrator/Attorney

ABSENT: Hubert Allen, District 4

CALL TO ORDER AND ROLL CALL

Chairman Burger called the Planning Commission's regular meeting of Monday, July 20, 2015 to order at 6:30 p.m. and a quorum was established.

APPROVAL OF AGENDA

MOTION:

Commissioner Gilliam made a motion to approve the agenda. Commissioner Wyatt seconded. The motion carried unanimously with a vote of 6-0.

REZ 15-03 ATKINS

Staff provided an overview of the application for rezoning to B-2, Limited Business.

PUBLIC HEARING:

Chairman Burger opened the public hearing.

There were no speakers to the proposal.

Chairman Burger closed the public hearing.

MOTION:

Commissioner Wyatt made a motion to recommend approval of the rezoning to the Board of Supervisors. Commissioner Donahue seconded. The motion passed unanimously 5-0, with Commissioner Atkins recused from the case.

REZ 15-04 SPEARS

Staff reviewed the proposed rezoning of 1875 Anderson Highway to B-1 Business. The existing use as a restaurant is planned to continue, however, the rezoning will allow the business to have signage that is consistent with other businesses. Currently, the property is zoned R-2 with a conditional use permit for a restaurant.

PUBLIC HEARING:

Chairman Burger opened the public hearing.

There were no speakers to the proposal.

Chairman Burger closed the public hearing.

DISCUSSION:

Commissioner Wyatt suggested that there may be other businesses that should be considered for proactive rezoning by the Commission.

Vice-Chairman Bryant agreed with Commissioner Wyatt that staff should review these uses.

MOTION:

Commissioner Gilliam made a motion to recommend the rezoning for approval to the Board of Supervisors. Commissioner Wyatt seconded. The motion passed unanimously 6-0.

CUP 15-06 GILES ROAD CAMPGROUND

Staff updated the Commission as to the status of this application. Mrs. Tyson applied for this permit because of the expense of upgrading the septic system on the Columbia Road property. She has requested an indefinite deferral on this application, due to neighborhood concerns.

Although the application is deferred, the public hearing was properly advertised and the Commission agreed to hear all that were present regarding their concerns.

PUBLIC HEARING:

Chairman Burger opened the public hearing.

Janice Lestine Brown of 20 Giles Road questioned why a campground in the area. It is a peaceful area and it should stay that way.

Katherine Branch of 79 Giles Road stated that the road is only about a half a mile long and she was concerned about bringing strangers into the neighborhood.

Yvette Bowling of 21 Giles Road stated that she would object to placement on their road due to traffic concerns.

Gale Wade of 12 Giles Road stated that everyone on the road knows each other and they have no issues and she disapproves of the request.

Louise Wade of 12 Giles Road was concerned about noise.

Thelma Wade of 12 Giles Road expressed concern about the traffic created by the use.

Cynthia Jones of 28 Giles Road lives adjacent to the property and was concerned about the number of people that would be staying in each camper. The rest of the road is family, and it would not be good to add so many strangers. Additionally, the road is not wide.

Commissioner Wyatt asked how many homes are on the road. Citizens answered eleven or twelve.

Barbara Hinton of Cartersville expressed concern about campers and impacts on adjacent properties.

Chairman Burger closed the public hearing.

DISCUSSION:

Chairman Burger requested that staff send a letter updating the neighbors and directed staff that a new public hearing needs to be held if the application is reopened. Further, he requested that staff update the applicant about the results of the public hearing.

MOTION:

Commissioner Donahue made a motion that the deferral be accepted and a new public hearing be advertised if the application is reopened. Vice-Chairman Bryant seconded. The motion passed unanimously 6-0.

CA 15-09 BUFFERS

Staff updated the Commission about where the buffer requirement language. Staff further stated that they would like to streamline the site plan process. Therefore, the recommendation is to place language in the zoning permit process. There were two options presented.

PUBLIC HEARING:

Chairman Burger opened the public hearing.

There were no speakers.

Chairman Burger closed the public hearing.

DISCUSSION:

The Commission discussed how the Ordinance would work, and where it was likely to be applied. Commissioner Donahue asked if there are places where ten feet of buffer is likely to be unavailable. Staff answered that most places have that much room, except possibly in Cartersville.

The Commission discussed the relative merits of allowing flexibility in the Ordinance as opposed to requiring a set distance for a buffer. Staff also answered a question regarding the language if a 25% expansion was occurring. With the current draft, no buffer would be required. The Commission also discussed whether there should be allowance for not requiring a buffer if the lot is large enough, or if the neighbors approve.

The Commission asked that staff define redevelopment and note that waivers are available to obtain relief from the provision. The Commission will be emailed the revised draft.

MOTION:

Commissioner Donahue made a motion that staff revise the language to include appeal process and specify definition of redevelopment. Vice-Chairman Bryant seconded. The motion passed unanimously 6-0.

GENERAL CITIZEN COMMENT

Mr. Randy Bryant of Cartersville expressed concern over a local business and how it is being kept up and whether it is meeting its zoning requirements.

Mr. Warren Hinton stated that he would like to see the county address zoning violations.

The Commission had a broad discussion regarding code enforcement.

Mrs. Carol Miller expressed the importance of citizen understanding about the challenges of code enforcement.

OLD BUSINESS

Staff updated the Commission on old business and cases.

There was discussion on the draft ordinance for cemeteries in the A-2 district. The Commission suggested that there needed to be the same setback from roads as would be required for buildings.

MOTION:

Commissioner Donahue made a motion that the Commission not recommend approval, as the proposed language is more restrictive than the State Code. With no second, the motion failed.

The code amendment for cemeteries was tabled until the next month.

NEW BUSINESS

Ms. Giles reviewed the results of the last Board of Supervisors meeting.

GENERAL COMMISSIONER COMMENTS

Vice-Chairman Bryant asked if the state budget surplus was going to come back to the localities.

Commissioner Donahue was happy to hear about the Board action on the sign ordinance.

Commissioner Gilliam asked about the tower at John Randolph and Cook Road- is it possible to get service there? Ms. Giles responded that the tower is not county owned.

Chairman Burger commented that the system worked well for the sign ordinance.

ADJOURNMENT

MOTION:

At 7:56 p.m., Commissioner Wyatt moved to adjourn to the next Planning Commission meeting of Monday, August 17, 2015 at 6:30 p.m. or as soon after as may be heard. Commissioner Donahue seconded. The motion carried unanimously with a vote of 6-0.

Attested:

Bill Burger, Planning Commission Chairman

Date

Sara Carter, Planning Director

Date

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 11th day of August, 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
Sara Carter, Planning Director
Tracie Wright, Finance 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. Public Comments

There were no citizens signed up to speak.

6. 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 first day of school was on August 10, 2015
- Administrators are in the process of developing the strategic plan for the School Division
- September 16, 2015 at 7:00 p.m. the schools will hold a forum at the Middle and High School Complex on establishing what the current and future trends in the workforce
- This year there are 10 new teachers, 9 of which have experience
- The Cumberland Ruritans hosted the Annual Convocation Luncheon for the School Division on Tuesday, August 4, 2015.
- The Elementary School Roof has been completed

- b) VDOT

There were no representatives from VDoT present. Ms. Vivian Giles informed the Board that she met with Mr. Scot Shippee, and Mr. Kevin Wright on Monday, August 10, 2015. Ms. Giles informed the Board that House Bill two has passed and provides for

certain funding of transportation projects per district. VDoT representatives are suggesting that the County apply for funding for three projects utilizing these funds.

There is about \$25M of funding for our region. The three projects that they recommend we apply for are 1) alterations to the roadway for a possible turning lane on Rt. 13, Old Buckingham Road at the intersection of Rt. 60, Anderson Highway; 2) The widening of Rt. 60, Anderson Highway through the Courthouse area from Rt. 600, Stoney Point Road, heading east to Rt. 622, Trents Mill Road; and 3) a safety project to be determined after further review of safety records from the County.

c) Cumberland Public Library

Jennifer Beach, Librarian, was not present.

d) Mr. Shannon G. Lewis, Department of Forestry

Cumberland Forester, Mr. Shannon Lewis, presented the Board with the FYE15 annual report, and presented the Board with a check in the amount of \$60,798.09.

e) Preston Willson, Holiday Lake, 4-H Education Center

Mr. Preston Willson, President and CEO of the Holiday Lake 4-H Education Center, Inc. requested \$10,000 from the Board for FYE17. These funds will be added to a special endowment fund where it would be used for the upkeep of the original buildings which were constructed in the late 1930's, and are now a historical district.

7. Public Hearings

a) REZ 15-03 for Larry Atkins

Zoning Administrator, Sarah Carter, informed the Board that this request is to rezone the property from A-2 and R-1 to B-2. Mr. Larry Atkins is proposing to use the existing lot for a pottery and gift shop. The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl and carried unanimously, the Board approved REZ 15-03:

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

b) REZ 15-04 for Ronald and Linda Spears

Zoning Administrator, Sara Carter, informed the Board that this property, 65A3-A-49, 1875 Anderson Highway, is currently zoned A-2 with a CUP for a restaurant. El Jinete, a Mexican restaurant, is currently occupying the building, and has had problems with signage on the property. A previous sign was hit by a delivery truck and the replacement sign that the restaurant would like to construct is not legal in the district. In order to allow additional signs and allow for use flexibility, a rezoning to business must occur. The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved REZ 15-04 for Ronald and Linda Spears:

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

8. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for July 2015 and August 2015.
Approved bills for August 11, 2015 total \$32,038.32.
Ratified bills for July 15, 2015 through August 10,
2015 warrants total \$167,432.91 with check numbers
ranging from 70872 to 71129. Direct Deposits total
\$154,364.31.
 - 2) Approval of Minutes (July 14, 2015)

On a motion by Supervisor Meinhard 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) Draft recommended Employee Manual

County Administrator, Vivian Giles, informed the Board that there were a few minor clerical changes that she had made to the draft employee manual, and one substantive change included verbiage allowing an employee to receive the proposed ten percent pay increase in five year anniversary if their job performance warrants such increase. The Chairman stated that he would not support any pay increase for county employees because of the county's financial circumstances.

Supervisor Osl reiterated that the step increases are dependent upon the Board the funds in the budget annually, and his concern is that there is no separation between increases for exempt employees and non-exempt employees. Supervisor Meinhard stated that the step increases are similar to what the School System employees receive. Supervisor Ingle stated that the step increases and the Education incentive is similar to what the State offers its employees and this may help with County employee retention.

Supervisor Osl made a motion to approve the Employee manual with the exception of section 3-5a. Methods of Salary increases which allows for a step increase for all employees every 5 years. The Board continued to discuss the step increases for employees.

Supervisor Meinhard made a substitute motion, which passed by the following vote, to approve the Employee manual with amending section 3-5a. Methods of Salary increases to change the percentage of the step increase from 10% to 5%:

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

- c) Personal Property Tax Relief Act (PPTRA) Resolution for Calendar year 2015

On a motion by Supervisor Wheeler and carried, the Board approved the 2015 PPTRA rate of 45.11% by the following Resolution:

**RESOLUTION PURSUANT TO
CUMBERLAND COUNTY CODE
§ 58-291(b)**

**ADOPTION OF THE
CALENDAR YEAR 2015
PERSONAL PROPERTY TAX
RELIEF ACT PERCENTAGE TO BE
APPLIED
TO TANGIBLE PERSONAL
PROPERTY**

WHEREAS, Va. Code § 58.1-3524 requires the Governing body of each locality annually to establish a rate at which personal property tax relief is applied to tangible personal property; and

WHEREAS, pursuant to Cumberland County Code § 58-291, the Board is required to establish, by resolution, the percentage of tax relief at such a level that it anticipates to fully exhaust the Personal Property Tax Relief Act funds received from the Commonwealth; and

WHEREAS, the Commissioner of the Revenue has determined that for calendar year 2015, the rate at which the Personal Property Tax Relief Act funds received from the Commonwealth would be exhausted in Cumberland County when applied to tangible personal property is 45.11%.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Cumberland County, Virginia hereby establishes the calendar year 2015 Personal Property Tax Relief Act percentage to be applied to tangible personal property taxed in Cumberland County, Virginia to be 45.11%.

Adopted the 11th day of August, 2015.

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

- d) Water and Sewer Advisory Committee appointment – 5th District; Harry Donahue

On a motion by Supervisor Wheeler and carried unanimously, the Board appointed Mr. Harry Donahue to the Water and Sewer Advisory Committee for a 3 year term expiring August 31, 2018:

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

- e) Appropriation of funds for Utility Department – pump truck purchase

County Administrator, Vivian Giles, informed the Board that as staff has been looking into ways to reduce the cost of leachate disposal, and purchasing a pump truck would be a long term cost savings. Ms. Giles requested the Board appropriate \$45,000 for the purchase of a pump truck. At a cost savings of \$3,805 per month, the expenditure for the truck purchase will be recouped in approximately one year.

On a motion by Supervisor Osl and carried unanimously, the Board approved the issuance of an RFP for a pump truck for the Utilities Department:

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

f) Reappointments to the Industrial Development Authority –

On a motion by Supervisor Osl and carried unanimously, the Board approved the Reappointment of Mr. Lester Nyce, Mr. Fred Shumaker, Mr. Lou Seigel, and Mr. Joe Hazlegrove to the Industrial Development Authority (IDA), each for four year terms expiring August 31, 2019:

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

9. Finance Director’s Report

a) Monthly budget Report

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

b) Budget Transfers

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the budget transfers as presented in the Board packet:

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

c) Revenue Appropriations

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the Revenue Appropriations below:

- 1) Reimbursements received from the school
 - 3-100-001899-0018 \$7,438.41-
 - 4-100-043200-8001 \$7,438.41+
- 2) Circuit Court requests for Technology Fund money
 - 3-100-002307-0001 \$7,400.00-
 - 4-100-021600-3100 \$7,400.00+

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

d) CUCPS Appropriation – \$110,480.55

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the appropriation to Cumberland County Public Schools for \$110,480.55:

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

e) CUCPS Appropriation - \$150,000.00

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the appropriation to the

Cumberland County School Board in the amount of \$150,000.00:

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

- f) Supplemental Appropriation of \$20K for FYE15 funds for Cumberland Volunteer Rescue Squad

A request was made and approved by the Board in May 2015/FYE15 for these funds, but they were not requested until this fiscal year/FYE16. A supplemental appropriation is needed to be able to use these funds in this fiscal year.

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the supplemental appropriation request for \$20,000 to the Cumberland Volunteer Rescue Squad:

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

10. Planning Director's Report

- a) Planning Project update

There was no discussion on the current Planning projects.

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

On a motion by Supervisor Meinhard and carried unanimously, the Board set CUP 15-07 for Blue Door Mini-Storage for September 8, 2015:

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

c) Set public hearing for CA 15-09 Buffers

On a motion by Supervisor Meinhard and carried unanimously, the Board set CA 15-09 for Buffers for September 8, 2015:

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

d) J. Hubert Allen – Reappointment to the Planning Commission

On a motion by Supervisor Meinhard and carried unanimously, the Board appointed Mr. J. Hubert Allen to the Planning Commission for a three year term expiring August 14, 2018:

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

e) CUP 15-06 Giles Road Campground

Planning Director, Sara Carter, informed the Board that Mary Tyson has deferred indefinitely her request for a Conditional Use Permit for a four RV campground on a 3.6 acre parcel of Giles Road, approximately 0.2 miles south of Columbia Road. Should she decide to proceed with the case, the Planning Commission will hold a second public hearing prior to making a recommendation to the Board.

f) CA 15-04 Sign Ordinance

No action was taken on this item. It was the consensus of the Board to table this item until the next regular meeting of the Board.

11. Old Business

N/A

12. New Business

N/A

13. Public Comments (Part 2)

Two citizens voiced concern over county spending. One citizen voiced concern about the condition of Samuel's Drive in Cartersville, the road leading into the Hamilton Transfer Station. This resident requested that the County consider watering the road constantly or paving the road to keep the dust down. Also, there is traffic even on the days when the transfer station is closed. Supervisor Osl mentioned that the Hamilton Transfer Station is the only transfer station in the county that is not hard surfaced, and it is the longest road of the three. He also suggested that a sign that reflects the hours of operation be placed at the corner of Columbia Road and Samuel's Drive.

14. Board Member Comments

Supervisor Ingle thanked Antwan Monroe again for his selfless actions in assisting a citizen in need.

15. Adjourn into Closed Session

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

Pursuant to Virginia Code § 2.2-3711.A.5: Consultation with Legal Counsel

Subject: Community Host Agreement

Pursuant to Virginia Code § 2.2-3711.A.3: Acquisition of Real Property; and

Pursuant to Virginia Code § 2.2-3711.A.6: Investment of Public Funds; and

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

Subject: Purchase of Real Property for Piedmont Regional Jail

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

16. 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.

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 Wheeler and carried unanimously, the Board adjourned the meeting until the next regular meeting of the Board to be held on September 8, 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