

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8th day of May, 2018, at the Cumberland County Circuit Court Room:

Present: Kevin Ingle, District 3, Chairman
Parker Wheeler, District 5, Vice-Chairman
William F. Osl, Jr., District 1
David Meinhard, District 4
Vivian Giles, County Administrator | Attorney
Nicci Edmondston, Assistant County Administrator
JP Duncan, Zoning Administrator

Absent: Lloyd Banks, Jr., District 2

1. Call to Order

The Chairman 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

The Chairman requested to add the following items to the meeting agenda:

5.c. Tom Perry, Emergency Services Director

County Administrator, Vivian Giles, requested to add the following items to the agenda:

16. Adjourn into Closed Meeting
Pursuant to Virginia Code § 2.2-3711.A.4: Protection of the privacy of individuals in personal matters not related to public business;
Subject: November Special Elections
Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with legal counsel;
Subject: Employee assignments

On a motion by Supervisor Wheeler and carried by the following vote, the Board approved the Agenda as amended:

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

5. State and Local Department/Agencies

- a) Dr. Amy Griffin, Superintendent of Cumberland County Public Schools, Dr. Amy Griffin gave the following report to the Board:
 - This week is Teacher Appreciation week
 - Three teachers attended a Superintendents Conference and presented on the topic of why they continue teaching.
 - Senior night was held on May 4, 2018
 - Senior Project Day is May 11, 2018, and school will dismiss at noon.
 - May 12, 2018 is the Southside Virginia Community College graduation. Twenty one seniors will graduate with an associate's degree, while other students will

receive certificates in welding, advanced manufacturing, EMT and auto service.

- Graduation is on May 18, 2018 at 7:00 p.m.
- SOL testing is ongoing
- Bus drivers participated in the Region 8 Bus Rodeo and came in third place.
- One student with FFA placed with a couple ribbons in the Piedmont Junior Livestock show.
- Second graders enjoyed a field trip to Virginia Beach, and fifth graders visited Jamestown.
- Cumberland had its first ever Envirothon Team that competed recently
- The last Partner's Against Bullying Planning Session was held and was productive

b) VDOT

There were no representatives present.

c) Mr. Tom Perry, Emergency Services Director

Mr. Perry stated that a few months ago, the Board requested a Study be done regarding emergency services in the county. The Virginia Fire Services Board requested that the following press release be provided to all members of the public and media.

“There will be a Town Hall Meeting for the residents of Cumberland County, VA on Monday, June 4, 2018 at 6:30 pm in the Circuit Court Room of the Cumberland Courthouse located at 17 Courthouse Rd. The town hall meeting will allow all residents of Cumberland County to discuss their concerns on Fire and EMS service delivery with the study team in an open forum.

Cumberland County Board of Supervisors requested the Virginia Fire Services Board to undertake a study of fire and emergency medical services in Cumberland County. The study will be reviewing several areas of responsibility within the county's fire and rescue services in order to maximize opportunities for improvement and overall enhance

the quality and coordination of Fire and EMS service delivery to its citizens.”

Mr. Perry also informed the Board and those in attendance of an incident at Colonial Pipeline. On May 1, 2018, staff at Colonial Pipeline were made aware of a gasoline leak on the premises. Local and State Agencies were contacted immediately. Volunteers and State Agencies were on site for approximately 28 consecutive hours managing the spill. Once the issue was corrected, the site was reopened. Mr. Perry advised that while the incident was significant in nature, there was no danger posed to county residents.

Supervisor Osl stated that citizens questioned whether the County had a notification system in place to warn citizens of potential dangerous activity. Mr. Perry informed all those in attendance that the County has a notification system in place called Regroup. This is very similar to the Code Red System that was previously in place. County citizens can sign up on the website, or contact the County Administrator’s Office if they do not have internet access.

6. Public Comments

William Bruce asked if the landowners affected by the ACP Pipeline had been consulted or compensated. Why does the budget still say Industrial Development Authority when the name was changed to Economic Development Authority? He also stated that the County has applied for a tobacco grant on Commerce Road because of a business that’s going in. What else is the county going to do for the business? Give them a tax break? Give them the building or land? Why not turn it into a jail?

Mr. Bruce also spoke regarding the Land Use Program stating that just because you can have it doesn’t mean its good. There is no financial benefit to the county, and creates a \$625,000 loss in revenue. Board members and their families are benefiting from the Land Use Program. If the Board does not remove it, Mr. Bruce stated that he will apply to the courts for a referendum. Farmers have to pay taxes too.

Mr. Ron Tavernier stated that the county is about to have a landfill again. Nothing has been put out to the public, and it is within a mile of his house. Mr. Tavernier feels that citizens are having this issue forced down their throat, and the county has become a trash yard, and it is not making a great impression. He also states that the way the Board is going about this is underhanded, and deceitful. The location being cleared is around Muddy Creek, and is in a flood zone. He asked if the citizens were polled, was there a phone call made to residents? Was a form sent out? Was anything done? Why doesn't the Board advertise meetings 10 days prior to the Board meeting?

7. **Public Hearings**

a) CUP 18-01 4Wheel Drive Conversion Specialty

Zoning Administrator, JP Duncan informed the Board that the applicant did not have a site plan turned in to the Planning Commission for their last meeting, The Planning Commission did not make a recommendation to the Board. The Planning Commission will meet again on May 21, and hope to have a recommendation to the Board after that meeting.

On a motion by Supervisor Osl and carried by the following vote, the Board table the public hearing for CUP 18-01 4Wheel Drive Conversion Specialty until June 12, 2018:

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

b) CUP 18-02 El Jinete Mexican Restaurant

Zoning Administrator, JP Duncan, informed the Board that Mr. Ron Spears, applicant for El Jinete, is requesting a

Conditional Use Permit to add an exterior deck for more seating. The proposed deck will displace some parking spots, which will be added in the rear of the lot. The Planning Commission is recommending this to the Board for approval.

The Chairman opened the public hearing. Mr. William Bruce stated that he supports the deck as long as it is safe. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Wheeler and carried by the following vote, the Board approved CUP 18-02 El Jinete Mexican Restaurant:

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

c) CUP 18-03 Kat’s Kennels

Zoning Administrator, JP Duncan, informed the Board that Applicant Kat Melendez is requesting a Conditional Use Permit to provide a kennel for up to 19 dogs at her residence at 226 Ken’s Way, Farmville, VA. There has been no negative feedback from neighbors of the property in question, and the Planning Commission recommends this CUP to the Board for approval.

The Chairman opened the public hearing. The Applicant, Ms. Melendez states that she is in agreeance with the conditions as requested by the Planning Commission. With no citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Wheeler and carried by the following vote, the Board approved CUP 18-03 Kat’s Kennels:

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

8. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for April 2018 and May 2018. Approved bills for May 8, 2018 are \$86,087.27. Ratified bills for April 18, 2018 to May 7, 2018 of warrants total \$657,890.34 with check numbers ranging from 77244-77497. Direct Deposits total \$78,023.88.
 - 2) Approval of Minutes (March 27, 2018, April 10, 2018, April 11, 2018, and April 17, 2018)

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

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

- b) Appropriate funds for FYE19 budget

On a motion by Supervisor Osl and carried by the following vote, the Board appropriated the funds for FYE19 budget:

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

- c) Set public hearing for VDOT Secondary Six Year Plan for FYE19-FYE24

On a motion by Supervisor Meinhard, and carried by the following vote, the Board set a public hearing for the VDOT Secondary Six Year Plan FYE19-FYE24 for June 12, 2018:

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

- d) Resolution for TRRC Grant Application

On a motion by Supervisor Meinhard, and carried by the following vote, the Board approved the Resolution for the TRRC Grant:

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF CUMBERLAND, VIRGINIA**

**VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION
PROJECT ENDORSEMENT RESOLUTION**

May 8, 2018

WHEREAS, the Virginia Tobacco Region Revitalization Commission was created to help foster economic development in the tobacco dependent communities of Southside and Southwest Virginia; and

WHEREAS, the County of Cumberland Board of Supervisors would like to submit (2) two grant applications for a total of \$999,880: a Tobacco Commission Southern Area Economic Development Grant in the amount of \$24,841; and a Tobacco Commission Special Projects Grant in the amount of \$975,039; and

WHEREAS, the said applications will be considered at Tobacco Commission committee and full Board meetings on May 21, 2018 and May 22, 2018 in Farmville, Virginia; and

WHEREAS, these requested funds, if granted, will be used for the design, engineering, and construction of a sewer pump station, and force main/sewer line system at the Cumberland County Business Park on Commerce Road; and

WHEREAS, an existing business that will create 154 jobs intends to locate to the shell building at the Business Park as soon as the building upgrades and infrastructure are complete; and

WHEREAS, the required match for the \$999,880 grant request will be provided through the investment of the business as well as through the escalation in value of the Business Park property, not with an additional cash injection by Cumberland County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for the County of Cumberland, Virginia does hereby support two (2) grant applications totaling \$999,880 to the Virginia Tobacco Region Revitalization Commission for the design, engineering, and construction of a sewer pump station and force main/sewer line system at the Cumberland County Business Park; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Cumberland, Virginia does hereby authorize the chairman of the Cumberland County Board of Supervisors and the county administrator, or either one of them, to sign any and all necessary grant documents to execute and file the grant applications, grant contracts, and grant reports.

Certification

I hereby certify that the foregoing resolution was duly considered by the Board of Supervisors of Cumberland County, Virginia at a regular board meeting in Cumberland, Virginia, at which a quorum was present and that same was passed the 8th day of May, 2018.

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

9. Finance Director’s Report

a) Monthly budget Report

There was no discussion regarding the monthly budget report.

10. Planning Director’s Report

a) Planning Project Update

There was no discussion regarding this item.

11. Old Business

N/A

12. New Business

N/A

13. Public Comments (Part 2)

Mr. William Bruce stated that he has pictures of a part-time employee that has his vehicle at home in Cartersville. He also voiced his issues with the county and responding to FOIA requests. He feels that he is not getting the information he requests in the manner he requests it. He also accused staff of trying to deny him his FOIA rights. Mr. Bruce states that he has asked to have someone other than the FOIA Officer, Stephany Johnson fulfill his FOIA requests, which was denied. He suggested that the county should use the shell building at the Cumberland Business Park as a jail. Mr. Bruce states that there is so much adverse information regarding the proposed landfill, and that the county should let citizens know that they are working on it.

14. Supplemental Information

County Administrator, Vivian Giles, stated that there was a concern raised in regards to the \$400,000 for the ACP pipeline and was that an increase to the county. That amount which is slightly over \$400,000 in revenue is what is being projected by ACP. Cumberland County has no jurisdiction over what was proposed to the land owners that is mostly covered by FERC the Federal Energy Regulatory Commission. The company entered into private agreements with the citizens and they were compensated.

The name change from IDA to EDA has not been changed in our system because that will incur an unknown cost, and is not an easy change to make to the antiquated system that we use. The lack of name change has no legal ramifications.

Ms. Giles states that she reviews every single FOIA response, and staff has exceeded, not just met, the timeline as allowed by FOIA. They have been sent out timely, and the opportunity to view documents has been made to more than one citizen, including Mr. Bruce.

15. Board Member Comments

Supervisor Ingle stated that all negotiations are confidential until such a time where it would not affect the business. At that point and time, the citizens will have full disclosure of all information allowed by law. The Board is not taking money out of the county to put into the building at the Cumberland Business Park. The proposed business will bring 154 jobs to the county, and I think we need to show support for this business coming here. There is no action taken in closed session. There is no permit required for an open burn on a residential property.

16. Adjourn into Closed Meeting-

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

- Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel
Subject: Host Community Agreement
- Pursuant to Virginia Code § 2.2-3711.A.4: Protection of the privacy of individuals in personal matters not related to public business;
Subject: Lease of County Properties
Subject: November Special Election

- Pursuant to Virginia Code § 2.2-3711.A.5: Discussion concerning a prospective business where no previous announcement has been made:
Subject: Development of Cumberland Business Park and development project on Route 60
- Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel
Subject: Development of the Cumberland Business Park and development project on Route 60
Subject: Employee Assignments

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

17. Reconvene in Open Meeting-

The Board returned to regular meeting 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.

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

18. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Monthly Building Inspections Report
- d) Approved Planning Commission meeting minutes – October 23, 2017, November 27, 2017, January 8, 2018, January 22, 2018, February 26, 2018, and March 19, 2018
- e) Approved EDA meeting minutes – N/A

19. Adjourn -

On a motion by Supervisor Wheeler and carried by the following vote, the Board adjourned the meeting until the next regular meeting of the Board on June 12, 2018:

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

Wm. Kevin Ingle, Chairman

Vivian Giles, County Administrator/County Attorney