

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 12th day of June, 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
Lloyd Banks, Jr., District 2
David Meinhard, District 4
Vivian Giles, County Administrator | Attorney
Nicci Edmondston, Assistant County Administrator
JP Duncan, Zoning Administrator

Absent: None

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

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

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

Mr. Banks – aye
Mr. Meinhard – 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:

- Graduation took place on May 18, 2018.
- Cumberland has a 98% graduation rate.
- 52% of the seniors graduated with an advanced studies diploma.
- 21% of seniors graduated with associates degrees.
- Of the 100 seniors, 9 were CNA students, 3 EMT, 4 advanced manufacturing students as well as welders.
- Dr. Griffin provided the Board with a book titled “What School Could Be.”
- Dr. Griffin reviewed the different summer school programs offered to students.

b) VDOT

Ms. Carrie Shephard provided a short maintenance update which included the following:

- Mowing on secondary roads is still ongoing.
- Mowing on primary roads will begin soon.
- Hard surfacing on Rural Rustic roads with funding this fiscal year will also begin soon.

Supervisor Banks asked about Bransford Road. Ms. Shephard stated that it is on the SSYP for FYE2019.

c) Ms. Tiffany Booker, Victim Witness Program Coordinator

Ms. Booker reviewed with the Board a report of the duties of her position and what she has accomplished since beginning this Program in Cumberland. Ms. Booker also requested a 25% salary increase which would be paid for with grant funds, and no local funds.

d) Maegan Lewis, Cumberland County Public Library

Ms. Lewis provided the Board with a report on recent events which include:

- Summer Reading Program began June 4, 2018.
- Carnival Night on Monday, June 18, 2018.
- Adam Miller will sing on Monday, June 25, 2018.
- Presentation from the Virginia Living Museum on Monday, July 9, 2018.
- Ms. Lewis requested that the replacement of heat pumps be included in the next Capital Improvement Program.

e) Resolution for the service of Sarah “Kate” Spry

On a motion by Supervisor Osl, and carried unanimously, the Board approved a Resolution for the Service of Sarah “Kate” Spry:

**RESOLUTION OF APPRECIATION
UPON THE RETIREMENT OF SARAH “KATE” SPRY**

WHEREAS, Sarah Spry has dedicated twenty (20) years of service to the citizens of Cumberland County; and

WHEREAS, Kate Spry began her career in the Cumberland County Circuit Court Clerk’s Office on the first day of May, 1998; and

WHEREAS, in January of 2014, Mrs. Spry was appointed as the Clerk of the Circuit Court, and was subsequently elected to that position in November of 2014; and

WHEREAS, while serving the citizens of Cumberland County as Clerk of the Circuit Court, Mrs. Spry earned the title of Certified Circuit Court Clerk from the University of Virginia, Weldon Cooper Center for Public Service; and

WHEREAS, Mrs. Spry has served Cumberland County and her citizens with dedication, professionalism and integrity as the Circuit Court Clerk, meticulously safeguarding and preserving the County records; and

WHEREAS, Mrs. Spry oversaw a number of grants and projects leading to improved service to citizens, improved security of the court's records, and improved functioning of the courtroom; and

WHEREAS, Kate Spry is a devoted mother and grandmother, and has been a respected colleague of county staff for many years.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors, through this resolution, expresses its high regard and deep appreciation for the service that Sarah "Kate" Spry has performed for the County of Cumberland over the past twenty (20) years and wishes her many years of happiness in her retirement.

ADOPTED the 12th day of June, 2018.

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

6. Public Comments

Ms. Teresa Dabney stated that she volunteered with the Cumberland Volunteer Rescue Squad for ten years and is in support of the Emergency Services Contract with ESS. Ms. Janet Habel asked what plans VDOT has to address the traffic associated with the proposed Green Ridge Facility. She also stated that lives will be endangered and lost as a result of the increased traffic.

Mr. Bill Bruce asked the Board how many people they had notified about the proposed Green Ridge Facility. He also questioned why the Cartersville Volunteer Fire Department

Building, Shell Building on Commerce Road, and the landfill were not put out to bid. Ms. Kim Lightfoot asked the Board why Fire and Rescue Agencies were not notified of Mr. Tom Perry's resignation. This is quite a loss for Cumberland County. Mr. Larry Thompson stated that the youth league needs improvements and the existing fields need upgrades. He asked the Board if they would approve of a private group of people constructing additional practice fields for the youth. He also asked the board to look into the Green Ridge Facility project diligently and take their time.

7. Public Hearing Notices/Set Public Hearings

- a) Ratify the public hearing and set a public hearing for CUP 18-04 Shirley Barksdale

On a motion by Supervisor Osl and carried unanimously, the Board ratified the public hearing notice, and set the public hearing for June 12, 2018:

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

- b) Ratify the public hearing notice and set a public hearing for CUP 18-06 and REZ 18-03 for Green Ridge Recycling and Disposal Facility for June 28, 2018

On a motion by Supervisor Wheeler and carried by the following vote, the Board ratified the public hearing notice and set CUP 18-06 and REZ 18-03 for Green Ridge Recycling and Disposal Facility for June 28, 2018:

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

8. Public Hearings

a) CUP 18-04 Shirley Barksdale

Zoning Administrator, JP Duncan, informed the Board that the applicant, Mrs. Shirley Barksdale, applied for a conditional use permit to allow for a deck that was built that does not meet the setback requirements. The contractor that built the deck did not obtain a building permit or zoning permit. The Conditional Use Permit will give the applicant relief from the ordinance.

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

On a motion by Supervisors Banks, and carried unanimously, the Board approved CUP 18-04 Shirley Barksdale:

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

b) VDOT Secondary Six Year Plan (SSYP) FYE19-FYE24

Ms. Carrie Shephard reviewed the priorities on the existing plan.

The Chairman opened the public hearing. Mr. Tim Kennell asked if the new proposed landfill entrance has been considered in the plan. Mr. Kennell also stated that the proposed relocation of Miller Lane and Pinegrove Road should be at the expense of the company, not the taxpayers. The Chairman then closed the public hearing.

Supervisor Banks stated that the proposed landfill has not been approved, and if it is approved, construction is still many years down the road. He does not want the residents of Miller Lane to be penalized as a result of that project. Supervisor Banks requested that the plan to be left as it is, including Miller Lane.

On a motion by Supervisors Banks, and carried unanimously, the Board approved VDOT Secondary Six Year Plan for FYE19-FYE24 as presented:

RESOLUTION

SIX-YEAR ROAD PLAN AND CONSTRUCTION PRIORITY LIST

At a regular meeting of the Board of Supervisors of the County of Cumberland, held at the Cumberland County Courthouse, on June 12, 2018, at 7:00 p.m.:

Members present were:

William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2,
Kevin Ingle, District 3, Chairman
David Meinhard, District 4
Parker Wheeler, District 5, Vice-Chairman

On a motion by Supervisor Wheeler and carried:

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2018/19 through 2023/24) as well as the Construction Priority List (2018/19) on June 12, 2018 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Scot Shippee, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan

for Secondary Roads (2018/19 through 2023/24) and the Construction Priority List (2018/19) for Cumberland County,

NOW, THEREFORE BE IT RESOLVED, that since said Plan appears to be in the best interest of the Secondary Road System in Cumberland County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2018/19 through 2023/24) and Construction Priority List (2018/19) are hereby approved as presented at the public hearing.

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

c) CUP 18-01 4Wheel Drive Conversion Specialty

Zoning Administrator, JP Duncan, informed the Board that the purpose of the CUP is to operate off-site collection, transportation and disposal of solid waste, to operate a junkyard, to engage in the outdoor display and sale of carports, and to operate a Porta-John business. The CUP governing this property was revoked, and the business operating on this property has been in violation of the county code since the revocation. The Planning Commission recommended approval of the application with the conditions presented. The site plan provided shows the required 8 foot fence to be built, and Mr. Duncan is afforded 120 days to build the fence.

The Chairman opened the public hearing. Mr. Rick Boyer, Mr. Duncan's Attorney, was in attendance on his behalf. Mr. Boyer confirmed that the issue of the location of the fence has been addressed. He also thanked the Planning Commission, Supervisor Meinhard, and county staff for working with him and his client. With no additional citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl, and carried unanimously, the Board approved CUP 18-01 4Wheel Drive Conversion Specialty as presented with conditions:

1. This conditional use permit is applicable to the site specified on the site plan. If the business which is the subject of this conditional use permit ceases to operate for a period of 90 days or longer, this conditional use permit shall terminate.

2. A 2018 site plan that is stamped by a licensed surveyor (hereinafter the 2018 site plan) must accompany the application and must include in detail all buildings and improvements currently located on the property and those to be added to the property, including, but not limited to, dimensions and materials, minimum line of sight, and sight distances. No structures or vehicles may be located within one foot of the minimum line of sight, and the applicant shall grant an easement to the Virginia Department of Transportation, if needed, in order to maintain this setback in perpetuity. A deviation from the site plan in any respect, including, but not limited to, a deviation in the dimensions of any improvement, the material used in any improvement, or lines of site and sight distances, shall constitute a violation of this conditional use permit and the permit shall terminate immediately upon the violation, subject to the terms set forth in paragraph 8 below; except that a deviation from the site plan required by any federal, state, or local agency shall constitute an approved amendment to the site plan, not a violation of the conditional use permit, and accordingly shall not cause a termination of this conditional use permit. Within 120 days from approval of the CUP by the Board of Supervisors, all items and improvements shown on the approved site plan must be completed.

3. All port-a-john units shall be located at all times in a designated storage area behind screening as shown and approved on the 2018 site plan. Screening shall be provided and properly and permanently maintained as shown on the site plan. Failure to locate all port-a-john units in the designated area or to properly maintain the approved screening, either one or both, shall constitute a violation of the conditional use permit and the said permit shall terminate immediately upon the existence of the violation, subject to the terms set forth in paragraph 8 below.

4. Vehicles transporting port-a-johns or waste of any kind may not be parked at any time in the open area in front of the principal structure on the site, as shown and so described on the 2018 site plan, except that such vehicle may be parked in the said open area temporarily for a total cumulative period of no longer than 30 minutes on any work day during normal business hours while the business is open. At all other times while on the site, trucks transporting port-a-john units or waste of any kind, or both, must be parked behind screening as shown on the 2018 site plan. Vehicles of customers, visitors, vendors and employees may be parked in the open area. Loading and unloading of port-a-johns must be conducted behind screening as shown on the 2018 site plan and may be conducted only between 5:30 AM and 10:30 PM unless an extreme emergency exists,

of which the zoning administrator must be notified no later than two business days following the emergency. Whether a situation constitutes an extreme emergency shall be at the sole discretion and determination of the zoning administrator. Screening for this purpose shall be provided and properly and permanently maintained as shown on the 2018 site plan; failure to locate all vehicles transporting port-a-johns or waste of any kind in the designated area or to properly maintain the approved screening, either one or both, shall constitute a violation of the conditional use permit and the said permit shall terminate immediately upon the existence of the violation, subject to the terms set forth in paragraph 8 below.

5. All artificial lighting shall be directed away from adjoining properties and the adjacent public highways.

6. The permit holder shall, at all times, comply with all applicable federal, state, and local statutes, codes, regulations, and ordinances. A violation at any time of any federal, state, or local statute, code, regulation, or ordinance shall constitute a violation of this conditional use permit, regardless of whether enforcement action of the violated law, regulation, or ordinance is undertaken or is successful. This conditional use permit shall terminate immediately upon such violation, subject to the terms set forth in paragraph 8 below.

7. Parking of vehicles on adjoining properties for the purpose of taking on water on those vehicles shall be allowed; provided, however, that those vehicles shall not be allowed to remain on the adjoining properties once the loading of water is concluded and provided those adjoining properties are in full compliance with all federal, state, and local statutes, codes, regulations, and ordinances.

8. Noncompliance with any one or more of the conditions set forth in this conditional use permit shall cause the conditional use permit to terminate immediately upon the existence of the violation; provided, however, that the permit holder shall be given notice of any asserted violation, and if the violation of any one or more conditions may be remedied, the applicant shall have a reasonable opportunity to correct the violation within 30 days of being notified of the violation, or a longer period, if reasonable as determined at the sole discretion of the zoning administrator.

9. Renewal of conditional use permit: Regular renewal of the conditional use permit is required to demonstrate continued compliance. Such renewals shall be subject to providing documentation from each referring state and local agency as to the applicant's performance and compliance with the criteria used to approve the use, as well as a review of any code infractions and/or violations. Renewal of the conditional use permit is required:

- a. 1 year after approval.
- b. 2 years after approval.

- c. 5 years after approval and every five years thereafter.
- d. Upon noncompliance of any condition on three occasions in any 12-month period.

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

9. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for May 2018 and June 2018. Approved bills for June 12, 2018 are \$106,218.94. Ratified bills for May 9, 2018 to June 11, 2018 of warrants total \$353,761.58 with check numbers ranging from 77460-77678. Direct Deposits total \$158,278.74.
 - 2) Approval of Minutes (May 8, 2018)

On a motion by Supervisor wheeler 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) Approve contract for water tower with Southern Corrosion

Assistant County Administrator, Nicci Edmondston, informed the Board that this item was due to inspection requirements with the Virginia Department of Health Standards. A request for bids was advertised in September 2017, and bids were received in October 2017. Southern Corrosion was the only bid received that was fully compliant with the RFP. Further negotiations with Southern Corrosion presented an opportunity to maintain the elevated water

tank and 10X30 ground storage tank with the inclusion of the required interior and exterior cleaning and painting along with the required annual reporting to the Virginia Department of Health. Proposed cost to the county is approximately \$23,000 annually.

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved a contract with Southern Corrosion Engineered Tank Care Water Management Schedule:

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

c) Contract for Emergency Services

County Administrator, Vivian Giles, informed the Board that staff is requesting the Board extend the current contract with Emergency Services Solutions for one year. Supervisor Wheeler asked for a status update on revenue recovery. Ms. Giles responded that it is not where the county was hoping it would be at this point. Supervisor Banks asked when the county plans to consolidate Fire and Rescue Services in order to save county funds.

On a motion by Supervisor Wheeler, and carried unanimously, the Board extended the contract with Emergency Services Solutions for one year expiring June 30, 2019:

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

d) Opioid litigation analysis

County Administrator, Vivian Giles, informed the Board, that the county had been contacted by two law firms about the possibility of joining in an opioid litigation review. The purpose is to quantify the costs incurred by the county annually that are related to the opioid crisis in this county. If those costs are substantial, litigation would be warranted; if not, litigation would not be initiated. Supervisor Banks requested to have verbiage added to stipulate that if the litigation is unsuccessful, there would be no cost to the county.

It was the consensus of the Board to table action on this item until the language was amended to clarify that no county funds would be required if the litigation was unsuccessful.

e) Appoint Liz Dunn to the Social Services Board

On a motion by Supervisor Meinhard, and carried unanimously, the Board appointed Liz Dunn to the Social Services Board:

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

f) Mutual Aid Agreement with the Town of Farmville for Fire & EMS Services

It was the consensus of the Board to table action on this item until the next regular meeting of the Board July, 10, 2018.

10. Finance Director's Report

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

- b) Request for Appropriation for additional funding for the 2017-2018 School Year - \$219,487.85

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation in the amount of \$219,487.85 to the School System:

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

- c) Request for Appropriation for Youth League - \$1,464.00

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation in the amount of \$1,464.00 to the Youth League:

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

- d) Request for Appropriation for Youth League - \$3,300.00

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation in the amount of \$3,300.00 to the Youth League:

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

e) Request for Appropriation for Clerk of Circuit Court - \$523.53

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation in the amount of \$523.53 to the Circuit Court Clerk's Office:

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

f) Request for Appropriation for Clerk of Circuit Court - \$693.65

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation in the amount of \$693.65 to the Circuit Court Clerk's Office:

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

g) Request for Appropriation for Clerk of Circuit Court - \$600.00

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation in the amount of \$600.00 to the Circuit Court Clerk's Office:

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

- h) Request for Appropriation for Clerk of Circuit Court - \$2,448.00

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation in the amount of \$2,448.00 to the Circuit Court Clerk's Office:

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

11. Planning Director's Report

- a) Planning Project Update

There was no discussion regarding this item.

- b) Set public hearing for CUP 18-05 Cobbs Creek Substation

On a motion by Supervisor Banks, and carried unanimously, the Board set a CUP 18-05 Cobbs Creek Substation for public hearing on July 10, 2018:

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

12. Old Business

N/A

13. New Business

N/A

14. Public Comments (Part 2)

There was one citizen signed up to speak but that citizen declined.

15. Supplemental Information

N/A

16. Board Member Comments

N/A

17. 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.1: Personnel
Subject: Assignment of duties and reorganization – multiple departments
- Pursuant to Virginia Code § 2.2-3711.A.4: Protection of the privacy of individuals in personal matters not related to public business;
Subject: Elections and leave time

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

18. 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 - aye
	Mr. Ingle - aye	Mr. Meinhard - aye
	Mr. Wheeler - aye	

19. Additional Information

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

20. Adjourn -

On a motion by Supervisor Banks and carried by the following vote, the Board adjourned the meeting until June 28, 2018 at 7:00 p.m. in the Cumberland Elementary School for public hearings on the proposed Green Ridge Recycling and Disposal Facility:

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

Wm. Kevin Ingle, Chairman

Vivian Giles, County Administrator/County Attorney