

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 28th day of June, 2018, at the Cumberland County Elementary School:

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
JP Duncan, Zoning Administrator

Absent: Nicci Edmondston, Assistant County Administrator

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 with the following amendments:

ADD-

2. Approval of Agenda
5. Landfill Revenue Policy

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

5. Department of Social Services Supplemental Appropriation request

On a motion by Supervisor Osl, and carried unanimously, the Board approved the appropriation request of \$3,804.64, contingent on there being no local funds in the appropriation:

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

5. Public Hearings

- a) Rezoning request (REZ 18-03 Green Ridge Facility)

Darren Coffey, Planning Consultant/Staff representative, informed the Board that William Shewmake on behalf of CWV Land Acquisition, LLC and Green Ridge Recycling and Disposal Facility LLC, have applied for rezoning of approximately 15 tax parcels of undeveloped land north of Route 60, near the Powhatan/Cumberland line. The applicant is requesting rezoning from A-2/R-2 to M-2, Industrial, for the purpose of developing a recycling and waste disposal facility. The proposed use falls within a Moderate Density growth area along the Route 60 corridor as well as undesignated/agricultural land north of the corridor as shown on the Future Land Use Map of the 2013 Comprehensive Plan.

The proposed use of the subject property is compatible with the intent of the M-2 zoning district. Further, the applicant's first proffer limits the permitted uses to only those specified in the proffer that are associated with the primary use.

Proffered Conditions:

1. The permitted uses of the Property include the operation of a sanitary landfill (The Landfill), authorized to accept municipal solid waste, institutional waste, certain industrial wastes, approved special waste, and construction and demolition debris as defined pursuant to the Virginia Waste Management Act ("Act") (VA. Code § 10.1-1400 et. seq. and Virginia Solid Waste Management regulations (9VAC20-81) ("Regulations"). Permitted related and accessory uses to the Landfill, include, without limitation, borrow areas, soil stockpiles, scales and scale house, office, maintenance facility, leachate management system, gas management system including beneficial usage, stormwater management system, trailer storage, parking, convenience center and recycling facilities, storage, transfer stations, composting operations, fuel storage, and equipment storage. Additional permitted uses also include gas collection, generation, and sales, power plants related to the generation and conversion of gas from the Landfill, hydroponics and greenhouses (including for wholesale and retail sale). All other uses that are not related or accessory to the above uses that are allowed as a matter of right in an M-2 zoning district are excluded.
2. Any relocation of Route 654 or 685, as generally shown on the master plan is subject to review and approval by VDOT and subject to any conditions or requirements of VDOT. Any such relocation and improvements shall be at the expense of the owner.

As part of the conditional rezoning, these proffers are legally binding and enforceable. The Planning Commission recommended denial of the application by a vote of 4-2-1.

Mr. William Shewmake, on behalf of the applicant, gave a PowerPoint presentation regarding the proposed project. (a copy of the presentation is included in the official meeting file of the Board)

The Chairman opened the public hearing.

- Mr. Robert Bishop stated that he is grateful for truckers, and that if the landfill is approved, there will be a slaughter on Route 60.
- Mr. Roger Hatcher stated that he supports the rezoning with the suggested conditions. He stated that the compensation for adjoining landowners needs to be adequate.
- Mrs. Evelyn Hatcher states that this is a difficult decision, but consideration needs to be given to the economic situation of the county. Let's all be neighbors. She supports the project.
- Ms. Beverly Speas is concerned with the existing transfer stations should the landfill come to fruition. She also asked the Board to slow down the process and not to vote tonight.
- Ms. Evelyn Kimbrough spoke about democracy and allowing profit over other considerations.
- Mr. Nicholai Jerome stated that he and others would fight the county and opposed the project.
- Mr. Bill Bruce asked what the urgency was. What was behind the negotiations? Who set the proffers? Has anyone in County Waste been under investigation?
- Ms. Marie Blevins said that the board does not speak for her, the people have the right to vote.
- Mr. Christopher Salerno voiced concerns with the traffic impact and health issues. Mr. Salerno stated that there is no guarantee that the landfill will not leak.
- Ms. Christal Schools stated that Ragnar Gunnerson is out of town and spoke on his behalf and voiced her own concerns. The Comprehensive Plan is insufficient on the issue of a landfill. County Waste picked this county. You are a target.
- Ms. Comoria Crews stated that she is displeased with the county regarding this project. The trucks are going to kill school children and all you can see is the money.

- Mr. James Riddle signed up to speak but passed on the opportunity
- Mrs. Shelley Riddle stated that she went door to door to inform citizens of the project. The ACP pipeline is coming through and some citizens still don't know about that project.
- Mrs. Debbie Bruce signed up to speak, but passed on the opportunity.
- Mr. Mo Duncan stated that the Board is deceiving night riders.
- Mrs. Catherine Fleischman shared that she has spent most of her life in Cumberland and moved back here for the rural way of life. Citizens need to protect the environment and recycle. She states that she is willing to pay higher taxes.
- Mr. William Kinney signed up to speak but passed on the opportunity
- Ms. Amanda Davis signed up to speak but passed on the opportunity.
- Mr. Jacob Davis stated that we are selling our kids' inheritance for this. They plan to cover the landfill with fly ash which is burnt coal. The recreational fund is nominal.
- Ms. Geralyn Tavernier signed up to speak but passed on the opportunity.
- Ms. Susan Haigh signed up to speak but passed on the opportunity.
- Ms. Paula Duncan stated that it is good to seek economic development, but she urges them to seek an alternative. Seek sustainable development instead, and consider the impact on the people
- Mr. Butch Pond spoke in opposition of the landfill.
- Mr. Patrick Born spoke about his concerns with the loss of value to his property, nuisances, and negative environmental impacts. The conditions in place are not sufficient.
- Mrs. Victoria Ronnau stated that the company cannot be trusted

- Mr. Bub Ronnau stated that the trees that are supposed to buffer the landfill will not be tall enough.
- Mr. Larry Chitty stated that there are more people at the meeting in opposition of the landfill than for the landfill.
- Mr. Ronald Tavernier stated that the company is wrong with the water flow data.
- Mr. Doug Cosby stated that he is a hunter in the county and is opposed to the landfill. The James River and the Chesapeake Bay will be contaminated.
- Ms. Jill Pestka stated that she is an ecologist from Penn State, and that the water has to go somewhere and it will be contaminated.
- Ms. Barbara Rivera signed up to speak but passed on the opportunity.
- Mr. Richard Pelletier expressed his opposition to the landfill. He stated that the board is not trying to help people live healthier lives.
- Mrs. Victoria Kinney signed up to speak but passed on the opportunity.
- Ms. Rachel Iga signed up to speak but passed on the opportunity.
- Mr. Cecil Youngblood stated that the landfill will contaminate the James River and that people will die on Route 60.
- Mr. Jerry Conner stated that he works on the ACP and his company builds dumps and does maintenance on the Amelia Landfill. Please table the vote until you have more information.
- Mrs. Alice Youngblood is concerned with school buses, postal workers, environment, and this would make Cumberland less attractive.
- Mr. Artour Saakian stated that the same promises were made in the North East and the same players made repeated and serious violations. The contract does not specifically prohibit several types of waste. The Host Agreement does not address concerns, and those concerns need to be addressed.

- Ms. Cynthia Booten stated that she is concerned with traffic and fly ash.
- Mr. Carson Tucker, Chairman of the Powhatan County Board of Supervisors, expressed concerns with traffic which will affect the residents of Powhatan.
- Mr. Kenneth Pestka signed up to speak but passed on the opportunity.
- Mr. Howie Eckert expressed his concerns with water quality.
- Ms. Melinda White urged the Supervisors to study this project more thoroughly.
- Hr. Jeff Hough signed up to speak but passed on the opportunity.
- Ms. Janet Habel requested the Board vote against the project. Her concerns are with geology, wetlands, and environmental issues.
- Ms. Amber Broughman signed up to speak but passed on the opportunity.
- Mr. Kevin Halligan stated that no compensation is just; there is not enough money.
- Mr. Bruce Allen says he has been lied to and the presentation was deceitful.
- Mr. John Gibree stated that the beauty of Virginia will be destroyed by the landfill.
- Mr. John Habel asked why the Board would do business with an LLC?
- Ms. Barbara Speas stated that the landfill will endanger the lives of all Cumberland residents; please vote no.
- Ms. Pat Speas voiced her concerns with traffic and water impacts.
- Mr. Will Hatcher is in favor of the landfill but asks the Board to protect the property owners with a purchase guarantee.
- Mr. Bill McGonigal stated that he was disappointed in the Board for passing a budget with a deficit. He also said that water contamination is a concern and someone is going to die.

- Ms. Linda Bryant Smith asked the Board if the landfill was at their front door would they approve the project then?
- Mr. Mark Erdman voiced concerns with health, environmental, and safety issues.

With no additional citizens signed up to speak, the Chairman then closed the public hearing. Chairman Kevin Ingle stated that he did not have knowledge of the project a year ago, or a year and a half ago, like has been suggested.

On a motion by Supervisor Osl, and carried unanimously, the Board tabled action on this item until after the CUP 18-06 public hearing.

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

b) Conditional Use Permit (CUP) 18-06 Green Ridge Facility

Darren Coffey, Planning Consultant/Staff representative, informed the Board that William Shewmake on behalf of CWV Land Acquisition, LLC and Green Ridge Recycling and Disposal Facility LLC, applied for a conditional use permit for approximately 15 tax parcels of undeveloped land north of Route 60, near the Powhatan/Cumberland line. The applicant is requesting a conditional use permit for the purpose of developing a recycling and waste disposal facility.

The primary use will be a sanitary landfill with other associated uses as set forth and described in the proffered conditions in the companion zoning case and proposed conditions with this application. It includes a convenience center that accepts waste and recyclables from County government and residents. It will also include, without

limitation, related uses such as borrow areas, soil stockpiles, scales and scale house, office, maintenance facility, leachate management system, gas management system including beneficial usage, stormwater management system, trailer storage, parking, convenience center and recycling facilities, storage, transfer stations, composting operations, fuel storage, and equipment storage. Additional permitted uses include gas collection, generation, and sales; power plant related to the generation of gas from the Landfill; and hydroponics and greenhouses (including for wholesale and retail sale). All other uses not related or accessory to the above uses that are allowed as a matter of right in an M-2 zoning district are excluded.

The gas conversion/energy plant will involve structures and machinery that will convert gas from the landfill into power and electricity. There will be approximately 35 full time employees on the site when the landfill becomes fully operational, and the hours of operation will be Monday morning from 6:00 a.m. until 11:59 p.m.; 24 hours a day Tuesday through Friday; and 6:00 a.m. to 4:00 p.m. on Saturday. The convenience center would generally be open 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 2:00 p.m. on Saturday.

The proposed use of the subject property is compatible with the intent of the M-2 zoning district. Further, the applicant's first proffer, as part of REZ 18-03, limits the permitted uses to only those specified in the proffer that are associated with the primary use. The Planning Commission voted 6-1 on June 14, 2018 to recommend approval of the Conditional Use Permit with the conditions as amended by The Planning Commission. The Planning Commission recommended that careful attention be paid to specifying buffer distances and compensation to adjoining property owners.

As part of the approved conditional rezoning, these proffers are legally binding and enforceable.

The Chairman opened the public hearing.

- Mr. Cecil Youngblood stated that vinegar will burn through the liner. He also asked the Board to slow down and do more research.
- Mrs. Alice Youngblood signed up to speak but passed on the opportunity.
- Mr. Jim Sharp stated that all landfills leak.
- Mrs. Janet Habel stated that the EPA says landfills should not be located near wetlands. All landfills leak.
- Mr. Tom Cochran stated that all the citizens that have attended the meetings are against the landfill.
- Mrs. Robyn Cochran asked why the county is rushing the project and asked them to be transparent.
- Mr. Don Silberballer stated that the landfill will leak and the water will flow into the Chesapeake Bay.
- Mr. Butch Pond stated that he has been at the unlined landfills in Cumberland and they all stink.
- Mr. Arturo Saakian asked the Board why they are allowing this to happen. Aquifers will be contaminated and that Cumberland is very susceptible to earthquakes.
- Mr. William Kinney signed up to speak but passed on the opportunity.
- Mrs. Stephanie Osl signed up to speak but was not present.
- Ms. Varna Redlich expressed concerns with water quality.
- Mrs. GERALYN Tavernier stated that there are 13 chemicals that have a severe effect on a landfill liner and shamed the board for not caring about their constituents.
- Ms. Susan Haigh signed up to speak but passed on the opportunity.
- Mr. Alexander Ross signed up to speak but passed on the opportunity.
- Mr. Terry Trent signed up to speak but passed on the opportunity.

- Mr. William Knoll stated that the James River will be polluted and the Board might be sued by the City of Richmond and other localities.
- Ms. Nancy Thompson voiced concerns with landfill fires, hazardous spills, and financial assurances of the company.
- Ms. Joanne Muzzey stated that the trash will be 100' from her house and asked who would enforce the conditions.
- Mr. Bruce Allen stated that Cumberland is beautiful and asked the Board not to sell out the citizens.
- Mr. Nicholai Jerome Smith signed up to speak but passed on the opportunity.
- Mr. Patrick Born requested that County Waste put everything in writing.
- Ms. Marie Blevins signed up to speak but passed on the opportunity
- Ms. Linda Bryant Smith signed up to speak but passed on the opportunity.
- Mr. Christopher Salerno requested that the proffers be added to the CUP and asked the Board to not be pressured into making a wrong decision.
- Ms. Comoria Crews signed up to speak but passed on the opportunity.
- Ms. Christal Schools spoke on behalf of herself and Ragnar Gunnarson regarding traffic concerns and further stated that no amount of money will replace the property.
- Ms. Jill Pestka signed up to speak but passed on the opportunity.
- Ms. Rachel Iga signed up to speak but passed on the opportunity.
- Miss Alyssa Blevins stated that kids will not be able to sleep because of the truck noise.
- Mr. Roger Hatcher stated that he is only concerned with the purchase of properties and requested the Board add moving costs to the compensation of adjoining landowners.

- Mrs. Evelyn Hatcher signed up to speak but passed on the opportunity.
- Ms. Jennifer Sullivan voiced concerns with the timing of the project, quick succession of meetings, and the comprehensive plan.
- Mr. Robert Sullivan signed up to speak but passed on the opportunity.
- Mrs. Jacqueline James spoke about concerns with Jerry Cifor and Scott Earl.
- Ms. Angie Dunfee signed up to speak but passed on the opportunity.
- Mr. Bill McGonigal stated that the Planning Commission only approved the CUP in case the Board passed the rezoning.
- Mr. Mark Erdman requested the Board take health issues into consideration.
- Mr. Robert McLean stated that the CUP does not address the maximum height and voiced concerns with the inspection of the liner.
- Mr. William Flippen stated that per DEQ, there have not been any groundwater contaminations from a landfill since 1994, and if a well is contaminated, the company should pay more than fair market value.
- Mr. Kenneth Pestka signed up to speak but passed on the opportunity.
- Mrs. Victoria Kinney signed up to speak but passed on the opportunity.
- Mr. Thomas Dasilva signed up to speak but passed on the opportunity.
- Mr. Jeff Haigh signed up to speak but passed on the opportunity.
- Ms. Beth Taliaferro signed up to speak but passed on the opportunity.
- Ms. Elouise White signed up to speak but passed on the opportunity.
- Mr. Bill Bruce signed up to speak but passed on the opportunity.

- Ms. Barbara Speas requested the Board to turn to the citizens to help make this decision. Let the people vote on this issue.
- Ms. Pat Speas signed up to speak but passed on the opportunity.
- Ms. Nicole Flournoy voiced concerns with odor and water and stated that the Powhatan Fire Department will have to respond to the fires.
- Mr. Bob Ronnau signed up to speak but passed on the opportunity.
- Mrs. Victoria Ronnau stated that this project will affect Goochland and Powhatan, as well as Cumberland. Powhatan fire fighters will have to respond to fire calls. She also asked who will monitor the radioactivity at the facility, and she requested the Board to take their time and do research.
- Mr. Larry Chitty signed up to speak but passed on the opportunity.
- Ms. Amber Broughman signed up to speak but passed on the opportunity.
- Mr. Ronald Tavernier asked how the company will maintain the smell and noise at the boundaries, and asked what other properties the company would be willing to purchase.
- Mr. Michael Setaro stated that the Sussex County Landfill smells horrible, and the traffic on Route 60 is increasing rapidly.
- Ms. Cynthia Booten asked if the trucks bringing in coal ash and removing leachate were included in the proposed 250/day. She stated that the County will not enforce the conditional use permit and does not have a way to levy violations or fees on the company.
- Mr. Doug Cosby stated that people are going to get cancer and die because of contaminated water. Bring in a recycling center instead.
- Mr. Gavin Czeizinger signed up to speak but passed on the opportunity.
- Ms. Melinda White requested the Board use the resources of your citizens; do some research.

- Mr. Joseph Dunn signed up to speak but passed on the opportunity.
- Mr. Kevin Halligan stated that Toronto is less than 500 miles away from Richmond. Landfills in no way benefit the localities. There are lots of omissions of facts; please vote no.

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

Chairman Ingle stated that he lives 9 miles from the proposed project. The County does not have a grocery store, not because we do not want a grocery store, and we do not run grocery stores out for something else to come in. Supervisor Meinhard stated that he has listened to everyone in attendance. Even if a landfill was proposed on his road, he would not be fighting as hard as the citizens are on this project. There was mention of the Board chasing businesses out of the county, and not allowing businesses to come into the county. The reason businesses like the Prison, PowerStation, or ICE Facility did not come into Cumberland, was because the citizens have been against these businesses, and the Boards of the past have supported what those vocal citizens wanted.

Supervisor Osl stated that the county did not pass a budget with a deficit. It was a balanced budget which included funds from reserves. During budget discussions, there were a few potential business opportunities that were discussed, not just this specific one. Someone mentioned that the company can increase the amount of trash they accept, and Mr. Osl stated that was not correct. The DEQ Permit will not allow for any more trash to be received than what is in the permit and Host Agreement. There are three old landfills in Cumberland which were unlined. There were no limitations on items that were allowed. They have been closed for decades, and there are no environmental issues relating to those landfills, including on adjacent properties.

Supervisor Wheeler read an email from a constituent in favor of the landfill. He also stated that he has heard from many residents who are in favor, but do not want to come to the meetings to speak because of the animosity at the meetings. Supervisor Wheeler stated that it is incomprehensible that the Board of Supervisors in Powhatan would send a Resolution against actions of a neighboring county.

Chairman Ingle stated that he did not agree with the Board members.

A motion was made by Supervisor Osl to approve REZ 18-03 Green Ridge. Supervisor Banks called for the question. The motion carried by the following vote:

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

On a motion made by Supervisor Meinhard, and carried by the following vote, the Board approved CUP 18-06 Green Ridge:

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

6. Landfill Revenue Policy

The Chairman made a motion that this item be tabled to a separate meeting for discussion. Supervisor Meinhard made a substitute motion that the Board adopt a policy that requires that a minimum of 25%, and up to 50%, of Host Fee revenue generated by Green Ridge be used to reduce real state tax rates. The question

was called for by Supervisor Banks. The motion passed by the following vote:

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

7. Adoption of Host Community Agreement – Green Ridge Recycling and Disposal Facility

A motion was made by Supervisor Wheeler to table this item to a separate meeting for discussion. Supervisor Osl made a substitute motion to approve the Community Host Agreement on the condition that additional amendments would be drafted and ratified at a later date:

- Add mutually agreeable language regarding property value and expense compensation to nearby property owners
- Add a guaranty by County Waste of Virginia
- Delete fly ash as a cover

Supervisor Osl’s motion passed by the following vote:

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

8. Adjourn –

On a motion by Supervisor Banks and carried by the following vote, the Board adjourned the meeting until July 10, 2018 at 7:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse:

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