

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 10<sup>th</sup> day of July, 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  
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 as amended and presented:

Add 5.c. Melody Foster, Commonwealth Regional Council

Add 5.d. Meaghan Lewis, Cumberland County Public Library

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:

- Summer School finished last week.
- Teachers report to school for the 18-19 school year on July 30, 2018.
- August 1, 2018, staff will visit businesses and industry in the Commonwealth to see what the workplace looks like for students now.
- The annual convocation for all staff is August 3, 2018.
- The first day of the 18-19 school year will be August 8, 2018.
- Dr. Jeff Scales, CHS Principal, has accepted a position with Mecklenburg County Public Schools as the Director of Secondary Education. CCPS staff hope to fill the position by the end of the week.
- Six JROTC cadets graduated from the Junior Cadet Leadership camp at Fort Pickett.

b) VDOT

There were no VDOT representatives present.

c) Melody Foster, Commonwealth Regional Council

Ms. Foster came before the Board to offer the county an opportunity to join in the CRC's regional economic development strategy planning process which is getting underway. In order to participate, the county must become a member of the CRC which includes a \$19,000 membership fee. Members receive free grant writing services but are charged for grant administration and the Council administers all awarded grants. The Chairman thanked Ms. Foster and stated that the Board would consider her invitation.

d) Meaghan Lewis of Cumberland County Public Library gave the following report to the Board:

- The Summer Reading Program is underway.
- Ms. Laureatta Jones-Yeatts' retirement party will be held July 11, 2018 at 3:00 at the Library.
- The Library is offering a user survey for residents to provide feedback on the Library.

## **6. Public Comments**

Mrs. Victoria Ronnau voiced concerns with the proposed Community Host Agreement. How will prohibited items be monitored? Cumberland, Powhatan and Goochland counties test highest for Radon. Mrs. Ronnau is also concerned with odor management and asked that the odor management plan be submitted prior to the approval of the Host Agreement. She also asked how leachate will be transferred into storage tanks. Lastly, she asked who will be monitoring the landfill.

Ms. Christal Schools thanked staff for responding to her emails. She states that the Host Community Agreement is one sided. She asked who would be responsible when there are issues and the LLC files bankruptcy. Ms. Schools asked who from the County will keep the citizens informed of the progress on the project. She states that citizens pay taxes to be helped by county staff and expects the county to inform citizens of the projects status

step by step. Ms. Schools requested that the citizens be able to view the Host Agreement before it is approved.

Mr. Ronald Tavernier asked who will oversee the abandonment of wells. How many abandoned wells are on the property? How will each load brought into the landfill be inspected? How will the landfill be covered each day when there are days it is open 24 hours a day? Mr. Tavernier also states that dirty, stinky vehicles will be parked on the side of Route 60. All containers at the port are checked for radioactivity and that should be here.

Mrs. Kim Lightfoot voiced concerns with the Cartersville Volunteer Rescue Squad receiving no communication for Cumberland Fire and EMS. She requested a status update on the Department and asked if the county would be hiring a new County chief.

Mr. Kevin Halligan voiced the following concerns regarding the proposed Green Ridge Facility:

- The maximum daily tonnage is 5,000 tons but is subject to increase by the Board
- What is acceptable waste can be amended
- County Waste is saying everything right just to get approval
- The noise limit is too high
- Scale attendant will not be able to monitor the type of waste being brought in
- Odor management plan is not acceptable
- No trucks through Farmville

Ms. Janet Habel states that the Board recently approved the landfill not respecting the citizens because they do not want it, but she respects Supervisors Banks and Ingle. She also stated that Board members were disrespectful to citizens and the Powhatan Board, and comments were heartless.

Mr. Bill Bruce provided the Board with a disability confirmation from the Federal Government showing his disability. He states that he was yelled at because he was standing at a town hall meeting. Mr. Bruce states that the referendum has over one thousand signatures and the Board stifled his first amendment right to speak at a meeting at the elementary school.

## **7. Supplemental Information**

The Chairman stated that there are items in the Host Agreement that need to be addressed and specified. The comments are being absorbed and considered by the Board.

The Chairman also stated that there will not be another chief of Cumberland Fire and EMS hired. This item will be taken to the Emergency Services Committee that group will make recommendations on how the department of Fire & EMS will be structured and run.

Supervisor Meinhard asked for proof that the Board had been notified of a court date in the case of William Bruce vs. Cumberland Board of Supervisors. Ms. Giles informed the Board that the courts procedure is to notify the attorney, not the Board.

## **8. Public Hearings**

### **a) Cobbs Creek Substation**

Zoning Administrator, JP Duncan, informed the Board that the Planning Commission had not yet made a recommendation and requested the public hearing to be postponed until the August 14, 2018 meeting.

On a motion by Supervisor Osl and carried unanimously, the Board deferred the public hearing and action on CUP 18-05 Cobbs Creek Substation until the next regular meeting of the Board to be held on August 14, 2018:

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 June 2018 and July 2018.  
Approved bills for July 10, 2018 are \$4,695.46. Ratified bills for June 13, 2018 to July 9, 2018 of warrants total \$284,238.66 with check numbers ranging from 77679-77953. Direct Deposits total \$160,862.98.
  - 2) Approval of Minutes - N/A

On a motion by Supervisor Banks 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

**10. Finance Director's Report**

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

- b) Request for Appropriation for Cumberland County Public Schools – High School Planning Grant - \$50,000

On a motion by Supervisor Banks, and carried unanimously, the Board approved an appropriation for Cumberland County Public Schools – High School Planning Grant - \$50,000:

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.

**12. Old Business**

N/A

**13. New Business**

N/A

**14. Public Comments (Part 2)**

Ms. Christal Schools signed up to speak, but passed on the opportunity.

Mr. Ronald Tavernier asked for clarification on what distance is Green Ridge willing to purchase a parcel of land that is affected by the project? He also told the Board that it is not right that the citizens are suffering due to the proposed Green Ridge Facility. The traffic will be too much for Route 60 and people are going to die because of the trash trucks.

Mrs. Janet Habel requested that the Board give the citizens the facts about the transfer stations. Who will pay for them or will the workers lose their jobs? Who will be liable for the pollution of the creeks and rivers? Who will pay when there is death or dismemberment because of the trash trucks?

Kevin Halligan stated that the Host Agreement stipulates that the primary route shall be Rt. 60, to avoid the Town of Farmville,

and Green Ridge is to enforce this. He also asked what the height restriction of the landfill is.

Mr. Bruce Allen states that his well is 60 feet from the property line adjacent to the proposed landfill. County Waste previously stated they would buy his property, now they won't. No one feels safe drinking the water.

Mr. Bill Bryan states that Powhatan County did not stop Rt. 60 from being widened; VDOT did. He also states that he will sue the county if his property is devalued. He requested the Board require the landfill company to make the affected residents whole.

Mr. Bill Bruce states that he can't believe that the Board did not know a lawsuit has been filed. He states that the lawsuit is about a referendum to silence the people.

Mrs. Christal Schools states that she is staying, and not selling out. There will be no landfill, and she will fight this.

## **15. Supplemental Information**

The Chairman reminded the crowd that there are many ways to get information, or to present ideas. One method is email at [info@cumberlandcounty.virginia.gov](mailto:info@cumberlandcounty.virginia.gov), calling the county administrator's office at 804/492-3625, and speaking with the board members.

## **16. Board Member Comments**

Supervisor Osl stated that the Board intends to make revisions to the Host Agreement, as previously mentioned. The current Host Agreement is with Green Ridge, LLC, but the Board is looking to change the guarantor to the parent company, which is County Waste of Virginia.

**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: Employee retention and assignments in various departments
- Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with legal counsel;  
Subject: Potential Litigation, and Opioid Litigation

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. Opioid Litigation Project and contract**

Supervisor Osl informed those in attendance that the county was approached by Kaufman & Canoles, P.C. to inquire as to if the county had any opioid relates costs. The attorneys are proposing litigation whereby the localities affected by opioid use can file suit to recoup opioid related costs. The contract stipulates that if after research is done it appears that Cumberland does not have costs to recoup, the county will not pay any fees to the attorneys.

On a motion by Supervisor Osl and carried unanimously, the Board approved the legal retainer agreement with Sanford Heisler, Sharp, LLP and Kaufman & Canoles, P.C., to consult, research, and file claims for opioid related cost recovery:

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

**20. 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

**21. Adjourn -**

On a motion by Supervisor Meinhard and carried by the following vote, the Board adjourned the meeting until the next regular meeting to be held on August 14, 2018:

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

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Wm. Kevin Ingle, Chairman

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Vivian Giles, County Administrator/County Attorney