

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 11th day of September, 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, and addressed those in attendance. In anticipation of Hurricane Florence, local and state departments and agencies are preparing and have begun executing the Emergency Operations Plan. If warranted, alerts will be made by Cumberland County Public Schools and WFLO.

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

b) VDOT

There were no VDOT representatives present.

c) Meaghan Lewis of Cumberland County Public Library

Ms. Lewis informed those in attendance that September is library card sign-up month and spoke about the importance of the local library to all citizens. The Cumberland Public Library offers the following services:

- Assistance for GED classes.
- Information technology assistance and support.
- Inclusive space for creative expression and ideas.
- Equal access to all sources of information, both physical and digital.
- Public computer access free of charge.
- Printing, faxing, and scanning services.
- Resume assistance.

d) Proclamation for Cumberland Public Library

On a motion by Supervisor Osl, and carried unanimously, the Board approved a Proclamation for the Cumberland County Public Library:

Library Card Sign-up Month

September 2018

Whereas, a library card is the most important school supply of all;

Whereas, libraries play an important role in the education and development of children;

Whereas, library programs serve students of all ages, from early literacy to homework help to GED classes;

Whereas, libraries empower all people to pursue their interests, discover their passions and achieve their highest potential as learners and citizens;

Whereas, librarians bring communities together, creating welcoming and inclusive spaces for students of all backgrounds to learn together;

Whereas, libraries are constantly transforming and expanding their services to meet the needs of the communities they serve;

Whereas, libraries promote equity, making digital technology and information equally accessible to all;

Therefore, be it resolved that I, Kevin Ingle, Chairman of the Cumberland Board of Supervisors, proclaim September Library Card Sign-up Month in Cumberland County, Virginia, and encourage everyone to sign up for their own library card today.

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

e) Virginia Department of Forestry, Mr. Matt Hall

Mr. Hall was not present but provided the Board with an annual update in writing. Mr. Rob Farrell is the new State Forester. Mr. Farrell has replaced Bettina Ring who was recently appointed by Gov. Northam to be the new Secretary of Agriculture and Forestry. Forestry staff stay busy inspecting logging jobs, assisting landowners with reforestation and timber management practices, fighting wildfires when they occur, and performing other duties as needed. In 2017, there were 55 logging jobs with some type of timber harvesting on a little over 2950 acres. This year, staff were able to assist 28 private landowners through the Reforestation of Timberland Cost Share program which

helped to plant almost 500 acres of cut over land, and Herbicide Spray just over 1000 acres.

6. Public Hearings

a) Request for tax exemption for Mid-Atlantic Broadband

County Administrator, Vivian Giles, informed the Board that this public hearing was originally set for this meeting, however it will need to be re-advertised to include language required by the Virginia Code. Staff requests that the Board set this public hearing for October 9, 2018.

On a motion by Supervisor Osl, and carried unanimously, the Board set a public hearing for a Resolution requesting tax exemption for Mid-Atlantic Broadband for October 9, 2018:

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

b) REZ 18-04 Dollar General South

Zoning Administrator, Mr. JP Duncan, informed the Board that staff received a rezoning request for a proposed Dollar General Store. The proposed site is just north of the intersection of Holman Mill Road and Cumberland Road. The property is currently zoned A-2, and the applicant is requesting a change to B-2 to allow development of the northern 2.5 acres of the property. The applicant is also applying for a Conditional use Permit to allow a larger sign than the county code allows.

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing. The applicant, Mr. Jody Bland with Par 5

Development Group, provided the Board with, and reviewed, a PowerPoint regarding the proposed project.

On a motion by Supervisor Meinhard, and carried unanimously, the Board approved REZ 18-04 Dollar General South pending administrative corrections to the application:

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

c) CUP 18-07 Dollar General South

Zoning Administrator, JP Duncan, informed the Board that the property in question is at the intersection of Holman Mill Road and Cumberland Road, and is a portion of the same parcel of the former Midway Grocery store, for which there are plans to reopen as a continued use. The applicant is applying for a CUP to allow a larger sign than County Code currently allows. The code allows for sixty (60) square feet of wall sign in the B-2 District. The application is for a 149.625 square foot wall sign. The Board discussed the proposed pylon sign versus a monument sign similar to the sign at the existing store on Anderson Highway. It was suggested by the Planning Commission that a monument sign be approved instead of the proposed pylon sign.

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

Supervisor Banks made a motion to approve CUP 18-07 Dollar General South as presented. The motion carried by the following vote with the proffered conditions below:

Proffered Conditions

Cumberland County Rezoning Application by

Pilvinder Kaur (“Owner”) and Par 5 Development Group, L.L.C.
 (“Applicant”)
Tax Map Parcel 73-A-58 (“the Property”)
August 27, 2018

The Owner and the Applicant in this case, pursuant to Section 15.2-2297 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Cumberland County, for themselves and their respective successors or assigns, hereby proffer that the development of the subject Property of this application shall be used in strict accordance with the following conditions set forth in this submission, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffered conditions shall immediately be null and void and of no further force or effect.

1. **General Development Plan.** The Property shall be developed in general conformance with the “Rezoning General Development Plan,” made by Summit Design and Engineering Services, dated April 4, 2018, which is incorporated herein and attached hereto as “EXHIBIT A.”

2. **Architectural Design Standards.** Improvements constructed on the Property shall comply with the following architectural design standards:

A. The building shown on EXHIBIT A as “Proposed Dollar General 70’ X 130” (the “Store”) shall be generally consistent with the elevation entitled “EXHIBIT B,” which is attached hereto and incorporated by this reference.

B. Exterior building materials on the front facade of the Store shall consist of a mixture of cement fiberboard (such as HardiPlank, HardiShingle, or HardiTrim) and painted brick. A band of painted brick extending a minimum of forty-four (44) inches in height above final grade shall be provided on the front façade of the Store.

C. The Store shall feature either Bahama shutters or banks of shutters on the front facade generally conforming to that which is shown in EXHIBIT B.

D. Lighting fixtures installed on the Store shall generally conform to that which is shown in EXHIBIT B.

E. The dumpster enclosure shall consist of white vinyl fencing.

3. **Lighting.** Lighting on the Property shall be directed and shielded so as not to glare into any adjacent residential or agricultural properties or public rights-of-way by using Night-Sky Friendly lighting.

4. **Landscaping.** At the completion of construction of the Store, landscaping shall be installed generally as shown on EXHIBIT A. Specifically, the twenty-foot (20') wide buffer, the location of which is shown on EXHIBIT A, shall be planted with Leyland cypress or other similar species, as approved in writing by the County's Planning Department.

5. **Trash Pick-ups and Maintenance.** Employees will be expected to pick up trash outside the store, when needed, during work hours. Maintenance agreement (contract between DG & Facility Source to maintain the property according to the landscape contract dated October 2017) shall be administered.

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

d) CA 18-03 Solar Facility

Zoning Administrator, JP Duncan, informed the Board that he had received interest in a proposed Solar Facility in the county. Since the county did not have an existing ordinance regarding solar facilities, he drafted an ordinance for the Board's consideration. Mr. Duncan stated that there are three major concerns regarding solar facilities, which are decommissioning, erosion and sediment control, and visibility of the facility from the road and neighboring properties. The proposed ordinance addresses those issues.

The Chairman opened the public hearing. Mr. Fielding Douthat with LeClair Ryan spoke as a representative of the applicant, and spoke in favor of the proposed ordinance as it promotes solar energy. Solar Farms do not utilize county resources and they allow the landowners to profit from their property. They do not destroy the land, and they have a

lifespan of about thirty-five (35) years. Supervisor Osl inquired as to the revenue impact for the county. Mr. Fielding responded that there is a 100% abatement of equipment tax on a facility that provides 20 megawatts or less, and an 80% abatement on a facility that provides more than 20 megawatts. There is no abatement on real estate taxes for a solar facility of any size.

Mr. Rex Young, counsel for Cooperative Solar, informed the Board that although there is tax abatement for equipment on a 20 megawatt or smaller facility, when the use of the land changes, this would cause an increase in real estate assessment. Contractually, the company is responsible for the increase in real estate tax, not the property owner. Eighty percent (80%) of materials used are recyclable or salvageable at decommissioning.

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

It was the consensus of the Board to schedule a workshop regarding Solar Facilities. On a motion by the Chairman and carried unanimously, the Board tabled action on this item until a later date so that the Board can meet and hold a workshop discussion regarding Solar Facilities:

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

7. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for August and September 2018. Approved bills for September 11, 2018 are \$274,731.11. Ratified bills for August 15, 2018 to September 10, 2018 of warrants total \$588,632.59 with

check numbers ranging from 78059-78275. Direct Deposits total \$172,874.56.

- 2) Approval of Minutes – August 2, 2018 and August 14, 2018

It was requested that administrative changes be made to the Board’s minutes of the August 2, 2018 meeting to include:

- Change in attendance – Mrs. Nicci Edmondston was marked as absent, when she was in attendance.

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) Ms. Joanne Vaughan, Resolution for Sharon Baptist Church Sesquicentennial Celebration

**RESOLUTION RECOGNIZING AND CELEBRATING THE
SESQUICENTENNIAL ANNIVERSARY OF
SHARON BAPTIST CHURCH**

SEPTEMBER 11, 2018

WHEREAS, our local churches have always served as the strength of our communities, supporting our citizens and our government in times of prosperity and difficulty alike; and

WHEREAS, It is monumental that Sharon Baptist Church has prospered for a full 150 years to lead not only their congregation, but to lead our community by the example of strength and longevity that they have so steadfastly set; and

WHEREAS, our churches and their leaders are as critical to our future as they have been to our past; and

WHEREAS, strong congregations like yours continue to provide the guidance and fellowship necessary to fortify our families and our communities for whatever our future may bring.

WHEREAS, with gratitude we recognize and applaud Sharon Baptist Church on your commitment, your dedication, and your service to our Cumberland Community over the last 150 years, and we humbly pray for your continued service and leadership; and

THEREFORE BE IT RESOLVED, that the Cumberland County Board of Supervisors thank and commend the Sharon Baptist Church Anniversary Journal Committee, comprised of Martha S. Reid (Co-Chair), JoAnn R. Vaughan (Co-Chair), Paige Alvin, Helen Campbell, and Priscilla Gilliam. It is clear that they serve as leaders in their congregation, for which our community is grateful; and

THEREFORE BE IT FURTHER RESOLVED, that the Cumberland County Board of Supervisors honors and congratulates Sharon Baptist Church on her 150 years during the sesquicentennial celebration to be held on November 11, 2018.

Adopted this 11th day of September 2018.

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

c) Transfer Station Upgrade Proposals

No action was taken on this item.

d) Social Services Board appointments

On a motion by Supervisors Banks, and carried unanimously, the Board approved Mrs. Debbie Kennell to represent District 2, and Mr. Jerry Seal, representing District 3, to the Department of Social Services Board for a four (4) year term from July 1, 2018 through June 30, 2022:

Vote: Mr. Osl – aye Mr. Banks – aye

Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

e) James River Therapeutic Services Lease

County Attorney, Ms. Vivian Giles, informed the Board that due to a reduction in staff, James River Therapeutic Services no longer requires the use of three rooms as per their current lease. They are requesting a lease modification beginning September 1, 2018 and running through the remainder of their lease, December 1, 2018. The modification will include the reduction of rooms leased and the reduction in rent from \$600 per month to \$200 per month. This will allow them to reevaluate their needs to determine the how much space they will need after December 1, 2018.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved a lease modification with James River Therapeutic Services to reduce the rooms from three to one, and reduce the rent due from \$600 to \$200 for the remainder of the lease set to expire December 1, 2018:

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

8. Finance Director's Report

a) Monthly budget Report

There was no discussion regarding the monthly budget report.

9. Planning Director's Report

a) Planning Project Update

There was no discussion regarding this item.

b) Set Public Hearing for CUP 18-08 Holman Home

On a motion by Supervisor Banks, and carried unanimously, the Board set a public hearing for CUP 18-08 Holman Home for October 9, 2018:

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

10. Old Business

Zoning Administrator, JP Duncan, informed the Board that Mr. Mo Duncan's property has come into substantial compliance with the conditions approved by this Board. The Board concurred.

11. New Business

N/A

12. Public Comments

Mr. Bill Bruce stated that if a farmer wants to lease land to roaming animals, it's okay, but if a land owner wants to have solar panels, the Board wants money. Does the Board get money from biosolids or chicken farmers? Mr. Bruce stated that that the Board is worried about a sign, but the Board approved a landfill in 28 days. He does not understand.

Mr. James Shadoian asked how the county got into such a deficit. The numbers in the host agreement do not add up, and there is no revenue in methane. Mr. Shadoian states that there is a gag order on the dump deal, and that the Supervisors should have resigned.

Mr. Marvin Grimsley stated that Supervisor Osl said that the Republic Landfill could be opened at any time. How many landfills are there? Who is supposed to open the landfills?

Ms. Betty Myer stated that the Board asked good questions regarding the solar farm, and asked if the Board asked those same kinds of questions to Green Ridge. Ms. Myer asked why the Board did not mention the August 28, 2018 meeting at the August 14, 2018 meeting. She also states that advertisement in The Farmville Herald is not adequate.

Ms. Hannah Scott stated that the Supervisors were more worried about a solar facility than about the landfill. She asked the Board when they would answer questions.

Mr. Jim Carver stated that he is opposed to the landfill and is concerned about the traffic impact to the region; the VDOT numbers do not add up.

Ms. Christal Schools asked that if the Board is considering a solar farm and posed a question about solar battery storage. She asked the Board if they sent Green Ridge away to look for a better site like they did Dollar General. The top 4 concerns of citizens regarding the dump are water, traffic, rural living, and property values. There has been 1 death onsite in Virginia at a dump since June 2018. Why weren't the Supervisors at the meeting on August 28, 2018? Ms. Schools thinks the people who support the dump were not scared to speak, but they did not think they would be heard.

Ms. Barbara Speas stated that she understands that any public servant has a duty regarding confidential information. There is a difference between fulfilling ethical and legal obligations, and misleading and lying to the public. County Waste stated that they reached out to the county two years ago, who is lying?

13. Supplemental Information

The Chairman stated that he would have to look at the rezoning process to verify the timeframe. Mr. Bill Bruce asked why Green Ridge did not follow the same process as others. Supervisor Osl states that in the Host Agreement, the County will collect 10% of the gross revenue from any landfill gas and any energy that would be generated. The previous Host Agreement was with Allied, but they were bought out by Republic Services. There was concern about the Republic Landfill opening up again with only one permit. The Board cannot say that this is fact, as this information would need to be confirmed by DEQ. It was mentioned that some parcels of the property may be up for sale.

The Chairman offered to provide the VDOT traffic impact analysis to those citizens who request it. The Chairman also reiterated that he had not met Jerry Cifor until December 2017. Supervisor Osl clarified that there is only one proposed landfill in Cumberland. Republic still owns the property where the first landfill was proposed, and they put a deed restriction on the land that they are the only ones who can use the land for a landfill.

14. Board Member Comments

N/A

15. 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 dated May 3, 2006
- Pursuant to Virginia Code § 2.2-3711.A.1: Personnel
Subject: Salaries, assignment of duties, and restructuring of various departments

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

16. 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

17. 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

18. Adjourn -

On a motion by Supervisor Wheeler and carried by the following vote, the Board adjourned the meeting until the next regular meeting to be held on October 9, 2018:

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