

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13th day of November, 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 amended Agenda as presented:

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

- The Profiles of Honor mobile bus tour will be in front of the Middle School on November 15-16, 2018 for students, and open to the public on Saturday, November 17, 2018 from 9:00 a.m. to 12:00 p.m.
- The Thanksgiving Feast for families will be held on November 14, 2018
- Foxborough visiting Farm will be coming to the Elementary School
- Cumberland has several winners of the Peter Francisco Soil and Water Conservation District Poster Contest
- Culinary Students are visiting Centra Southside Community Hospital where they are participating in paid internships
- Culinary Arts Students and WAGI Labs kids are participating in the Leadership Farmville Education Session
- CHS student, Jordan Newman, was a finalist in the 2018 National FFA Agri Science Fair in Illinois
- The Robotics Team participated in the Ramble of the Road and are preparing for competition
- The Cumberland Bands recently hosted a Harvest Dinner Theater
- The JROTC presented the Colors at the Cumberland Veterans breakfast held at the Cumberland Volunteer Fire Department, and recently visited the VA Hospital to serve Veterans there
- A collaboration of local churches offered a Fall Festival on November 10, 2018 and provided free coats and lunch to citizens

- CCES held the annual color run
- CCPS students recently visited the Lineman School at Southside Electric Cooperative
- CCES Teacher, Ashley Blackwell was named Region 8 Teacher of the Year

b) VDOT

Assistant Resident Engineer, Ms. Carrie Shephard, gave the following report to the Board:

- Tropical Storm Michael clean up
 - At the height of the storm, there were 17 roads closed. Currently, there are only two roads closed; Rt. 600, which is anticipated to be closed until spring 2019, and Rt. 660, which is anticipated to be open by the end of the 2018.
 - There was approximately \$250,000 in damage
- Unpaved road repairs are ongoing
- Mowing on primary roads is ongoing
- The office has moved to Farmville, now known as the Farmville Residency.

Supervisor Wheeler asked that VDOT remove the “Welcome to Cumberland” sign on Plank Road, as the location is incorrect.

Chairman Ingle stated that he received a citizen concern regarding water run-off eroding the driveways and road edges on Bolden Road.

c) Meaghan Lewis of Cumberland County Public Library

Ms. Lewis provided the following updates to the Board:

- The library has an article in the Cumberland Today regarding holiday events at the Library. There will also be an article in the December edition of the

Cumberland Today with information regarding children's activities offered by the Library

- Ms. Lewis provided the Board with fliers regarding upcoming Library Events
- The Library will be closed for Thanksgiving beginning at 1:00 p.m. on Wednesday, November 21, 2018, closed from Thursday, November 22, 2108 through Sunday, November 25, 2018

6. Public Hearing Notices/Set Public Hearings

- a) Ratify the public hearing notice and set a public hearing for CA 18-05 Uses by CUP in the R-2 District:

On a motion by Supervisor Wheeler and carried unanimously, the Board ratified and set a public hearing for CA 18-05 for November 13, 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 CA 18-06 Uses by CUP in the R-3 District

On a motion by Supervisor wheeler and carried unanimously, the Board ratified and set a public hearing for CA 18-06 for November 13, 2018:

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

7. Public Hearings

a) CUP 18-09 Cobbs Creek Substation

Zoning Administrator, JP Duncan, informed the Board that this application for conditional use is a revision of a previous application, CUP 148-05, received from Central Virginia Electric Cooperative. This application changes the location of the substation by approximately 200 feet.

Central Virginia Electric has applied to build a 115 KV transmission tap line that would be around 2,00 feet long, and lie within a 100-foot easement provided by Henrico County. They are also proposing to construct an electric substation on a 110' X 150' site owned by Henrico County. The substation would serve the Cobbs Creek Reservoir pump station as well as 475 customers of Central Virginia Electric Cooperative.

The Chairman opened the public hearing. Mr. Bruce Maurhoff and Mr. Paul Moore of Central Virginia Electric Cooperative were available to answer any questions the Board may have. With no additional citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved CUP 18-09 Cobbs Creek Substation:

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

b) CA 18-05 Uses by CUP in the R-2 District

Zoning Administrator, JP Duncan, advised the Board that this code amendment alphabetizes the permitted uses, and adds two definitions for electrical substations,

distribution centers, and wireless telecommunications facility. The Planning Commission recommended the code amendment unanimously.

The Chairman opened the public hearing. Ms. Betty Myers was signed up to speak, but passed on the opportunity. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved CA 18-05 Uses by CUP in the R-2 District:

Add the following to Sec. 74-2 – Definitions.

Electrical substation, distribution centers, and transformer stations mean premises which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.

Wireless telecommunications facility means all infrastructure and equipment including but not limited to antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless communications.

Sec. 74-263. - Permitted uses with conditional use permit.

Permitted uses with a conditional use permit in an R-2 district are as follows:

- (1) Electrical Substation
- (2) Event Facilities
- (3) Garages and service stations
- (1 4) General stores
- (5) Golf Courses, country clubs, golf driving ranges and mini-golf
- (6) Group home
- (7) Guest house
- (8) Hospital
- ~~(2) — Restaurants~~
- ~~(3) — Garages and service stations~~
- ~~(4) — Hospitals~~
- ~~(5) — Business signs~~
- ~~(6) — Golf Clubs~~
- (7 9) Libraries

~~(8-10)~~ Maintenance of a horse or pony as follows: For any lot or parcel of land less than four acres in size, a conditional use permit may be issued to allow one horse or one pony to be maintained on the property.

~~(9)~~ — Guest house

~~(10)~~ — Group Home

~~(11)~~ 11) Nursing Home, convalescent home and rest home

(12) Restaurants

~~(12)~~ 13) Transitional Home

(14) Wireless telecommunications facility; subject to provisions of section 74-731 et seq.

~~(13)~~ — Event facilities

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

c) CA 18-06 Uses by CUP in the R-3 District

Zoning Administrator, JP Duncan, advised the Board that this code amendment alphabetizes the permitted uses. The Planning Commission recommended the code amendment unanimously.

The Chairman opened the public hearing. Ms. Betty Myers and Mr. Butch Pond were signed up to speak, but passed on the opportunity. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl, and carried unanimously, the Board approved CA 18-06 Uses by CUP in the R-3 District:

Sec. 74-303. - Permitted uses with conditional use permit.

The following uses are permitted in the R-3 district with a conditional use permit:

- (1) Churches, parks and playgrounds.
- (2) Day care centers.
- (3) Electrical Substation

- (~~3~~ 4) Game preserves and conservation areas.
- (4 ~~5~~) Gift and antique shops.
- (~~5~~ 6) Group home.
- (~~6~~ 7) Guest house.
- (7 ~~8~~) Museums.
- (~~8~~ 9) Nursing home, convalescent home and rest home.
- (9 ~~10~~) Professional offices.
- (~~10~~ 11) Special recreational events.
- (~~11~~ 12) Transitional home.
- (13) Wireless telecommunications facility; subject to provisions of section 74-731 et seq.

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

8. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for October and November 2018. Approved bills for November 13, 2018 total \$122,068.34. Ratified bills for October 10, 2018 to November 12, 2018 of warrants total \$407,565.84 with check numbers ranging from 78439-78618. Direct Deposits total \$165,938.65.
 - 2) Approval of Minutes – October 9, 2018 and October 23, 2018

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the consent agenda:

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

b) Resolution of Support – Farmville Volunteer Fire Department
BLS

Chairman Ingle stated that the intent of the Farmville Fire Department is to provide services within the Town of Farmville, not in Prince Edward or Cumberland Counties. Supervisor Osl stated that the Prince Edward Rescue Squad currently services the Town of Farmville. Supervisor Meinhard informed the Board that Prince Edward Rescue Squad is not in favor of the Resolution, and suggested that the Board table action until more information can be provided. Mr. Glen Moore, President of the Cumberland Emergency Services Committee, came before the Board, and stated that he is in favor of the Resolution as it will only apply within the Town of Farmville limits.

On a motion by Supervisor Wheeler and carried by the following vote, the Board adopted a Resolution in support of Farmville Fire Department to provide basic life support:

**RESOLUTION OF SUPPORT FOR THE
FARMVILLE VOLUNTEER FIRE DEPARTMENT
BASIC LIFE SUPPORT SERVICES**

NOVEMBER 13, 2018

WHEREAS, Section 15.2-955 of the Code of Virginia, 1950, as amended, requires local governing body approval of any emergency medical service organization operating within that locality; and

WHEREAS, the Farmville Volunteer Fire Department is requesting approval from the Board of Supervisors of Cumberland County to provide basic life support services within the corporate limits of the Town of Farmville, Cumberland County; and

WHEREAS, the Board of Supervisors of Cumberland County has determined it to be in the best interest of the citizens within the corporate limits of the Town of Farmville,

Cumberland County for the Farmville Volunteer Fire Department to provide these services.

NOW THEREFORE, BE IT RESOLVED, the Board of Supervisors of Cumberland County grants approval to the Farmville Volunteer Fire Department to provide basic life support services in Cumberland County and to obtain the agency license to do so per approval of the Office of Emergency Medical Services of Virginia.

Adopted this 13th day of November 2018.

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

c) Resolution of Support – Renewal of the Cable TV Franchise

On a motion by Supervisor Banks, and carried unanimously, the Board adopted the Resolution for the renewal of the cable television franchise with Shentel:

**RESOLUTION OF THE COUNTY OF CUMBERLAND, VA
APPROVING THE RENEWAL OF THE CABLE TELEVISION
FRANCHISE**

NOVEMBER 13, 2018

WHEREAS, Shenandoah Cable Television, LLC (“Franchisee”) owns, operates and maintains a cable television system (“System”) serving the County of Cumberland, VA pursuant to a franchise agreement which expires on September 6, 2018 (the “Franchise”) issued by the County of Cumberland, VA (the “Franchise Authority”), and the Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee has requested the consent of the Franchise Authority for the renewal of the Franchise in accordance with the requirements of the Franchise and applicable law; and

WHEREAS, Franchisee has represented that it will comply with the terms and conditions of the Franchise; and

WHEREAS, the Franchise Authority believes that it is in the best interest of the community to approve the renewal of the Franchise granted to Franchisee.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby approves and consents to the renewal for a term of fifteen years of the Franchise, all in accordance with the terms of the Franchise and applicable law and Franchisee shall comply with the terms and conditions of the Franchise.

SECTION 2. The Franchise Authority confirms that the renewal term of the Franchise shall be for a term of fifteen (15) years deemed to have commenced on September 6, 2018 and ending on September 7, 2033.

SECTION 3. The Franchise Authority agrees that the pledge of, or grant of a security interest in, the Franchise to any lender(s) of Shenandoah Cable Television, LLC or its affiliates, for the purpose of securing indebtedness, shall not require the consent of the Franchise Authority and is hereby authorized.

SECTION 4. This Resolution shall have the force of a continuing agreement with Franchisee, and Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of Franchisee.

PASSED, ADOPTED AND APPROVED this 13th day of November 2018.

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

d) Set public hearing for amendment of Solid Waste Plan

On a motion by Supervisor Osl, and carried unanimously, the Board set a public hearing for an amendment to the Solid Waste Management Plan on January 8, 2018:

Vote: Mr. Osl – aye Mr. Banks – aye

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.

b) Request for Appropriation – Recreation - \$621.00

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation for Cumberland Recreation in the amount of \$621.00:

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

c) Request for Appropriation – Recreation - \$100.00

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation for Cumberland Recreation in the amount of \$100.00:

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

d) Request for Appropriation – Recreation - \$376.00

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation for Cumberland Recreation in the amount of \$376.00:

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

- e) Request for Appropriation – Cumberland County Public Schools 2018-2019 Security Equipment Grant - \$7,925.00

On a motion by Supervisor Osl, and carried unanimously, the Board approved an appropriation for Cumberland County Public Schools in the amount of \$7,925.00 for the 2018-2019 Security Equipment Grant:

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

10. Planning Director's Report

- a) Planning Project Update

There was no discussion regarding this item.

- b) Planning Commissioner reappointment

On a motion by Supervisor Meinhard and carried unanimously, the Board reappointed Mr. Hubert Allen to the Planning Commission for a 3-year term expiring October 31, 2021:

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

- c) Set public hearing for CUP 18-10 Precision Cell Salem Church Road Tower

On a motion by Supervisor Banks, and carried unanimously, the Board set a public hearing for CUP 18-10 Precision Cell Salem Church Road Tower for December 11, 2018:

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

- d) Set public hearing for CA 18-07 Communications Antennas and Towers Countywide

On a motion by Supervisor Banks, and carried unanimously, the Board set a public hearing for CUP 18-07 Communications Antennas and Towers Countywide for December 11, 2018:

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

11. Old Business

N/A

12. New Business

Supervisor Meinhard states that the County should accept cat litter as an accepted waste. When the Board amends the Solid Waste Management Plan, it should include a receptacle that accepts cat litter.

13. Public Comments

Mr. Chris Rankin stated that the Board rushed through the process to get Green Ridge approved, and he hasn't heard anything since, and requested an update on the project. Ms. Betty Meyers stated that the Board say they want a rural way of life, but how does the landfill support a rural way of life. There are a lot of questions that have not been answered, and the citizens were not heard. The Board needs to listen to the concerns of the people.

Ms. Donna Snead states that Brookhill Road washes out every time it rains, and requested that the road be paved. Ms. Jennifer Jones asked the Board what would happen to the transfer stations if Green Ridge Landfill is built. Mr. Ronald Tavernier requested that a Flood Plain analysis be performed at the Green Ridge property. Mr. James Shedoian signed up to speak, but passed on the opportunity.

Mr. Lou Seigel stated that Cumberland is becoming the dump of the world and that the Board does nothing for the county. Mt. Trashmore is starting to settle laterally. He states that he did not hear about Green Ridge until half way through the process. Ms. Christal Schools asked what the amendment to the Solid Waste Management Plan entailed. Citizens do not know the situation with the Republic Landfill. There are two sites, two host agreements, and one in litigation. There is no state need for Green Ridge, and she is suspicious that the amendment to the Solid Waste Management Plan is being created to justify a need.

Mr. Butch Pond stated that Cumberland will end up like Petersburg. In Lunenburg today, a truck hit a school bus. This will happen in Cumberland. There are too many trucks, and the Board is making a big mistake.

14. Supplemental Information

Chairman Ingle urged the citizens to keep asking questions regarding Green Ridge, and the Board will try to find answers. He

also gave those in attendance his contact information and offered to speak to each citizen.

15. Board Member Comments

Supervisor Banks stated that he hopes the those in opposition of Board actions run for office.

16. Adjourn into Closed Meeting-

On a motion by Supervisor Osl and carried, the Board entered into closed meeting pursuant to the Virginia Code Section set forth below to discuss the subject identified:

- Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel
Subject: Host Community Agreement dated May 3, 2006

Vote: Mr. Osl – aye Mr. Banks – aye
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 Banks.

A motion was made by Supervisor 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.

18. Approve agreement with Cumberland County Development Company, LLC

Supervisor Osl moved that the Board give the Chairman and or the County Attorney authority to finalize and execute a Settlement Agreement with Cumberland County Development Company, LLC and Allied Waste:

| | | |
|-------|-------------------|--------------------|
| 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 Wheeler and carried by the following vote, the Board adjourned the meeting until December 11, 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