

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 11<sup>th</sup> day of December, 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

Absent: JP Duncan, Zoning 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 Osl and carried unanimously, the Board approved the amended Agenda as amended:

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

**5. State and Local Department/Agencies**

- a) Dr. Amy Griffin, Superintendent of Cumberland County Public Schools

Dr. Griffin was not in attendance.

- b) Aaron B. Hawkins, CPA, Robinson Farmer Cox Associates

Mr. Aaron Hawkins reviewed the County's Financial Report for Fiscal Year 17-18. He stated that the firm's testing on the County's compliance with federal regulations showed no issues. The firm reported a clean audit with the only exception relating to the school advertising of their budget.

- c) VDOT

Assistant Resident Engineer, Ms. Carrie Shephard, was not in attendance.

- d) Meaghan Lewis of Cumberland County Public Library

Ms. Lewis was not in attendance

- e) Ms. Kelly Snoddy, Peter Francisco Soil and Water Conservation District

Ms. Kelly Snoddy provided the Board with, and reviewed, the annual report. The board members did not have any questions regarding the report.

**6. Public Hearings**

There were no public hearings scheduled or conducted.

**7. County Attorney/County Administrator Report**

a) Consent Agenda

- 1) Approval of Bills for November 2018 and December 2018. Approved bills for December 11, 2018 total \$140,904.74. Ratified bills for November 14, 2018 to December 10, 2018 of warrants total \$414,462.07 with check numbers ranging from 78592-78843. Direct Deposits total \$167,279.10.
- 2) Approval of Minutes – November 1, 2018 and November 13, 2018

On a motion by Supervisor Osl 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) Mutual Aid Agreement with the Town of Farmville for Fire & EMS

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the Mutual Aid Agreement with the Town of Farmville regarding Fire & EMS:

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

- c) Set public hearing for Cumberland Community Cares Food Bank lease renewal

On a motion by Supervisor Osl, and carried unanimously, the Board set a public hearing for renewal of the Cumberland Community Cares Food Bank Lease on January 8, 2018:

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

- d) Set public hearing for Randolph Volunteer Fire Department lease renewal

On a motion by Supervisor Osl, and carried unanimously, the Board set a public hearing for the Board to consider renewal of the Randolph Volunteer Fire Department Lease on January 8, 2018:

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

- e) Proposed 2019 Board meeting schedule

On a motion by Supervisor Osl and carried unanimously, the Board approved the 2019 Board of Supervisors meeting schedule:

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.

b) Request for Appropriation – Sheriff's Office - \$2,808.00

On a motion by Supervisor Wheeler, and carried unanimously, the Board approved an appropriation for the Sheriff's Department in the amount of \$2,808.00:

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

c) Approval of FY 19-20 Budget Calendar and FY 19/20-FY 24/25 CIP Calendar

On a motion by Supervisor Osl and carried unanimously, the Board approved the FY19-20 Budget Calendar and FY19/20-FY24/25 CIP calendar:

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

**9. Planning Director's Report**

a) Planning Project Update

There was no discussion regarding this item.

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

On a motion by Supervisor Meinhard, and carried unanimously, the Board set a public hearing for CUP 18-10 Precision Cell Salem Church Road Tower for January 8, 2018:

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

c) Set public hearing for CUP 18-11

On a motion by Supervisor Meinhard, and carried unanimously, the Board set a public hearing for CUP 18-11 Timber Creek Event Barn for January 8, 2019:

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

**10. Old Business**

a) Organization of Emergency Services

It was the consensus of the Board to meet with Chief Walter Bailey of Virginia Department of Fire Services on Thursday, December 13, 2018 at 7:00 p.m. in the Board meeting room located at 1 Courthouse Circle, Cumberland,

Virginia 23040. The purpose of the meeting is to discuss the report generated at the request of the Board regarding the status of emergency services countywide.

## **11. New Business**

### a) Noise Ordinance Amendments

Supervisor Osl asks the Board to consider amending the county's noise ordinance. There have been issues that have arisen in the county, and the current ordinance is difficult to enforce. Two citizens came to share their comments regarding the noise ordinance. Mr. Wayne Campbell requested that the ordinance amendment include prohibition of shooting within fifty feet of animals. Mr. Nelson Conner advised the Board that his issue is with a neighbor who constantly plays music excessively loud, and he asked that the Board review the Ordinance to see what can be done. Mr. Bill Bruce advised the two citizens in attendance to video tape the noise because the ordinance says "nuisance". He also advised that if the noise is harming animals, the citizens should contact PETA.

## **12. Public Comments**

Mr. Nelson Conner reiterated that the police are not able to enforce the noise ordinance under the current regulations. Mr. Bill Bruce asked who would pay the million dollars in legal fees generated by the litigation between the county and Republic. He also states that he has filed a FOIA lawsuit against the county after the Board, County Administrator, and FOIA Council would not help him. Mr. Bruce also stated that if Mr. Osl sells his house, he is no longer a Board member.

Ms. Betty Myers stated that the Cumberland Landfill Awareness Group sent a mass mailing to citizens in Cumberland,

and they will do whatever it takes to stop the Green Ridge Facility. She asked the Board why they did not conduct a mass mailing to notify the citizens about Green Ridge. Ms. Myers asked for the effective date of the audit report and how long has the firm been conducting the audit for the county.

Mr. Chris Rankin stated that the county could have used direct mailing to notify the residents of the Green Ridge Facility, but the Board does not want citizens to know anything.

### **13. Supplemental Information**

The Chairman stated that the advertising for Green Ridge was conducted in the same manner as other projects. The audit report is effective for the year ending June 30, 2018, and Robinson Farmer Cox has been conducting the audit for the county for many years.

### **14. Board Member Comments**

Supervisor Banks stated that many companies have inquired about locating in the county over the last several years, but the county does not make a statement regarding a proposed project until an application has been received. Ms. Betty Myers interjected that the citizens are entitled to know everything. Supervisor Banks stated that there is some information that is confidential. The Board cannot share everything, but when the Board does share, the public criticizes. The county is not operating at a deficit and the audit report shows that. The County is not on the verge of bankruptcy.

Supervisor Osl recommends that citizens with questions regarding the finances of the county to ask the county administrator and review the budget presentations.

Supervisor Meinhard stated that he would like to see the citizens that speak out against the Board be held to the same

standards of honesty and respect that are expected of the Board. Ms. Christal Schools interjected and asked Supervisor Banks if the main purpose of the landfill is for revenue. Supervisor Banks suggested that the citizen ask those who voted in favor of the landfill.

**15. 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
- Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel  
Subject: Review pending litigation – Cumberland County Circuit Court

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 Banks.

A motion was made by Supervisor Banks 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.

The board discussed design details and specifications regarding Communication Towers.

**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 Thursday, December 13, 2018 at 7:00 p.m. in the Board Conference Room:

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