

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 12th day of March 2019, at the Cumberland County Circuit Court Room:

Present: David Meinhard, District 4, Chairman
Parker Wheeler, District 5, Vice-Chairman
William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2
Kevin Ingle, District 3
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 Ingle and carried unanimously, the Board approved the amended Agenda as presented:

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 gave the following report to the Board:

- CMS student, Baileigh Meinhard, won the State Spelling Bee in Richmond, and will go on to compete in the National Spelling Bee.
- CCPS student artwork is now being displayed at the Longwood Center for Visual Arts for the month of March.
- CCPS will host a Rubik's cube challenge on May 18, 2019
- Kindergarten registration will be held on April 18, 2019
- Delegate Tommy Wright visited the schools recently
- The Virginia Opera recently performed Jack in the Beanstalk at the Elementary School

- b) VDOT

Mr. Harley Joseph, District Director, provided the following report to the Board:

- April is Highway Safety Month.
- April 8, 2019 begins National Work Zone awareness week. There will be a vigil at the VDOT workers memorial on Afton mountain.

- Secondary Six Year Plan discussions will begin soon. He asked the Board to have a list of roads by the end of the month. The current funding projection includes an additional two (2) miles of road to the current list.

Supervisor Ingle requested consideration be given to restricting truck traffic on Rt. 646, Oak Hill Road, a narrow gravel secondary road. Large trucks are using this road as a short cut to Route 45, Cartersville Road.

- c) Ms. Sharon Harrup, STEPS

Ms. Harrup was not present.

6. Public Hearing Notices/Set Public Hearings

- a) REZ 16-02 Mill Race Subdivision

On a motion by Supervisor Osl, and carried unanimously, the Board set a public hearing for REZ 16-02 Mill Race Subdivision for March 12, 2019:

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

Public Hearings

- a. REZ 16-02 Mill Race Subdivision

Zoning Administrator, JP Duncan, informed the Board that the properties were originally rezoned from A-2 to M-2 to act as a buffer to the proposed Republic landfill project. Since that project

will not come to fruition, the applicant requests that the property be rezoned A-2 to allow for potential future residential use. The rezoning request was originally proposed in 2016. Due to the obligations in the Host Agreement for the Republic Landfill, the Planning Commission directed staff that the application should be deferred until the legal issues were resolved, or until the statutory time limits were met. Litigation has since been resolved, and the Planning Commission recommended this proposal on February 25, 2019 with a 6-1 vote.

The Chairman opened the public hearing. Mr. Tim Kennell is opposed to the rezoning. He states that the county has a habit of spot zoning and of rezoning with no good reason. Mr. John Godsey, contact person on the rezoning application, clarified that only four (4) lots of the subdivision are requested to be rezoned. He currently has contracts pending on some of the lots in question. Ms. Betty Myers asked if adjacent property notices sent, if the process was conducted correctly, and if Republic is aware of the proposed change.

Mr. Ron Tavernier states he is opposed to the rezoning as it will bring more commercial traffic to an already dangerous road. Also, this application is part of a deal made in closed session in order to get Republic to settle the lawsuit. Ms. Barbara Speas asked if all of the lots of the Republic landfill have been sold with the exception of the lots in the Mill Race subdivision, and what will be allowed on the lots. She also states that this request should not be voted on until after the completion of the Green Ridge Project.

With no additional citizens signed up to speak, the Chairman then closed the public hearing. Supervisor Osl states that a rezoning is done at the request of an applicant. County Administrator, Vivian Giles, clarified that an application can be deferred at the request of the applicant, and there are no time limits to act on the current application. Also, there is no

connection to the rezoning of the Mill Race lots and the Green Ridge project.

On a motion by Supervisor Ingle, and carried unanimously, the Board approved REZ 16-02 Mill Race Subdivision:

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 February 2019 and March 2019. Approved bills for March 12, 2019 total \$47,663.92. Ratified bills for February 13, 2019 to March 11, 2019 of warrants total \$488511.28 with check numbers ranging from 79182-79404. Ratified bills consist of \$227,375.49 Accounts Payable and \$261,175.79 Payroll.
 - 2) Approval of Minutes – February 12, 2019, February 20, 2019, February 21, 2019, and February 27, 2019

On a motion by Supervisor Banks and carried unanimously, the Board approved the consent agenda with a few clerical changes to the minutes:

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) Renewal of CUP 17-02 Lapp Store

On a motion by Supervisor Banks, and carried unanimously, the Board approved the renewal of CUP 17-02 Lapp store until August of 2019 with the following conditions:

1. Septic, well and electrical connections: The applicant shall comply with all federal, state and local regulations pertaining to the use of private water, sewer and electricity. The applicant shall provide a written letter from the Cumberland County Health Department indicating compliance with their codes for the facility.
2. Compliance with plan required: The applicant shall generally comply with the concept plan attached to the application. Additional space may be added, and building and parking footprints may change to accommodate required improvements. Additional accessory buildings not shown on the plan may be constructed.
3. Site Plan Required: Prior to issuance of a zoning permit, a complete site plan will be required. Any additional buildings over 500 square feet to be constructed must be accessory to the main building, meet main building setbacks, and will also require a site plan if not shown on the original site plan submitted for the primary structure.
4. Square feet: The total square footage for all structures associated with the general store use on the property shall be 12,000 square feet. Additional improvements beyond that shall require a new Conditional Use Permit.

5. Refuse disposal: Trash will be removed from the business on a regular basis, at least weekly.
6. Lighting: Lighting shall not constitute a nuisance and shall not produce glare or spillover onto adjacent properties.
7. Renewal of conditional use permit: Regular renewal of the conditional use permit shall be required to demonstrate continued compliance. Such renewals shall be subject to providing documentation from each referring state and local agency as to the applicant's performance and compliance with the criteria used to approve the use, as well as a review of any code infractions and/or violations. Renewals shall be based upon the following schedule:
 - a. 1 year after approval;
 - b. 2 years after approval;
 - c. 5 years after approval;
 - d. Every five years thereafter;
 - e. Renewal shall be required upon any change in property ownership, program provider, licensing type and/or management.

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

c) Set public hearing for CUP 19-02 Rt. 606 Truck & Auto

On a motion by Supervisor Banks, and carried
 unanimously, the Board set a public hearing for CUP 19-02
 Rt. 606 Truck & Auto for April 9, 2019:

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

d) Set public hearing for REZ 19-01 Hamilton Dance Studio

On a motion by Supervisor Banks, and carried unanimously, the Board set a public hearing for REZ 19-01 Hamilton Dance Studio for April 9, 2019:

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

e) Set public hearing for REZ 19-02 Price Right Mini Storage

On a motion by Supervisor Banks, and carried unanimously, the Board set a public hearing for REZ 19-02 Price Right Mini Storage for April 9, 2019:

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

10. Old Business

Supervisor Osl inquired about the proposed Noise Ordinance. Ms. Vivian Giles, County Administrator, informed the Board that a revised ordinance has been drafted and is being reviewed by staff, as well as the Sheriff for enforceability. The next step would be to set a public hearing.

On a motion by Supervisor Osl, and carried unanimously, the Board set a public hearing for noise ordinance amendments (CA 19-03) on April 9, 2019:

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

11. New Business

None

12. Public Comments

Ms. Pat Hilliard states that there are a lot of newcomers to the area, and there is trash everywhere. Supervisor Osl states that in the past, community service workers could pick up road side litter, and asked if this could still be utilized. Mr. Lou Seigel signed up to speak, but did not take the opportunity. Mr. Butch Pond asked why the Board did not read the minutes at each meeting. Does the Board members drive the roads of the county to see if there is trash on the roadside?

Mr. Ron Tavernier stated that the minutes of the last meeting incorrectly quoted his comments. He states that the requested to be shown poll results that the Cumberland Citizens approved the landfill. FEMA should do a study of the floodplain. The proposed Green Ridge leachate plant will be in the floodplain. DEQ regulations state that the landfill shall not be in a flood plain.

Ms. Beverly Speas voiced her concern with highway safety regarding horse and buggies. There is only one (1) sign with a picture of a horse and buggy, and no text. Signs should be bigger, and on roads that lead to Route 45S, Cumberland Road. She also states that there is a lack of clarity on the rezoning issue just approved. The County needs enforcement action regarding junk vehicles and trash on private properties. Ms. Speas also requested the Board do something with the sound at meetings; the citizens can't hear the board members speak.

Ms. Barbara Speas stated that residents are eight (8) months away from the November election, and asked whether the Board members plan to run? She also states that she opposes the way the Board members conduct themselves.

13. Supplemental Information

N/A

14. Board Member Comments

Supervisor Ingle states that he is looking at options for roadside litter removal. He suggests that April be considered Clean Cumberland month, and that residents clean up their own properties and properties around them. He also encouraged residents of his district to continue to bring their road concerns to his attention.

Supervisor Osl asked Mr. Ron Tavernier for clarification in his comment that Ms. Giles testified before the Senate and stated that all Cumberland residents were for the landfill. Supervisor Osl informed those in attendance that testimony of the General Assembly Committees is publicly available on the Senate website. He also stated that part of the DEQ Part A application process is a requirement for a flood plain study.

15. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Monthly Building Inspections Report
- d) 2018 Annual Business License Report
- e) Approved Planning Commission meeting minutes - N/A
- f) Approved EDA meeting minutes - October 16, 2018

16. Adjourn -

On a motion by Supervisor Ingle and carried unanimously, the Board adjourned the meeting until the budget public hearing

scheduled for Tuesday, April 2, 2019, to be held at 7:00 p.m. in the Court Room A of the Cumberland Courthouse:

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

David Meinhard, Chairman

Vivian Giles, County Administrator/County Attorney