

At an adjourned meeting of the Cumberland County Board of Supervisors held at 3:00 p.m. on the 1st day of December, 2006 at the Cumberland County Circuit Court Room, Cumberland, Virginia:

Present: William F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van H. Petty, Vice-Chairman, District 3
Elbert R. Womack, District 4
Robert Oertel, District 5
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator

The Chairman called the meeting to order and the Assistant County Administrator called the roll.

1. Comprehensive Agreement

a) Draft resolution

On a motion by Elbert Womack and carried, the Board adopted the following resolution:

WHEREAS, the current Cumberland County High School is the site intended by the Cumberland County School Board to be used for the purpose of renovating, designing, constructing, equipping and related demolition for a new combined middle school and high school facility (the "Project"), a qualifying project under the Virginia Public Private Education Facilities and Infrastructure Act (Va. Code § 56-575.1 *et seq.*, the "PPEA"); and

WHEREAS, the Cumberland County School Board, after issuing guidelines on January 9, 2006 under and pursuant to the PPEA, received an Unsolicited Proposal, as that term is used in the PPEA, dated March 16, 2006 from H+M Construction, Inc., a Tennessee Corporation authorized to do business in Virginia, for timely completion of the Project; and

WHEREAS, the Cumberland County School Board solicited and received one competing proposal by Cumberland County School Board's deadline of May 10, 2006 for receiving such proposals; and

WHEREAS, the Cumberland County School Board found and determined that H+M Construction, Inc.'s proposal would best serve its interests by offering the Project at a lower cost and faster delivery; and

WHEREAS, the Cumberland County School Board, after making such determination, and H+M Construction, Inc. desire to enter into a Comprehensive Agreement for the completion of the Project; and

WHEREAS, the parties, in conjunction with final negotiations on the terms of such Comprehensive Agreement, previously entered into an Interim Agreement, as that term is used in the PPEA, dated October 31, 2006; and

WHEREAS, the parties have since finalized the terms of the Comprehensive Agreement and the Cumberland County School Board has formally approved the Comprehensive Agreement; and

WHEREAS, as a condition precedent to the Comprehensive Agreement's effectiveness, the Cumberland County Board of Supervisors must approve the Comprehensive Agreement;

BE IT RESOLVED by the Board of Supervisors, as follows:

a. The Comprehensive Agreement is approved as presented at this meeting of the Board of Supervisors, subject to the Stipulated Sum (as that term is used in the Comprehensive Agreement) not exceeding an amount of \$32,935,796.00. The Board further approves any reduction in such Sum as determined by the Cumberland County School Board to be in its best interests.

b. The County Attorney, in his discretion, is hereby authorized and directed to approve such Comprehensive Agreement as to form.

c. Such other officers, officials, agents and representatives of the County are hereby authorized to do and perform such acts as necessary under, consistent with, and contemplated in this Resolution, including the amendment of the Comprehensive Agreement for typographical and non-substantive errors and omissions.

BE IT FURTHER RESOLVED by the Board of Supervisors that this Resolution is hereby effective immediately.

A complete copy of the Comprehensive Agreement is contained in the official Board minutes.

b) Discuss Faithful+Gould report – Karen Mulleins

Mrs. Mulleins reviewed the value engineering report from Faithful+Gould and discussed various items in the report, giving reasoning for accepting or rejecting the proposed changes to the High/Middle school complex.

A complete copy of the value engineering report is contained in the official Board minutes.

c) Discuss VML/VACo financial report

The County Administrator presented information from VACo/VML outlining financing options and debt service for the proposed High School / Middle School Project.

d) Financing –

Steve Mulroy with VML/VACo presented various options for the Board's consideration in financing the school construction project.

2. Consider appointment of Karen Mulleins to FAPT

On a motion by Supervisor Osl and carried, the Board appointed Karen Mulleins to FAPT:

Vote: Mr. Osl – aye	Mr. White – aye
Mr. Petty – aye	Mr. Womack – aye
Mr. Oertel - aye	

3. Resolution for Sherry Swinson

On a motion by Supervisor Womack and carried, the Board approved a Resolution of Appreciation for Sherry Swinson:

RESOLUTION OF APPRECIATION

WHEREAS, Sherry Swinson has dedicated more than fifteen (15) years service to the County of Cumberland; and

WHEREAS, as Assistant County Administrator, she has served as department head of the Department of Community and Economic Development, and has planned all aspects of economic development and planning for our rural county; and

WHEREAS, her loyal dedication and commitment to the County contributed to the completion or planning of the following projects and activities, including but not limited to:

- **Project manager for a \$7.2 million public sewer project;**
- **Development and marketing of 85,000 square foot shell building and 40-acre industrial park;**
- **Development and promotion of the driving tour of the Route of Lee's Retreat and Virginia's Retreat (a tourism marketing consortium promotion the historic, natural and outdoor recreational assets of 13 jurisdictions);**
- **Development and promotion of Virginia's Heartland (a regional economic development marketing group);**
- **Creation and management of Cumberland County's tourism program, anti-litter and recycling programs;**
- **Project manager for a \$2 million public water project;**
- **Project manager for a proposed water reservoir project serving the Counties of Cumberland, Henrico, Powhatan and Goochland;**
- **Project manager/liason for the Bear Creek Lake water and sewer extension;**
- **Project manager for Village Streetscape project and Rt. 60 corridor study;**
- **Committee member on the Rails to Trails project;**
- **Grants writer/administrator for multiple County projects resulting in tens of millions of grant dollars;**
- **Oversight of various County improvement projects including landscaping, building beautification; signage; and many others; and**

WHEREAS, Sherry Swinson has carried the following professional memberships while employed by Cumberland County;

- **Board of Conservation and Recreation**
- **Virginia's Heartland Executive Committee**
- **Virginia Economic Developer's Association**
- **Governor's Regional Economic Advisory Council**
- **Workforce Investment Board**
- **Cumberland County Industrial Development Authority, secretary-treasurer**
- **Commonwealth Regional Council (marketing committee) formerly, Piedmont Planning District Commission**
- **Old Dominion Resource Conservation and Development Council (member, secretary, vice-chair, chair, State Council Member of the Year)**
- **Virginia's Retreat Consortium (member, chair)**
- **Civil War Trails, Region I representative**
- **Friends of the Appomattox River**

- Friends of Bear Creek Lake State Park
- Virginia citizens Planning Association
- Piedmont Solid Waste and Recycling Network
- Various County ad hoc committees

WHEREAS, Sherry Swinson has distinguished herself through her loyal commitment to improving the quality of life for the citizens of Cumberland County; and

WHEREAS, she has tirelessly served the County and its citizens with distinction and integrity as a professional community and economic developer; and

WHEREAS, she has earned the deep respect and esteem of those with whom she has worked with over the years;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors, through this resolution, expresses their high regard and profound appreciation for the services that Sherry Swinson has performed for the County of Cumberland, and wishes her continued success in her career.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel - aye

4. Consider candidates for appointment to Landfill Advisory Committee

On a motion by Supervisor Osl and carried, the Board appointed the following to the Citizens Landfill Advisory Committee:

District 1	Dave Hale
District 2	Loren Glover
District 4	Gene Brooks
Board	Cliff White
Representatives	Van Petty, alternate

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel - aye

5. Additional Information

The Board was informed that the cost of an insert for personal property mailing notifying citizens of no decal would be \$400.00

CLOSED MEETING

On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(7) for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

The Board returned to regular session on a motion by Mr. Osl.

A motion was made by Mr. Osl and adopted by the following vote:

Mr. Osl – aye
 Mr. White – aye
 Mr. Petty – aye
 Mr. Womack – aye

Mr. Oertel - 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.

No action was taken on the item discussed.

The Chairman adjourned the meeting. The next meeting will be held on December 12th, 2006 at 1:30 p.m. in the Old Clerk's Office for a closed session pursuant to VA Code Section 2.2-3711 (A-7) consultation with legal counsel regarding specific legal matters.

Chairman

County Administrator