

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 3rd day of January, 2007, at the Cumberland County Circuit Court Room:

Present: W. F. Osl, Jr., Chairman, District 1
 Clifton C. White, District 2
 Van Petty, District 3
 Elbert Womack, District 4
 Robert Oertel, District 5
 Howard Estes, County Attorney
 Judy Ownby, County Administrator
 Jill Matthews, Assistant County Administrator

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

The invocation and the Pledge of Allegiance were led by the Chairman.

1. Organizational Matters

- a) Set date, time, place for regular meetings

The Board agreed to continue to hold monthly Board meetings on the second Tuesday of each month at 7:00 pm.

- b) Consider amendments to/adoption of Board By-Laws

Board members needed a current set of by-laws. The item was deferred to the February Board meeting.

- c) Consider Board member appointment to Boards, Commissions, etc.

Board member appointments to Boards, Commissions, etc. remained the same with minor changes as listed in the official Board minutes.

2. Approval of Agenda

On a motion by Mr. Osl and carried, the board amended the agenda as follows:

1. Organizational Matters
 - b) By-Laws (please remove by-laws included in agenda packet and replace with the latest revision)

4. Public Hearings
 - b) Amendments to Solid Waste Management Plan
 (comments from citizen attached)

- 5. Department / Agencies
 - c) Red Cross / Statement of Understanding – Jerry Giles

- 7. County Administrator’s Report
 - c) Review of Board of Supervisors Priorities

- 11. Additional Information
 - Agenda for January 11, 2007 “Summit on the Rural Community” attached.
 - Information needed from Board members
 - a) Names of those who will attend 1/11/07 conference
 - b) Possible dates for follow-up meeting w/ Jim Parkhurst, Associate Professor, Fish & Wildlife Science (reservoir) Consider January 31, February 1, 6 or 8 at 1:00 pm.
 - c) Date for workshop on bio-energy research – March 8 or 9 (1-4pm).
 - Hazardous waste disposal day

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

3. VDoT – Alan Leatherwood, Resident Engineer

Mr. Leatherwood informed the Board that bids had been received on Route 601 Ashburn Road. The apparent low bidder was Pearson Construction at \$503,000.

The public hearing on the Six-year plan was set for the February 13, 2007 Board meeting.

4. Public Hearings

- a) Revised Financing Resolution

After a brief review of the proposed resolution by the County Attorney, the Board agreed to include additional wording to include financing for renovations and repairs to County facilities including the former Sheriff’s office facility (currently located in the basement of the administration building).

The Chairman opened the public hearing. There were no speakers.
 The Chairman closed the public hearing.

On a motion by Mr. Petty and carried, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors (the “Board”) of Cumberland County, Virginia (the “County”) adopted a resolution on December 12, 2006, regarding the financing for all or a portion of the costs of various infrastructure improvements including the acquisition, construction, renovation, and equipping of capital facilities and projects for a combined middle school and high school, renovations

to the elementary school, expansions and improvements to water and sewer facilities, together with related costs and expenses (the "Project");

WHEREAS, the Board seeks to further expand the facilities to be eligible for financing to include the acquisition, construction, renovation and equipping of the County's public safety facilities as described in its current Capital Improvement Plan and including the renovations and improvements to the property formerly known as "Flippen's Store" and renovations and repairs to County facilities, including the former Sheriff's office facilities;

WHEREAS, the Board restates its request to the Cumberland County School Board (the "School Board") to assist in the financing of the Project and the issuance by the County of its Public Facility Lease Revenue Notes (whether issued in one or more series, referred to herein as, the "Note") in order to effectuate the foregoing;

WHEREAS, the County has previously applied to the Virginia Municipal League / Virginia Association of Counties Commercial Paper Finance Program (the "Program") for the purchase of the Note by the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia, a political subdivision duly organized and existing under the Constitution and laws of the Commonwealth of Virginia (the "Joint IDA"), with proceeds made available from revenue bonds issued by the Joint IDA (the "Joint IDA's Bonds") pursuant to the Program;

WHEREAS, the financing of the Project and the issuance of the Note will be undertaken in accordance with the following documents (collectively, the "Documents") which were previously approved in the forms presented at the meeting of the Board on December 12, 2006:

- (a) a Loan Agreement (the "Loan Agreement") between the Joint IDA and the County (the "Loan Agreement"), including a form of the Note;
- (b) a Prime Lease (the "Prime Lease") between the County and the School Board, conveying to the County, among other things, a leasehold interest in certain real property and improvements, including all or a portion of the property on which the Project will be located (the "Property");
- (c) a Lease Agreement (the "Lease Agreement") between the School Board and the County, conveying, among other things, a leasehold interest in the Property (including the Project) back to the School Board and said Lease Agreement to be further acknowledged, consented and agreed by the School Board;
- (d) an Assignment Agreement (the "Assignment Agreement") from the County to the trustee for the Joint IDA, assigning certain rights of the County under the Prime Lease and the Lease Agreement to such trustee;

WHEREAS, the Note shall be payable solely from and secured by a pledge of lease payments made by the School Board under the Lease Agreement and the County's rights under the Documents, which will be assigned by the County pursuant to the Assignment Agreement. The obligation of the School Board to make lease payments under the Lease Agreement shall be subject to annual appropriations by the Board, which is under no legal obligation to make such appropriations. Neither the Lease Agreement nor the Note will constitute a debt of the Commonwealth of Virginia or any political subdivision thereof, including the County and the School Board, or a pledge of the faith and credit or taxing power of the Commonwealth of Virginia, the County or the School Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CUMBERLAND COUNTY, VIRGINIA:

1. The Resolution of December 12, 2006 is hereby by ratified.

2. Further, such Resolution is amended so that the definition of Project includes those infrastructure improvements of and related to public safety facilities, including the acquisition, construction, renovation and equipping of the County's public safety facilities as described in its current Capital Improvement Plan and including the renovations and improvements to the property formerly known as "Flippen's Store."

3. The Board restates that leasing arrangement with the School Board to accomplish the financing of the Project for the benefit of the County is hereby approved. The County hereby restates its request for the assistance of the School Board to accomplish the financing of the Project in accordance with the terms and conditions set forth herein and specifically for the School Board to acknowledge, consent and agree to the Lease Agreement.

4. The Project is hereby restated and declared to be essential to the efficient operation of the County, and the Board states that Project is, and is anticipated to continue to be, essential to the operation of the County during the term of the Lease Agreement. The Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease Agreement and hereby recommends that future Boards do likewise during the term of the Lease Agreement.

5. Each of the County Administrator and the Chairman of the Board (each, an "Authorized Representative"), is hereby authorized and directed to execute the Documents, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by an Authorized Representative, his or her execution to constitute conclusive evidence of approval of any such completions, omissions, insertions and changes. Each Authorized Representative is also authorized to cause such of the Documents as are necessary to be recorded in the Clerk's Office of the Circuit Court of Cumberland County.

6. The Note shall be issued to the Joint IDA, in one or more series, on such date or dates and on terms as shall be satisfactory to an Authorized Representative and the County; provided, however, that the Note (a) shall have an aggregate principal amount not to exceed \$25,000,000, (b) shall mature no later than June 30, 2008, and (c) shall bear interest on the outstanding principal balance thereof at an initial rate of interest determined in a manner approved by an Authorized Representative, with such rate to be adjusted periodically in accordance with the terms and conditions of the Loan Agreement and the documents prepared in connection with the issuance of the Joint IDA's Bonds, and shall accrue certain other ongoing costs and expenses upon the terms and conditions described in the Loan Agreement. Subject to the preceding terms, the Board of Supervisors further authorizes any Authorized Representative to (a) determine the final principal amount of the Note and (b) to establish the maturity date and the principal amortization schedule (including the principal installment dates and amounts) for the Note in such manner as such Authorized Representative shall determine to be in the best interest of

the County. The approval by an Authorized Representative of the final terms, purchase price, initial interest rate, interest rate adjustment provisions, maturity date and amortization schedule of the Note shall be evidenced by the execution and delivery of the Lease Agreement, and no further action shall be necessary on the part of the County. The County acknowledges that the Lease Agreement will further require the County to pay, on a subject to appropriation basis, certain Program expenses associated with the Note and the Loan Agreement, together with any applicable late payment or similar costs and expenses described therein. The principal of and premium, if any, and interest on the Note shall be payable in lawful money of the United States of America.

7. The County covenants that it shall not take or omit to take any action the taking or omission of which shall cause the Note to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations thereunder, or otherwise cause interest on the Note to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States of America any part of the earnings derived from the investment of the gross proceeds of the Note. The County shall pay from its legally available general funds any amount required to be rebated to the United States of America pursuant to the Code.

8. Each Authorized Representative and such other officers of the County as are requested are hereby authorized and directed to execute, deliver and file all certificates and documents and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Note and the execution and delivery of the Documents, including without limitation (a) execution and delivery of a tax and non-arbitrage certificate setting forth, among other things, the expected use and investment of the proceeds of the Note to show that such expected use and investment will not violate the provisions of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations thereunder, applicable to “arbitrage bonds,” (b) making any elections that such officers deem desirable regarding any provision requiring rebate to the United States of “arbitrage profits” earned on investment of proceeds of the Note, (c) providing for the County to pay any such rebate amount, (d) filing Internal Revenue Service Form 8038-G, (e) the execution and delivery of a bank qualification allocation agreement, and (f) the execution of such other agreements or certificates as may be necessary to effectuate the issuance of the Note and compliance with any continuing disclosure requirements, and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Note, the establishment of reserves therefor, and the undertaking of the Project. The foregoing shall be subject to the advice, approval and direction of Woods Rogers PLC, as bond counsel.

9. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

10. All costs and expenses in connection with the undertaking of the Project and the issuance of the Note, including the County’s fees and expenses and the fees and expenses of the County Attorney serving as bond counsel shall be paid from the proceeds of the Note or legally available funds of the County. If for any reason the Note is not issued, it is understood that all such expenses shall be paid by the County.

11. All other acts of an Authorized Representative and other officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Note and the undertaking of the Project are hereby approved and ratified.

12. To the extent applicable and necessary, in adopting this Resolution the Board intends to evidence its “official intent” to reimburse Project expenditures with proceeds received from the issuance of the Note within the meaning of Treasury Regulations Section 1.150-2 promulgated by the Internal Revenue Service pursuant to Code, to the fullest extent such expenditures are reimbursable under the Code and as consistent with its Reimbursement Resolution of August 28, 2006.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS that this Amended and Restated Resolution is hereby effective immediately.

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

- b) Amendments to Solid Waste Management Plan
The Chairman opened the public hearing. There were three citizens signed up to speak in regards to the Solid Waste Management Plan, most to address the issue of a proposed landfill.

The Chairman closed the public hearing.

The Chairman read a written statement from a citizen and then addressed questions presented by citizens during the public hearing. Mr. Osl informed citizens that the County is required by the State to have a Solid Waste Management Plan in place. Mr. Osl also pointed out that the Department of Environmental Quality requires a revision of the current plan before a landfill could be permitted.

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

WHEREAS, the Board of Supervisors (the “Board”) of Cumberland County, Virginia (the “County”) has been presented with amendments to the County’s current Solid Waste Management Plan with Prince Edward County;

WHEREAS, the Solid Waste Management Plan provides an integrated management system and long-range planning for waste and recycling both in Prince Edward and Cumberland Counties;

WHEREAS, the amendments reflect the availability of a proposed landfill to be sited in the eastern part of Cumberland County;

WHEREAS, the Board has reviewed and considered the amendments;

acceptance and adoption of amendments to the County's and Cumberland Counties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CUMBERLAND COUNTY, VIRGINIA:

4. The foregoing recitals are incorporated herein by reference.

5. The Solid Waste Management Plan for Prince Edward and Cumberland Counties, reflecting amendments which include the availability of a proposed landfill to be sited in the eastern part of Cumberland County and as presented at this meeting of the Board, is hereby by accepted and adopted.

3. Each of the County Administrator and the Chairman of the Board (each, an "Authorized Representative") and such other officers of the County as are requested are hereby authorized and directed to execute, deliver and file all certificates and documents and to take all such further action as they may consider necessary or desirable in connection with the acceptance and approval of the Solid Waste Management Plan.

4. Each Authorized Representative is hereby authorized and directed to execute such documents, with such completions, omissions, insertions and changes not inconsistent with this Resolution, as may be approved by an Authorized Representative, his or her execution to constitute conclusive evidence of approval of any such completions, omissions, insertions and changes.

5. Any authorization herein to execute a document shall include authorization to deliver it to other parties and to record such document where appropriate.

6. All other acts of an Authorized Representative and other officers of the County that are in conformity with the purposes and intent of this Resolution are hereby approved and ratified.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS that this Resolution is hereby effective immediately.

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

5. Department / Agencies

- a) Karen Mulleins gave a brief review of the School Construction Progress Report and informed the Board that demolition of the old facility should be complete by March 1, 2007. The Ruritans have committed to move the log cabin from the school complex to the ball field behind the school by February 14th, 2007. The cost to move the structure is estimated at \$12,000. The school has started the Generations Courtyard Brick Campaign to commemorate the original two story brick building. Participants can purchase laser-engraved 4" x 8" bricks for \$50.00

or 8" x 8" bricks for \$100.00 to become a permanent part the courtyard at the new school complex.

b) Emergency Services Committee Report – Kelly Hale

There was little to report from the Emergency Services Committee as there was no December meeting held. Mrs. Hale listed several upcoming classes available through the ESC, such as EMT, Fire Fighter I, Emergency Vehicle Operator and CPR.

c) Jerry Giles – water report; LEPC report; water & sewer advisory committee report

Mr. Giles reported that the new cabins at Bear Creek Lake State Park were recently connected to the County Water System. The Board had questions as to the completion of the entrance to the new water tank. Mr. Giles stated that he would be checking with Gary Edwards with Virginia Department of Transportation on the approval of the new water tank entrance.

Mr. Giles presented a Statement of understanding regarding the Red Cross to the Board. The Board instructed Mr. Giles to request an extension on acknowledgement of the agreement pending further information. The item will be readdressed at the regular February Board meeting.

6. Assistant County Administrator/Finance & Human Resources

a) Mrs. Matthews reviewed the monthly budget report. There were no questions from the Board.

b) On a motion by Mr. Oertel and carried, the Board approved a supplemental appropriation of \$1,355.00 to the Treasurer's Office for the purchase of a new shredder. The total cost of the shredder was estimated at \$1,800.00 with the remaining \$445.00 being authorized from the Compensation Board.

7. County Administrator's Report

a) Items a) 1. and a) 2. were removed from the agenda.

b) Appointments – Board of Zoning Appeals (recommendation to Circuit Court Judge)

No recommendation was necessary as the Judge had reappointed Quinton Parker for a five year term expiring January 2011.

c) Review of Board of Supervisors Priorities

After discussion, the Board revised their list of priorities as follows:

- Establish agricultural advisory committee
- Develop a tax reduction strategy – including elderly, land use, etc.
- Attract **selected** business/industrial development
- Improve staffing and equipment for emergency services
- Continue implementing technology infrastructure – including wireless hot spots
- Create jobs
- Leverage airport
- Identify needed senior programs
- Build a greater presence with the general assembly
- Encourage volunteer recognition/reward program
- Review land use assessment – forestry
- Establish parks & recreation areas including playground equipment
- Conduct retreats - improve working relationships
- Assist with home for clothes closet
- Help with school budget without increasing tax burden
- Improve public access to courthouse including parking
- Deploy EMS interoperability plan
- Negotiate broadband backbone network to the Village
- Establish satellite SVCC campus
- Complete Emergency Communications Center, Sheriff’s Office, etc.
- Complete review to implement Comprehensive Plan
- Conduct periodic reviews with surrounding communities

Mr. White also requested that the Board consider organizing a committee to include the Chairman, Vice-Chairman or County Administrator from current planning district as well as Goochland, Fluvanna and Powhatan to discuss issues and development on a quarterly basis.

8. County Attorney’s Report

Mr. Estes had nothing additional to report.

9. Board Member Comments

Mr. Osl encouraged all to attend the Summit on the Rural Community to be held at Bear Creek Lake Convention Center on January 11, 2007. He also asked that County staff strive to provide more information in electronic format for easy access by citizens.

Mr. White stated that he was expecting a busy year. Mr. White had recently visited the Farmville STEPS facility in the Industrial Park and encouraged others to visit the facility.

Mr. Petty wished everyone a Happy New Year.

Mr. Womack is a Ruritan member and pointed out that the wish to relocate the log cabin from the school property to County owned property behind the Courthouse complex was too costly. Mr. Womack made his first public speech in the log cabin as a young FFA member in school. Mr. Womack also wished everyone a Happy New Year.

Mr. Oertel had no comments.

10. Public Comments

The Chairman opened the meeting for public comment.

Three citizens spoke during the public comments section of the meeting. One speaker suggested disbanding the Board of Zoning Appeals while two other expressed their concerns with the destruction of the old High/Middle School facility.

11. Additional Information

The United States Secretary of Agriculture Mike Johanns approved the Governor's request that Cumberland be designated a primary natural disaster area due to the losses caused by drought and high temperatures that occurred from March 1, 2006, through September 20, 2006. The secretarial designation makes farm operators in both the primary and contiguous counties and cities eligible to be considered for low interest emergency loans from the Farm Service Agency.

The County Administrator distributed the agenda for the January 11, 2007 Summit on the Rural Community. All Board members as well as the County Administrator and Assistant County Administrator were expecting to attend.

A follow-up meeting will be scheduled with Jim Parkhurst, Associate Professor, Fish & Wildlife Science.

A workshop on bio-energy research will be held on March 8th or 9th.

The Assistant County Administrator informed the Board that Prince Edward County was very interested in sponsoring a joint hazardous waste disposal day for citizens. Mrs. Matthews is working with Jonathan Pickett to make arrangements for possible annual spring and fall events.

The Chairman adjourned the meeting until the regular meeting to be held on February 13, 2007 at 7:00 p.m. in the Cumberland Courthouse.

Chairman

County Administrator

