

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13th day of May, 2008, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., Chairman, District 1
Timothy Kennell, 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
Mike Cooper, Director, Community Development
Andrew Sorrell, Zoning Administrator

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

The invocation was led by Supervisor Petty, and the Pledge of Allegiance was led by the Chairman.

1.) Approval of Agenda-

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

4. Departments/Agencies
 - a) DELETE – Jim Thornton (Superintendent’s report)
 - d) Randolph Fire Department – Bill Bailey
- plans for next year, request to increase fees for use of building
5. Assistant Administrator/Finance
 - d) Report on Tire Day
7. County Administrator
 - a) Consent Agenda
 - 4) Pull item for separate discussion – appropriation of 4-for-life funds. ODEMSA has requested 10% of the 4-for-life funds which would be \$638.72, leaving a balance of \$5748.44 to be divided between the Cartersville and Cumberland Rescue Squads.
 - 5) Add to consent agenda – appropriation to Department

of Social Services in amount of \$1,759.97 for collections (no additional local funding); and appropriation of \$73,000 in federal funds, and \$61,633.64 in State funds. The matching local funds are already included in SS budget, no additional local funds are required.

- d) Add – consider resolution in recognition of the First Annual Juneteenth Festival

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

2.) VDoT - Allen Leatherwood, Resident Engineer-

Mr. Leatherwood presented the final 6-year plan and asked the Board to adopt a resolution approving the plan.

**SIX-YEAR ROAD PLAN
AND CONSTRUCTION PRIORITY LIST**

On motion by Mr. Kennell and carried, the Board adopted the following:

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2008/09 through 2013/14) as well as the Construction Priority List (2008/09) on March 11, 2008 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, W. A. Leatherwood, Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2008/09 through 2013/14) and the Construction Priority List (2008/09) for Cumberland County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Cumberland County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2008/09 through 2013/14) and Construction Priority List (2008/09) are hereby approved as presented at the public hearing.

VOTE:	Mr. Osl – aye	Mr. Kennell – aye
	Mr. Petty – aye	Mr. Womack – aye
	Mr. Oertel - aye	

Mr. Leatherwood informed the Board that the cost would be approximately \$1 million to replace the Rt. 621 bridge and that an option to consider is revenue sharing with Amelia County, whereby VDOT would contribute half the cost, and Amelia and Cumberland Counties would share the remaining half. The Board agreed to have further discussion on the bridge closure at a later date.

The Board mentioned several road concerns to Mr. Leatherwood, including whether VDOT has a schedule for when brush will be cleared from the sides of the roads, and specific areas, such as Rt. 684 where some gravel is needed, and cleaning out of ditches. Mr. Leatherwood informed the Board that the recent paving on Rt. 60 was a special surface treatment which would extend the life of the pavement for an additional 2-3 years.

3.) Public Hearings –

a) Reservoir Financing Resolution

The Chairman and County Attorney made comments on the financing resolution to be considered for adoption. The resolution will allow the County to borrow up to \$10 million for reservoir expenditures. The County is agreeing to a moral obligation of the IDA payments on this loan. This is a line of credit up to \$10 million through the VML/VACo commercial paper program, and the Chairman and County Administrator will be authorized to sign the documents.

The Chairman opened the public hearing. Three speakers who owned property at the reservoir site were opposed to adoption of the resolution and stated that property owners were not notified when engineering work, etc. was being performed on site. The County Attorney noted that this is not a

requirement; however, the County is sending notices two weeks prior to any survey or other work being performed at the site. A citizen distributed questions/comments to the Board, and another citizen asked if the \$10 million included land acquisition. The Board stated that the adoption of the resolution allowed the Board to spend up to \$10 million; however, there is no obligation to spend that amount.

The Chairman closed the public hearing.

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION

AUTHORIZING AND APPROVING A BORROWING THROUGH THE VML /
VACO COMMERCIAL PAPER PROGRAM

May 13, 2008

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom of the Cumberland County Courthouse at Cumberland, Virginia commencing at 7:00 p.m., May 13, 2008, the following action was taken:

Following a presentation of the recitals and the resolutions for adoption and on a motion by Supervisor Oertel, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
William F. Osl, Jr., Chairman	aye
Timothy Kennell	aye
Van H. Petty	aye
Elbert R. Womack	aye
Robert J. Oertel	aye

Absent: none

WHEREAS, the Board of Supervisors (the “Board”) of Cumberland County, Virginia (the “County”) desires to obtain and approve the receipt of financing for all or a portion of the costs of infrastructure improvements including the acquisition, construction, improvements, and equipping of capital facilities for a public water reservoir known as the Cobb’s Creek Reservoir, together with related costs and expenses (the “Project”), and hereby requests the Cumberland County Industrial Development Authority (the “Authority”) to assist in the financing of the Project through the issuance 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 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”):

- (a) a Loan Agreement (the “Loan Agreement”) between the Joint IDA and the Authority and acknowledged, consented and agreed to by the County, including a form of the Note;
- (b) a Prime Lease (the “Prime Lease”) between the County and the Authority, conveying to the Authority, among other things, a leasehold interest in certain real property located in Cumberland County, Virginia known as the County’s administration building and the related improvements now or hereafter existing thereon (the “Property”);
- (c) a Lease Agreement (the “Lease Agreement”) between the Authority and the County, conveying, among other things, a leasehold interest in the Property back to the County;
- (d) an Assignment Agreement (the “Assignment Agreement”) from the Authority, to the trustee for the Joint IDA (the “Trustee”), assigning certain rights of the Authority under the Prime Lease and the Lease Agreement to the Trustee;
- (e) a Support Agreement (the “Support Agreement”) by and among the Joint IDA, the Authority and the Board.

WHEREAS, the Note shall be payable solely from and secured by a pledge of lease payments made by the County under the Lease Agreement and the Authority’s rights under the Documents, including, without limitation, the rights which will be assigned by the Authority to the Trustee pursuant to the Assignment Agreement. The obligation of the County to make the 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 Authority, or a pledge of the faith and credit or taxing power of the Commonwealth of Virginia, the County or the Authority. Without limiting anything in the foregoing in connection with the financing, the Joint IDA has proposed that the Board authorize and execute the Support Agreement, which will provide for a non-binding obligation of the County to make certain appropriations to the Authority in connection with payments due on the Note.

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

1. The leasing arrangement with the Authority to accomplish the financing of the Project for the benefit of the County is hereby approved, and the County hereby requests the assistance of the Authority to accomplish the financing of the Project in accordance with the terms and conditions set forth herein.

2. The Project is hereby declared to be essential to the efficient operation of the County, and the Board states that the 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 for payments beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments then due under the Lease Agreement and hereby recommends that future Boards do likewise during the term of the Lease Agreement. Further, the Board hereby authorizes the execution and delivery of the Support Agreement providing for a non-binding obligation of the County to make appropriations to the Authority in connection with payments on the Local Obligation, and pursuant to which the Board shall, among other things, require the inclusion in the budget request for each fiscal year during the term of the Loan Agreement an amount sufficient to pay all amounts due under the Lease Agreement and otherwise in connection with the Local Obligation and the costs and expenses associated therewith during such fiscal year, plus the deficiency amount (if any) on payments not provided for in prior fiscal years.

3. Each of the County Administrator and the Chairman of the Board (each, an "Authorized Representative"), any of whom may act, is hereby authorized and directed to execute the Documents to which the County is party, 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.

4. 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 Authority; provided, however, that the Note (a) shall have

an aggregate principal amount not to exceed \$10,000,000, (b) shall mature no later than June 30, 2009, 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 and all other amounts payable in connection with the Lease Agreement 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 and all other amounts payable in connection with the Lease Agreement 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 Documents 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 default payment, 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.

5. 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.

6. 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.

7. 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.

8. All costs and expenses in connection with the undertaking of the Project and the issuance of the Note, including the Authority's fees and expenses and the fees and expenses of bond counsel and counsel to the Authority 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 and the Authority shall have no responsibility therefore.

9. 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.

10. 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 December 12, 2007.

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

- b) Amendment to Code adding Section 54-236.3 "Boundary Line Adjustment...."

Mr. Sorrell, Planner, explained the proposed amendments, as recommended by the Planning Commission.

The Chairman opened the public hearing and two citizens asked questions for clarification. The hearing was then closed. After several comments and discussion among the Board members, the resolution was adopted as follows:

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
ADOPTING AMENDMENTS TO THE
CODE OF CUMBERLAND COUNTY:

CODE AMENDMENT 08-01:

“AN ORDINANCE AMENDING CHAPTER 54 OF THE CODE OF CUMBERLAND COUNTY ADDING SECTION 54-236.3 ENTITLED “BOUNDARY LINE ADJUSTMENT APPLICATION, REVIEW AND RECORDATION- PARCELS OWNED BY THE SAME LANDOWNER” AND ADDRESSESING SEVERAL TYPOGRAPHICAL ERRORS.

May 13, 2008

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m. on May 13, 2008, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Womack, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending the Code of Cumberland County by adding the ability to remove property lines of adjacent parcels owned by the same landowner without a new plat and also addressing several typographical errors in the subdivision ordinance;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

Present:

Vote:

William F. Osl, Jr., Chairman

aye

Timothy Kennell	aye
Van H. Petty	aye
Elbert R. Womack	aye
Robert J. Oertel	abstained

Absent: none

WHEREAS, the Planning Commission held a workshop on, among other dates, March 18, 2008 to discuss proposed amendments to the Code of Cumberland County, which said amendments (collectively, the “Code Amendment”) add Section 54-236.3 entitled “Boundary Line Adjustment Application, Review and Recordation – Parcels Owned by the Same Landowner” and correct two typographical errors in the subdivision ordinance (as set forth and as presented in the draft of Attachment A hereto); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment and to make such drafts available for public review; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on April 21, 2008; and

WHEREAS, after such public hearing the Planning Commission adopted a resolution recommending to the Board of Supervisors that it adopt the Code Amendment; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on May 13, 2008; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment including the information and recommendation from the Planning Commission; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County’s

Comprehensive Plan, as expressed in the subdivision ordinance by providing additional clarity as well as a lower cost alternative to current lot line adjustment provisions and correcting several typographical errors; and

WHEREAS, after conducting a public hearing and considering the comments of County staff, landowners, residents, and the general public, the Board of Supervisors found that the Code Amendment furthers the goals of the Comprehensive Plan through the subdivision ordinance by allowing lot lines to be removed to establish larger parcels which further reduces the amount of land consumed by development; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment; and

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

- a. The foregoing recitals are hereby incorporated by this reference.
- b. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and subdivision ordinance.
- c. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, and after consideration of the foregoing, the Board of Supervisors adopts and approves the Code Amendment 08-01, as the specific text and provisions of such ordinance are set forth in the attached Attachment A to this Resolution.
- d. This Resolution is effective immediately.

c. Amendment to Code – Chapters 42 and 74

Mr. Sorrell explained the proposed changes to the ordinance as recommended by the Planning Commission.

The Chairman opened the public hearing and no one wished to speak. The hearing was closed, and after some Board discussion regarding the length of stay in a guest home, the following resolution was adopted:

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
ADOPTING AMENDMENTS TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 08-02:

“AN ORDINANCE AMENDING CHAPTERS 42 AND 74 OF THE CODE OF CUMBERLAND COUNTY ADDING: SECTION 42-43 ENTITLED “JOINED MANUFACTURED HOMES,” SECTION 74-2 DEFINITION OF “GUEST HOUSE” SECTION 74-143.(21) ADDING “GUEST HOUSE,” SECTION 74-223.(3) ADDING “GUEST HOUSE,” SECTION 74-263.(9) ADDING “GUEST HOUSE,” SECTION 74-303.(9) ADDING “GUEST HOUSE,” SECTION 74-14 ENTITLED “MINOR ENCROACHMENTS INTO YARDS,” SECTION 74-787.(e) ENTITLED “REPLACEMENT OR RESTORATION OF PREEXISTING NONCONFORMING MANUFACTURED HOMES” AND AMENDING: SECTION 42-38 ENTITLED “SINGLE USE OR STRUCTURE” AND SECTION 74-2 DEFINITIONS OF “ACCESSORY USE OR STRUCTURE,” “HOME-BASED SERVICE BUSINESS” AND “SERVICE BUSINESS.” THE PROPOSED AMENDMENT ALSO ADDRESSES SEVERAL TYPOGRAPHICAL ERRORS IN THE ZONING ORDINANCE.

May 13, 2008

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m. on May 13, 2008, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Petty, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending the Code of Cumberland County by addressing provisions regarding manufactured homes and trailers as well as accessory uses or structures, home-based service businesses and service businesses and also to clarify and provide flexibility for guest houses and for minor encroachments into side and rear building setbacks and also addressing several typographical errors in the zoning ordinance;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
William F. Osl, Jr., Chairman	aye
Timothy Kennell	aye
Van H. Petty	aye
Elbert R. Womack	aye
Robert J. Oertel	aye

Absent: none

WHEREAS, the Planning Commission held a workshop on, among other dates, March 18, 2008 to discuss proposed amendments to the Code of Cumberland County, which said amendments (collectively, the “Code Amendment”) address Section 42-43 entitled “Joined Manufactured Homes, Section 74-2 definition of “Guest House,” Section 74-143.(21) adding “Guest House,” Section 74-223.(3) adding Guest House,” Section 74-263.(9) adding “Guest House,” Section 74-303.(9) adding “Guest House,” Section 74-14 entitled “Minor Encroachments Into yards,” Section 74-787.(e) entitled “Replacement or Restoration of Preexisting Nonconforming Manufactured Homes” and amending: Section 42-38 entitled “Single Use or Structure” and Section 74-2 definitions of “Accessory Use or Structure,” “Home-based Service Business” and “Service Business.” The proposed Code Amendment also addresses several typographical errors in the zoning ordinance (as set forth and as presented in the draft of Attachment A hereto); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment and to make such drafts available for public review; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on April 21, 2008; and

WHEREAS, after such public hearing the Planning Commission adopted a resolution recommending to the Board of Supervisors that it adopt the Code Amendment; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on May 13, 2008; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment including the information and recommendation from the Planning Commission; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County's Comprehensive Plan, as expressed in the zoning ordinance by addressing ordinance provisions regarding manufactured homes and trailers as well as accessory uses or structures, home-based service businesses and service businesses. In addition, the Board of Supervisors reasonably considered the public purpose of the proposed amendment as clarifying and providing for flexibility for guest houses and for minor encroachments into side and rear building setbacks so that the spirit of the zoning ordinance is achieved and to correct typographical errors; and

WHEREAS, after conducting a public hearing and considering the comments of County staff, landowners, residents, and the general public, the Board of Supervisors found that the Code Amendment furthers the goals of the Comprehensive Plan through the zoning ordinance by providing additional clarity and flexibility in the zoning ordinance; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code

Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment; and

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

- e. The foregoing recitals are hereby incorporated by this reference.
- f. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and zoning ordinance.
- g. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, and after consideration of the foregoing, the Board of Supervisors adopts and approves the Code Amendment 08-02, as the specific text and provisions of such ordinance are set forth in the attached Attachment A to this Resolution.
- h. This Resolution is effective immediately.

4.) Departments and Agencies -

- a.) Dr. Jim Thornton – Superintendent of Schools – Deleted from agenda
- b.) Karen Mulleins – School Construction Progress Report – Deleted from agenda
- c.) Kevin Ingle – Emergency Services Committee – Mr. Ingle reviewed the activity report for April and mentioned that the communications project is at the completion stage. Grant funding is anticipated now that invoices and documentation have been submitted, and training classes have been set. A list of eligible members is to be forwarded to the County for processing tax relief for volunteers.

Mr. Ingle requested an appropriation of matching funds in the amount of \$7,518 for a \$150,000 AFG grant.

On a motion by Mr. Osl and carried, the Board appropriated matching funds in the amount of \$7,518 to the Cumberland Fire Department.

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

d.) Bill Bailey, Randolph Fire Department

Mr. Bailey requested that the Board of Supervisors allow the Committee to increase the rental of the building from \$75.00 to \$100.00. The Board asked to see the current guidelines so that it could be determined whether any other changes need to be made. A copy of the use agreement will be made available to the Board members, County Attorney, and the Committee for review and comments, and discussed at the June meeting of the Board of Supervisors.

5.) **Assistant County Administrator's Report –**

a.) Monthly Budget Report –

Mrs. Matthews reviewed the monthly budget report stating that expenditures and revenues are in line for this time of year.

b.) Short-Term Financing Report -

Mrs. Matthews reviewed the short-term financing report, and noted that the interest rate is still at a low 2.2%.

c.) Approval of Contract with Robinson, Farmer, Cox-

The auditing contract for FY 07-08 is up for renewal and Assistant County Administrator Matthews requested that the Board consider awarding an extension of the current contract to Robinson, Farmer, Cox and Associates.

On a motion by Mr. Osl and carried, the Board approved the audit contract with Robinson, Farmer, Cox and Associates for FY 07-08 in the amount of \$29,500.

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

d.) Tire Day Report-

Mrs. Matthews reported that over 3000 tires were collected at the Free Tire Disposal Day on May 10th. She thanked Sheriff Hodges for making arrangements to secure inmate assistance for the day, and thanked County personnel who volunteered to work all day on Saturday.

6.) **Planner/Zoning Administrator, Andrew Sorrell -**

a.) Comprehensive Plan Report-

Mr. Sorrell reported that the Comprehensive Plan has 141 policies, of which 13 are complete, 107 on-going, and 21 yet to be initiated.

b.) Planning Commission-

The Planning Commission is working on business zoning districts, and comparing our zoning to surrounding counties. There are some similarities and some differences. They will continue to look at business zoning in the County, growth areas, and the residential cluster ordinance.

7.) **County Administrator's Report –**

a) Consent Agenda-

On a motion by Supervisor Womack and carried, the Board approved the consent agenda as follows:

- 1) Approval of Minutes – April 2008
- 2) Approval of Bills – April and May 2008

Ratified Bills for April 2008 of warrants totaling \$382,908.52, with check numbers ranging from 53461 to 53755. Direct Deposits totaling \$136,982.38, and approved bills for May 2008 totaling \$193,093.32.

- 3) Appropriation of 2,699 to Sheriff’s Department for purchase of AED (contribution).
- 4) Appropriation to Social Services Department for the following:

\$1,759.72 (collections, no local funds); and \$73,000 in federal funds; and \$61,633.64 in State funds.

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

- 5) On a motion by Mr. Kennell and carried, the Board appropriated \$6,387.36 in 4-for-Life funds as follows:

\$638.72 to ODEMSA (10%); and \$5,748.44 to be divided equally between Cartersville and Cumberland Rescue Squads.

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

b.) Appointments –

- 1) Water & Sewer Advisory Committee –

An appointment to the Water & Sewer Advisory Committee will be made at the June meeting.

- 2) Workforce Investment Board –

Two appointments for business representatives need to be made to the Workforce Investment Board.

3) Cobbs Creek Community Project Committee-

Mrs. Brown will be unable to serve on the Water Reservoir Committee, therefore Mr. Petty submitted the name of Carolyn Helgeson.

On a motion by Mr. Petty and carried, the Board appointed Carolyn Helgeson to the Cobbs Creek Community Project Committee.

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

c) Relay for Life

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

RELAY FOR LIFE PROCLAMATION

WHEREAS, the American Cancer Society Relay For Life is a means of raising funds to support a cure for cancer by bringing together friends, family, businesses, hospitals, schools, and churches, and

WHEREAS, Relay For Life is a celebration of cancer survivorship and community spirit, and

WHEREAS, each year more than 2.25 million people (including 460,000 cancer survivors) take part in this overnight event, and

WHEREAS, Relay For Life honors survivors and raises much-needed funds for American Cancer Society research, education, advocacy and patient services,

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors proclaims the week of May 11 – 17, 2008, as Relay For Life Week, and

BE IT FURTHER RESOLVED that a Relay For Life Event will be held May 16-17, 2008 from 7 p.m. until 7 a.m. at the Cumberland County High School track for all who wish to participate.

ADOPTED this 13th day of May 2008.

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

d) Approval of Festival Application/Adoption of Resolution

Chairman Osl presented the resolution to Harry Marshall, President of the Cumberland NAACP.

A Resolution of the Board of Supervisors
of the County of Cumberland, Virginia

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In Recognition of the First Annual  
Juneteenth Festival  
Saturday, June 14, 2008

WHEREAS, 2008 marks the 143<sup>rd</sup> year anniversary of Juneteenth, and on Saturday, June 14<sup>th</sup>, the Cumberland NAACP and the Cumberland Missionary Society will present the First Annual Juneteenth Festival; and

WHEREAS, this festival is free and open to the public, with activities geared toward family participation, community unification and an expression of celebration, brother and sisterhood, and good old fashioned fun; and

WHEREAS, the celebration of Juneteenth, often cited as the African American Independence Day, originates from Galveston, Texas, where on June 19<sup>th</sup>, 1865, the word of the Emancipation Proclamation reached the enslaved, and

WHEREAS, today, Juneteenth is embraced and celebrated by all races and ethnicities in honor and in commemoration of African American culture and achievement, and

WHEREAS, Juneteenth has been the subject of city, state and federal legislation in recent years, establishing it as a special day of recognition, and as one of the fastest growing events in the country;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors, through the adoption of this resolution, acknowledges and encourages participation of Cumberland County citizens in this historic and special event; and

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the festival to be held on Saturday, June 14<sup>th</sup>, 2008, at the Madison Field in Cumberland County, Virginia.

|       |                  |                   |
|-------|------------------|-------------------|
| VOTE: | Mr. Osl – aye    | Mr. Kennell – aye |
|       | Mr. Petty – aye  | Mr. Womack – aye  |
|       | Mr. Oertel – aye |                   |

e.) Possible Recycling Ordinance

The County Administrator stated that some information on recycling had been given to Mr. Petty for distribution to members of the Leadership group. Mr. Petty said he had talked with several of the members and they have agreed to study the issue of recycling for a six-month period and bring back recommendations to the Board for consideration. The Board agreed that the following members would serve on the “recycling education task force”:

Debbie Guyer, Yvonne Earvin, Marty Shute, Jesse Barker, Pat Lankford, and Linda Eanes.

8.) **Director of Community Development –**

a) Update on Projects-

Mr. Cooper informed the Board that the onsite archeological work has been completed on the Museum, and they are now awaiting the approval of the Department of Historical Resources. Staff is hopeful that exterior improvements will begin this summer.

The Architects and Engineers are reviewing the plans and bid documents for Phase II renovations at the Educational Advancement Center. Staff is hopeful that the project will go out for Bid in June.

b) Grant Funding for Sewer Study-

Mr. Cooper informed the Board that staff is still conducting research for this sewer study and will report to the Board at a later date.

**9.) County Attorney's Report -**

The County Attorney discussed the issue of tax relief for emergency services volunteers and disabled veterans, and informed the Board that at this time the only form of relief that can be granted is through a reduced tax rate. After discussion, the Board agreed to set a public hearing to consider a reduced tax rate.

On a motion by Mr. Osl and carried, the Board set a public hearing for June 17, 2008, to consider a personal property tax rate of one-cent per \$100, for one vehicle per volunteer or disabled veteran.

|       |                  |                   |
|-------|------------------|-------------------|
| Vote: | Mr. Osl – aye    | Mr. Kennell – aye |
|       | Mr. Petty – aye  | Mr. Womack – aye  |
|       | Mr. Oertel – aye |                   |

**10.) Board Member Comments-**

Mr. Osl reported on several meetings he had attended, and thanked the County staff who worked on Patriot Day. He also thanked Mrs. Matthews for her competent handling of the County's financial matters.

Mr. Kennell also thanked the County staff for a successful Patriot Day and announced that his next district meeting would be held on May 28<sup>th</sup> at the Elementary School.

Mr. Petty stated that the Wireless Board is still working toward providing internet access to communities without high-speed internet access. He announced that an Early Education tour will be held on June 3; and the DMV Select office will open on May 19<sup>th</sup> at 8:30 a.m.

Mr. Womack stated that the Piedmont Regional Jail is advertising for the position of Superintendent; and that he enjoyed the Patriot Day events.

Mr. Oertel commended the County staff for an efficiently-run “Free Tire Disposal Day,” on May 10<sup>th</sup>.

**11.) Public Comments**

Barbara Gamage announced that Relay for Life will be held on May 16-17, 2008 from 7p.m. – 7a.m., and invited everyone to attend.

**12.) CLOSED MEETING**

On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(6) investment of public funds regarding the reservoir project; A(7) potential litigation.

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. Kennell – 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 items discussed.

The Chairman adjourned the meeting until May 20, 2008 at 9 a.m. in the Old Clerk's Office, for a closed session re: 2.2-3711 (A-6) water reservoir project.

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Chairman

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County Administrator