

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 17th day of June, 2008, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., Chairman, District 1
Timothy Kennell, District 2
Van Petty, Vice Chairman, 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
Stephany Johnson, Deputy Clerk

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.) Approval of Agenda-

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

5. Asst. County Administrator
 - a) Consent Agenda
 - 5) Appropriation of \$243,281.15 to School Fund (local receipts)
 - 6) Appropriation of \$3,447.00 to Clerk's Office (no local funds)
 - d) Randolph Fire Department request for appropriation
7. County Administrator's Report
 - c) Discuss resolution in support of hunting with dogs
 - d) Consider Recycling Taskforce Committee by-laws

- e) Discuss increase in rental fee for Randolph Volunteer Fire Department

- 9. County Attorney
 - a) Registrar's relocation

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

2.) VDoT - Alan Leatherwood, Resident Engineer-

VDoT Representative Mark McKissick stated that there was nothing new to report to the Board at this time. After hearing questions from the Board members, Mr. McKissick stated that the Morris Rd. project is scheduled to commence in the next fiscal year, beginning July 1, 2008.

3.) Public Hearings –

- a) Tax Relief for Veterans

The Chairman and County Attorney made comments regarding the proposed resolution. The Chairman suggested one minor revision in the wording of the resolution.

The Chairman opened the public hearing.

Former Board Member, Cliff White of District two, thanked the Board for continuing to move forward with this issue.

With no other citizens signed up to speak, the Chairman closed the public hearing.

BOARD OF SUPERVISORS
OF

COUNTY OF CUMBERLAND, VIRGINIA

RESOLUTION

ADOPTING AMENDMENTS TO THE

CODE OF CUMBERLAND COUNTY:

CODE AMENDMENT 08-03:

AN ORDINANCE AMENDING SECTIONS 58-282 THROUGH 58-284 TO THE CUMBERLAND COUNTY CODE TO ADD NEW CLASSIFICATIONS FOR PERSONAL PROPERTY TAXATION TO PROVIDE THAT MOTOR VEHICLES OWNED BY MEMBERS OF THE COUNTY'S VOLUNTEER FIRE AND RESCUE SQUAD DEPARTMENTS AND ONE VEHICLE OWNED BY A DISABLED VETERAN CAN BE TAXED AT A RATE DIFFERENT THAN THE STANDARD RATE OF FOR MOTOR VEHICLES

June 17, 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 June 17, 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 Kennell, 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 classification of vehicles owned by members of the County's volunteer fire and rescue squad departments and by certain disabled veterans;

Following presentation of the Resolution and the draft text of the ordinance, the Board of Supervisors adopted and approved the Resolution and revisions to the County Code 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 previously discussed at its meetings tax relief for certain vehicles in recognition of the owner's service to the County in its provision of emergency services in the County; and

WHEREAS, the Board of Supervisors previously discussed at its meetings tax relief for certain vehicles in recognition of the owner's service and sacrifice in defense of the United States of America; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on June 17, 2008 to present and discuss proposed amendments to the County Code addressing such tax relief; 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; 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 from County residents and the general public 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 AND ORDAINED by the **Cumberland County Board of Supervisors that Sections 58-282 through 58-284 be amended in the Cumberland County Code to read and provide as follows, to become effective with calendar year 2008:**

Sec. 58-282. Imposed.

The board of supervisors shall annually establish a rate of taxation for all personal property, and pursuant to each classification thereof, within the county. Taxpayers shall make payments to the county pursuant to rates established in accord with this article.

Sec. 58-283. Collection of tax.

In addition to the procedures and requirements set forth in this article, the method by which personal property is reported for taxation and taxes paid is established in article X of this chapter.

Sec. 58-284. Exemptions authorized; Separate classifications for certain property set forth.

(a) The county, pursuant to Code of Virginia, §§ 58.1-3504 and 58.1-3505, exempts from personal property taxation certain items of household and farm property.

(b) Pursuant to Code of Virginia, § 58.1-3506 a separate classification of personal property is hereby created for the purposes of levying personal property taxes on:

(1) motor vehicles owned or leased by members of a volunteer rescue squad or volunteer fire department provided that such squad or department is sited in the county and the member, in accordance with the terms of this section, serves the county. Such classification of leased motor vehicles shall apply only if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. The county may levy a tax on one motor vehicle, which is owned or leased by each volunteer rescue squad or volunteer fire department member at different rates from the levy on other tangible personal property, provided the volunteer rescue squad member or volunteer fire department member regularly responds to emergency calls or regularly perform other duties for such rescue squads or fire departments. The county shall establish the rates at the time of its annual budget process, including the establishment of other personal property tax rates. For the calendar year beginning January 1, 2008, and for each and every calendar year thereafter, unless changed, by January 31 of each year, the chairman, or such designee, of the county's emergency services committee, shall furnish the commissioner of revenue with a certification identifying each of the

applicable volunteers that are members of the applicable volunteer rescue squads or fire departments who regularly respond to calls or regularly perform other duties for such rescue squads or fire departments and specifying the motor vehicles owned or leased by such volunteer rescue squad or volunteer fire department members. However, the commissioner of the revenue shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline, but not later than March 31 of such year.

(2) [Reserved].

(c) Pursuant to Code of Virginia § 58.1-3506(A)(19), there is hereby set forth as a separate classification of tangible personal property for purposes of personal property taxation:

(1) one motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind, or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of the section, and that his disability is service-connected. For the purpose of this section, a person is blind if he meets the provisions of Code of Virginia § 46.2-739.

(2) For the calendar year beginning January 1, 2008, and for each and every calendar year thereafter, unless changed, the county shall establish the rates for such classified vehicles at the time of its annual budget process, including the establishment of other personal property tax rates.

(3) A qualifying veteran may have no more than one motor vehicle taxed pursuant to this Section 58-284(c). All other motor vehicles owned by the veteran shall be taxed at the rate established annually for motor vehicles generally.

Enactment Clause: Effective for 2008 Calendar Year Only.

In order to provide adequate time for completion and filing of paperwork for Calendar Year 2008 taxes, the certification deadline of March 31 referenced in Section 58-284(b)(1) is extended to June 30, 2008 and the time for receipt

of documentation noting the certification by the Department of Veterans Services referenced in Section 58-284(c)(1) is extended to June 30, 2008.

- b) Proposed Tax Levy for the Calendar year commencing January 1, 2008.

The Chairman reiterated that the proposed amendment would change the personal property tax levy for the Volunteer Fire and Rescue Members, and Disabled Veterans as defined in the amended code section. The amendment would change the personal property tax rate from \$4.40 per hundred to \$.01 per hundred.

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman closed the public hearing.

On a motion by Supervisor Womack and carried, the Board adopted the amendment to the tax levy for Volunteer Fire and Rescue Members, and Disabled Veterans to reflect the change from \$4.40 per hundred to \$.01 per hundred for personal property:

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

- c. Extension of the current short-term financing for capital projects

On a motion by the Chairman and carried, the Board adopted the following Resolution:

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
AMENDED AND RESOLUTION
AUTHORIZING AND APPROVING AN EXTENSION OF THE BORROWING
THROUGH THE VML / VACO COMMERCIAL PAPER PROGRAM**

June 17, 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., June 17, 2008, the following action was taken:

Following a presentation of the recitals and the resolutions for adoption and on a motion by the Chairman, 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:

WHEREAS, the Board of Supervisors (the “Board”) of Cumberland County, Virginia (the “County”) desired to obtain and approve the receipt of financing for all or a portion of the costs of 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, improvements to its public safety facilities including various equipment for its fire and rescue squad departments and renovations and improvements for a public safety building formerly known as Flippen’s Store, together with related costs and expenses (collectively, the “Project”), and received the support and assistance from the Cumberland County School Board (the “School Board”) by its resolution dated January 18, 2007 to assist in the financing of the Project and the issuance by the County of its Public Facility Lease Revenue Note (whether issued in one or more series, referred to herein as, the “Note”);

WHEREAS, the County 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 was undertaken and closed January 30, 2007;

WHEREAS, the Note is 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 is subject to annual appropriations by the Board, which is under no legal obligation to make such appropriations. Neither the Lease Agreement nor the Note constitutes, or 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.

WHEREAS, the various loan documents, and specifically the Note, provide for a maturity date of June 30, 2008;

WHEREAS, the parties thereto desire to extend such date to July 31, 2008 and the Board does hereby desire to set forth its agreement thereto;

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

1. The maturity date of the Note and related financing documents are hereby extended to July 31, 2008.

2. Each of the County Administrator and the Chairman of the Board (each, an "Authorized Representative"), is hereby authorized and directed to execute such documents to extend the maturity date to July 31, 2008, 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 documents as are necessary to be recorded in the Clerk's Office of the Circuit Court of Cumberland County.

3. 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.

4. All costs and expenses in connection with the undertaking of the Project and the amendment of the documents necessary to further the purposes

herein, 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 and related financing documents is not amended, it is understood that all such expenses shall be paid by the County.

5. 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 the Resolutions of January 3, 2007 and December 12, 2006 and in furtherance of the amendment, 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 August 28, 2006.

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

4.) Departments and Agencies -

a.) Karen Mulleins – School Construction Progress Report – Deleted from agenda

b.) Kevin Ingle – Emergency Services Committee –

Mr. Zirkle informed the Board that there are multiple classes currently ongoing for committee members, and that there is discussion on creating an EMS club at the high school in hopes of recruiting new, young members. Mr. Zirkle also mentioned to the Board that there has been numerous new locations identified for the landing of Skystat in an emergency situation.

Supervisor Oertel inquired about the mutual Aid agreement between Randolph Volunteer Fire Department and Prince Edward County Fire Department as to which department would be considered the first responder for the Kimberly Hills Subdivision. Mr. Zirkle clarified that the decision and any changes would be made between the two departments.

5.) Assistant County Administrator's Report –

a.) Consent Agenda-

On a motion by Supervisor Oertel and carried, the Board approved the consent agenda in its entirety as follows:

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

Ratified bills for May 2008 of warrants totaling \$ 807,842.17 with check numbers ranging from 53628-53868. Direct deposits for May 2008 totaling \$136,291.35. Ratified bills for June 2008 of warrants totaling \$ 229,517.20 with check numbers ranging from 5389-53981. Direct Deposits totaling \$ 65,578.73.

- 3) Appropriation of FY 2008-09 funds effective July 1, 2008
- 4) Appropriation of funds to Clerk's Office \$4,928.05 and \$1,480.70 (no local funds)-
- 5) Appropriation of \$243,281.15 to School Fund (local receipts)
- 6) Appropriation of \$3,447.00 to Clerk's Office (no local funds)

b.) Monthly Budget Report –

Mrs. Matthews reviewed the monthly budget report stating June is a relatively large collection month and the revenues and expenditures are well on target with little roll over as projected for the end of the fiscal year.

c.) Short-Term Financing Report -

Mrs. Matthews reviewed the short-term financing report, and noted that the interest rate is currently 2.64%, and that as of July 2008 the interest rate will be at its lowest at 2.12%.

- d.) Randolph Fire Department request for appropriation-

The Randolph Fire Department is requesting a grant match from the Board in the amount of \$36,210.00. The total amount of expenditures for the air packs is for \$80,210.00 with federal funding in the amount of \$44,000.00.

By unanimous consent, the Board decided to table the motion to approve the request for appropriation until the next Board meeting pending more information.

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

- a.) Conditional Use Permit Application (Carol Allen)-

Mr. Sorrell requested a public hearing for a Conditional use permit for Mrs. Carol Allen in order to add a handicap ramp to an existing structure, and bring the building in compliance with the American's with Disabilities Act regulations.

On a motion by the Chairman, the Board referred the this issue to the Planning Commission for a Public Hearing by the following vote:

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

- b.) Rezoning Application (Countryside Real Estate)-

Mr. Sorrell informed the Board the property owner has requested that the property known as Tax Map # 57A1-A-15 and 16, 1581 Anderson Hwy. be re-zoned form R-2 to B-1 in order to allow for massage therapy.

On a motion by the Chairman and carried, the Board referred this issue to the Planning Commission for a Public Hearing:

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

- c.) Other Items-Governor’s drought forum; PDR applications; R-2 cluster rezoning; regional water planning.

Mr. Sorrell informed the Board that 4 applications for Purchase of Development rights have been submitted, and are being currently being reviewed. Mr. Sorrell hopes to have his preliminary rankings ready for the PDR Committee by the end of June. He also informed the Board that he was in attendance of the Governor’s drought forum, and suggested that the County consider a drought ordinance to give direction if the County were to encounter a drought. The Planning Commission is planning to conduct a site visit to observe several cluster subdivisions in Fluvanna County.

7.) County Administrator’s Report –

- a.) Appointments –

- 1) Social Services Board (District 4)-

Margaret Smith has resigned leaving one year left before the expiration of her term. Supervisor Womack did not have a replacement at this time.

- b.) Consider transportation funding resolution as presented by VACo-

On a motion by Supervisor Petty and carried, the Board adopted the Resolution as presented:

**RESOLUTION
OF THE CUMBERLAND COUNTY BOARD OF SUPERVISORS
URGING THE VIRGINIA GENERAL ASSEMBLY TO ENACT A
TRANSPORTATION FUNDING PACKAGE TO ADDRESS THE
COMMONWEALTH’S TRANSPORTATION NEEDS**

Whereas an efficient transportation network is crucial to sustainable economic growth in the Commonwealth, a cleaner environment and enhanced public safety and quality of life; and

Whereas the Commonwealth faces a documented transportation funding shortfall including a recurring and inflating road maintenance funding shortfall resulting in the Commonwealth Transportation Board eliminating and reducing programmed project spending totaling \$1.1 billion in the new six-year transportation program; and

Whereas the Virginia Department of Transportation is transferring almost \$400 million in Fiscal Year 2008 from road construction funds to support road maintenance activities; and

Whereas the eliminated and stalled project monies include primary, urban, and secondary construction funding reductions to regions and localities of up to 44 percent for Fiscal Year 2009; and

Whereas funding for new highway and bridge construction is diminished as the annual road maintenance shortfall continues to escalate and the estimate to repair the Commonwealth's 1,700 deficient bridges totals more than \$3 billion; and

Whereas the lack of funding for new highway and bridge construction is adversely impacting the ability of Cumberland and the entire Commonwealth to successfully compete with other states for new economic development projects; and

Whereas Virginia has the nation's seventh lowest motor vehicle sales tax rate and the Commonwealth last enacted dedicated, new, significant and recurring annual statewide revenues for transportation in 1986, including the last increase in Virginia's modestly low gas tax rate of 17.5 cents per gallon; and

Whereas since 2006 the Commonwealth has enacted significant reforms to improve the coordination between transportation and local land-use planning;

Now, therefore, be it resolved that the County of Cumberland hereby calls on the Governor of Virginia and the Virginia General Assembly

during the forthcoming transportation special session to enact a significant transportation funding package to include dedicated, new, significant and recurring annual revenues to address the Commonwealth's documented transportation infrastructure needs.

And, be it further resolved, that the Governor of Virginia and the Virginia General Assembly are urged to enact dedicated, new, significant and recurring annual revenues to eliminate the road maintenance shortfall; increase funding directed to interstate and primary highways, urban and secondary roads, and transit projects; and address the unique transportation needs of the Commonwealth.

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

c.) Discuss resolution in support of hunting with dogs

On a motion by Supervisor Womack and carried, the Board adopted the Resolution as presented:

A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF SUPERVISORS IN SUPPORT OF OUR HERITAGE OF HUNTING WITH DOGS

WHEREAS, Cumberland County has a tradition of hunting with dogs and specifically with hounds that is as old as the County; and

WHEREAS, the Cumberland County tradition of hunting with dogs provides significant economic benefit to the county and her people; and

WHEREAS, the Cumberland County tradition of hunting with dogs significantly contributes to the public safety by controlling excess wildlife populations that would otherwise increase automotive collisions, crop and other property damage, and disease control; and

WHEREAS, the Cumberland County tradition of hunting with dogs, especially hounds, is practiced on the vast majority of land in Cumberland County and is a source of revenue and major resource management tool; and

WHEREAS, the Cumberland County tradition of hunting with dogs is a wholesome family oriented heritage that teaches self reliance, individual responsibility, and the values of community stewardship of our God given natural resources; and

WHEREAS, Cumberland County supports the use of dogs for hunting, where permitted by law, by hunters observing the rights of landowners and other hunters; therefore

BE IT RESOLVED, that the Cumberland County Board of Supervisors supports our Heritage of Hunting with Dogs, especially hounds, and opposes actions on the part of Virginia Department of Game and Inland Fisheries and Virginia Tech as detrimental to that tradition.

BE IT FURTHER RESOLVED, that the Cumberland County Board of Supervisors in support of our Heritage of Hunting with Dogs, especially hounds, hereby calls on the Virginia Department of Game and Inland Fisheries to work to increase communication with hunters and their hunting organizations and to increase law enforcement of the existing laws.

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

d.) Consider Recycling Taskforce Committee by-laws-

County Attorney Howard Estes reviewed and discussed the proposed by-laws with the Board and mentioned that these by-laws would have to be adopted by the committee.

e.) Discuss increase in rental fee for Randolph Volunteer Fire Department-

On a motion by Supervisor Womack and carried, the Board approved the rental fee increase for the rental of the building from \$75.00 to \$100.00:

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

8.) Director of Community Development –

a) Update on Projects-

Mr. Cooper informed the Board that staff is still awaiting the approval of the Department of Historical Resources for the Museum project, and have asked Draper Aden for a more accurate timeline of events.

The Architects and Engineers have run into delays as to the design of the mechanical, electrical and plumbing lab at the Educational Advancement Center. This has pushed the timeframe for the project completion in October 2008.

b) Application for Rural Development funding of water line extension-

Mr. Cooper presented the Board with a request to authorize the County Administrator to sign applications on behalf of the County to the USDA Rural Development Program for grant and loan funding for the extension of the public water system.

On a motion by the Supervisor Kennell and carried, the Board approved the authorization:

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

Mr. Cooper also spoke about the meeting of the Cobbs Creek Community Project Committee (CCCPC) that was held at the Adult Education Center and was well attended. Many good questions were presented to, and were well received by Virginia Tech and VCU.

9.) County Attorney's Report -

a) General Registrar's office relocation-

County Attorney, Howard Estes reviewed the proposed resolution:

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION

RELOCATING THE GENERAL REGISTRAR'S OFFICE:
AN ORDINANCE APPROVING AND DIRECTING COUNTY
STAFF TO PROVIDE SUPPORT FOR AND EFFECT THE
RELOCATION OF THE COUNTY'S GENERAL REGISTRAR'S
OFFICE

June 17, 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 June 17, 2008, the following action was taken following a presentation by County staff:

On a motion made by Supervisor Oertel, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance relocating the General Registrar's Office;

Following presentation of the draft text of the ordinance, 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 aye

Absent: None

WHEREAS, the Board of Supervisors is required pursuant to Va. Code § 24.2-411 to furnish the General Registrar with “a clearly marked and suitable office which shall be the principal office for voter registration”; and

WHEREAS, the Board of Supervisors has been previously presented with concerns regarding adequate space for the General Registrar’s Office; and

WHEREAS, the Board has also been presented with concerns regarding the security of the General District Court Judge’s Chambers; and

WHEREAS, the Board of Supervisors has space available for offices and parking across the street from the courthouse administration building; and

WHEREAS, said office space provides improved security for voting machines, parking immediately adjacent to said building, and ease of access to the Registrar’s Office by all citizens, including those that are physically challenged; and

WHEREAS, the Board of Supervisors was duly presented with said solution to the adequacy of office space and judicial chamber security concerns on June 17, 2008; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this meeting, the Board of Supervisors desires to affirm

its findings and to take action with respect to the relocation of the General Registrar's Office; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Cumberland County Board of Supervisors as follows:

1. The General Registrar's Office shall be relocated from the current space within the County's administration building to office space across the street from the courthouse complex at the address of 1487 Anderson Hwy, Cumberland, Virginia 23040.

2. The County staff are hereby by directed and authorized to do, perform and execute any such acts as necessary to fulfill the terms of this ordinance. Specifically, the County Attorney is hereby directed to seek preclearance from the United States Attorney General pursuant to the Voting Rights Act of 1965 for said relocation.

3. This ordinance is effective immediately.

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

10.) Board Member Comments-

Mr. Osl reported on two graduation ceremonies that he had attended, and informed the Board that the Valedictorian of the GED program was a Cumberland Citizen.

Mr. Kennell thanked the Citizens for attending the most recent District Two town hall meeting, and stated that the next meeting will be held on July 16th. He also thanked the Cartersville Rescue Squad for a brunch to honor the County's Veterans, as well as the Juneteenth Festival Committee for a great day of fun and fellowship.

Mr. Petty spoke about the success of the Early Education tour that was held at the beginning of June. Mr. Petty mentioned that the proposed line for wireless broadband will run down Rt. 60, Anderson Hwy. from Buckingham County to Rt. 522 in Powhatan County.

Mr. Womack stated that the Piedmont Regional Jail is in the process of obtaining a Jail Superintendent, conducting a personnel study including pay and job classifications.

Mr. Oertel stated that he is pleased with the 4 PDR applications that have been submitted, and commended Superintendent Jim Thornton for work well done. Mr. Oertel mentioned the tour of the High Bridge Trail State Park, and that a portion of the trail will be open this fall.

11.) Public Comments

One citizen thanked the Board for passing the resolution in support of hunting with dogs. Another citizen mentioned that the cornerstone of the new Middle/High school will be placed on the northeast corner of the building on August 23rd at 10 a.m. and invited the Board to attend.

12.) Additional Information-

13.) 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 and; 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 July 2, 2008 at 8:30 a.m. in the Old Clerk's Office, for a closed session re: 2.2-3711 (A-5) prospective business.

Chairman

County Administrator