

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 12th day of August, 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 was led by Supervisor Petty, and the Pledge of Allegiance was led by Supervisor Kennell.

1) **Approval of Agenda-**

On a motion by the Chairman and carried, the board amended the agenda as follows:

- 5) Assistant County Administrator/Finance:
 - a) Consent Agenda
 - 6) Appropriation for SCAAP - \$164.00
 - d) Appropriation of \$44,249.00 for ESC-

- 7) County Administrator
 - a) Appointments
 - 3) Sesquicentennial Committee – Elizabeth Jamerson

 - e) PPTRA percentage – Per County Code, Sec. 58-291(b) the Board shall, by resolution, set the percentage of tax relief at

such a level that it is anticipated fully to exhaust PPTRA tax relief funds provided to the County by the Commonwealth.

- 12) Additional Information
 - Virginia's Retreat Information and Bylaws

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

2) **VDoT - Alan Leatherwood, Resident Engineer-**

VDoT Resident Engineer, Alan Leatherwood, spoke regarding the publication in the Amelia Bulletin Monitor in reference to the Rt. 621 Bridge being dismantled. Mr. Leatherwood informed the Board that has not been confirmed through VDoT. In order to dismantle and replace the Rt. 621 Bridge, both the Amelia and Cumberland County Boards would have to pass a Resolution in favor of such action.

The Lynchburg District Office has transferred \$175,000 in funds to the Richmond District Office to accelerate the process for replacement of the Rt. 620 Bridge. The Chairman requested a copy of the report on the Rt. 621 Bridge to be sent to the County Administrator.

3) **Public Hearings –**

- a) Exemption from license tax on vehicles owned by certain disabled veterans.

County Attorney, Howard Estes, reviewed the proposed Resolution, and stated that this Resolution explicitly exempts Disabled American Veterans.

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

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
ADOPTING AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 08-04**

AN ORDINANCE AMENDING SECTION 62-31 OF THE
CUMBERLAND COUNTY CODE TO ELIMINATE THE LICENSE TAX
ON A VEHICLE OWNED BY CERTAIN DISABLED VETERANS

August 12, 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 August 12, 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 to eliminate the license tax on a vehicle owned 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 and sacrifice in defense of the United States of America and the consistency of application of tax relief to such certain citizens of the County; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on August 12, 2008 to present and discuss proposed amendment 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 Section 62-31 be amended in the Cumberland County Code effective and applicable beginning in calendar year 2009 and that:

a. The Board of Supervisors, after due consideration of public comment received, determines that the County Code amendment is consistent with, and substantially in accord with, the County's objectives with regard to taxation and are consistent with the public necessity and convenience.

b. Upon consideration of the proposed text, testimony, staff remarks, and public comment, and after consideration of the current provisions set forth in

Chapter 62 of the County Code, the Board of Supervisors amends the County Code as follows:

Delete the current Section 62-31 and add a new Section 62-31 to read as follows:

Sec. 62-31. Levy of License Tax.

Subject to the limitations provided in state law, specifically Virginia Code §§ 46.2-752 and 46.2-755, there is hereby imposed an annual license tax on each motor vehicle, including but not limited to automobiles, trucks, motorcycles and motor homes, within the County, outside the incorporated towns, owned by a resident of the County, regularly housed or stored in the County and used or intended to be regularly operated upon the public streets or highways in the County as herein otherwise specifically provided. The provisions of this article shall apply to those persons required to pay a state license tax under the provisions of the Virginia state law and shall not apply to persons exempt under provisions of statutes of the state from payment of license tax upon motor vehicles, and also shall not apply to any person who does not actually reside in the County in the conduct of his business, occupation or profession, or who is exempt from the payment of such license tax under Virginia Code § 46.2-755 but shall apply to owners of vehicles which are regularly parked, garaged, and used in the conduct of business, occupation or profession in the County though the owner thereof resides or is domiciled outside the County. The word “reside,” as used in this section, shall be construed to mean having a place of abode in the County, irrespective of the intention of any person to return to some residence outside of the County at some future time.

The vehicle license tax shall be assessed by the Commissioner of the Revenue on all licensed vehicles as of January 1, unless otherwise exempted.

The vehicle license tax imposed by this section shall not apply to any antique vehicle having a permanent state registration. For the purpose of this article, “antique vehicle” shall mean every motor vehicle that has been properly registered and licensed as an antique motor vehicle under Virginia Code § 46.2-730 issued an antique tag and is owned solely as a collector’s item, and not regularly operated upon the public streets or highways in the County.

Members in good standing of the volunteer fire department and rescue companies in Cumberland and Prince Edward counties and the Town of Farmville who reside in Cumberland County and serve the County shall be exempt from the license tax on one vehicle.

Veterans shall be exempt from the license tax on any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Virginia Code § 46.2-739.

4) **Departments and Agencies -**

- a) Karen Mulleins – School Construction Progress Report –

There were no representatives from the School Board in attendance.

- b) Kevin Ingle – Emergency Services Committee –

Mr. Ingle stated that at the ESC meeting held on July 23rd, 2008, ESC members discussed the interview process for dispatcher candidates. Mr. Ingle discussed minor issues with communications, and stated that IT Director, Aaron Hickman, is working to correct these issues. The Cartersville Rescue Squad received notification of approval for an RSAF Grant for the replacement of an ambulance, and additional ALS training equipment. Various training classes are planned for this month. Cumberland Fire Department will receive a new truck on August 13th, 2008. Mr. Ingle also informed the Board that although the weather conditions are dry and dangerous; there are no state restrictions for burning.

- c) Gary Heiser – Cumberland State Forest –

Mr. Heiser informed the Board that there is a new brochure for the Cumberland State Forest. He presented the Board with a check in the amount of \$ 50,975.00 which is a payment in lieu of taxes. An

equal amount in timber sales will be used for the enhancement of recreation in the State Forest.

d) Melodi Goff, Library Director – Annual Library Report –

Melodi Goff gave a presentation and reviewed the annual library report with the Board. She stated that there have been 568 new library cards issued for fiscal year 07-08, and computer usage has more than doubled. The library currently has 20 active volunteers that have saved the Library close to \$15,000.00 annually in wages. The future needs for the Library include space, additional staff, and technology. (A copy of the complete presentation is in the Official Board File.)

5.) Assistant 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 – July 2008
- 2) Approval of Bills-July 2008 and August 2008
Ratified bills for July 2008 of warrants totaling \$ 669,998.01 with check numbers ranging from 54183-54475. Direct deposits for July 2008 totaling \$ 144,495.56. Approved bills for August 2008 totaling \$ 210,854.85.
- 3) Approval of year-end transactions-

This is the annual list of transfers and adjustments needed to close out the fiscal year.

2007 - 2008 YEAR END TRANSACTIONS

B			C	
S	3-120-004105-0003	-1,000.00	R	Economic Development fund - balance forward
B			D	
S	4-120-081500-3100	1,000.00	R	Economic Development fund
B			C	
S	3-150-003301-0012	-31,320.00	R	Drug forfeiture revenue
B	4-150-031200-9407	31,320.00	D	Sheriff's forfeiture fund

S			R	
B			C	
S	3-160-002404-0001	-26,159.00	R	State grant funds
B			C	
S	3-160-003301-0010	-376,010.00	R	Homeland Security Grant
B			D	
S	4-160-031400-8203	402,169.00	R	E911 - Telecommunications equipment
B			C	
S	3-208-001601-0005	-1,153.00	R	Courthouse maintenance fees
B			D	
S	4-208-043400-8002	1,153.00	R	Courthouse maintenance fund
B			C	
S	3-301-001501-0003	-35,274.00	R	Interest - VPSA/SNAP
B			C	
S	3-301-002404-0001	-2,731,556.00	R	VPSA interest subsidy grant
B			C	
S	3-301-004104-0002	-4,378,656.00	R	Proceeds from VML/VACo commercial paper
B			C	
S	3-301-004104-0006	-12,248,529.00	R	VPSA bond proceeds
B			C	
S	3-301-004105-0305	-12,629,438.00	R	Transfer from CP fund VML/VACo
B			C	
S	3-301-004106-0001	-291.00	R	Transfer from CP fund - balance forward
B			D	
S	4-301-066100-9403	22,310,400.00	R	School construction expenditures
B			D	
S	4-301-093100-9300	9,713,344.00	R	Transfer to VML/VACo capital projects fund
B			C	
S	3-303-004105-0003	-10.75	R	Balance forward
B			D	
S	4-303-094100-0001	10.75	R	Courthouse construction expenditures
B			C	
S	3-305-001501-0003	-360,233.00	R	Interest earned - US Bank
B			C	
S	3-305-004104-0005	-13,345,000.00	R	Proceeds from VML/VACo commercial paper
B			C	
S	3-305-004105-0001	-6,385,957.00	R	Proceeds from VPSA - balance forward
B			C	
S	3-305-004104-0006	-9,713,344.00	R	Proceeds from VPSA loan
B			D	
S	4-305-093100-0301	12,629,438.00	R	Transfer to school construction fund
B			D	
S	4-305-093100-0302	2,418,018.00	R	Transfer to Capital Projects fund
B			D	
S	4-305-093100-0400	4,378,656.00	R	Transfer to VPSA (SNAP)
B			D	
S	4-305-095400-9110	9,713,344.00	R	Principal payment VML/VACo loan
B			D	
S	4-305-095400-9120	665,078.00	R	Interest expense - VML/VACo

B			C	
S	3-501-034100-0100	-22,502.00	R	Sewer - Balance forward
B			D	
S	4-501-094900-9401	22,502.00	R	Sewer charges to Farmville
B			C	
S	3-505-001619-0001	-24,042.00	R	Water service charges
B			D	
S	4-505-095900-9999	24,042.00	R	Water - grants
B			C	
S	3-570-004105-0003	-3,226.00	R	Balance forward
B			D	
S	4-570-053500-0004	3,226.00	R	Remit to DHCD
B			C	
S	3-580-004105-0001	-34,603.00	R	State grants DHCD - balance forward
B			D	
S	4-580-053500-0004	34,603.00	R	Remit to DHCD
B			C	
S	3-715-001501-0001	-14,931.00	R	Interest - Green Front loan
B			C	
S	3-715-001501-0006	-66,667.00	R	Principal payments - Green Front loan
B			D	
S	4-715-093100-9211	81,598.00	R	Transfer to general fund
B			C	
S	3-733-001899-0013	-48,285.00	R	Special Welfare collections
B			D	
S	4-733-053010-9404	48,285.00	R	Special Welfare expenditures
B			C	
S	3-100-001401-0001	-32,900.00	R	Court fines and forfeitures
B			C	
S	3-100-002402-0100	-6,500.00	R	VPSA issuance cost reimbursement - grant
B			C	
S	3-100-002402-0101	-19,916.00	R	VPSA legal counsel reimbursement - grant
B			C	
S	3-100-002404-0020	-28,236.00	R	Highway safety grant
B			C	
S	3-100-004105-0007	-83,795.00	R	Transfer from capital projects
B			D	
S	4-100-012210-3150	37,828.00	R	Legal services
B			D	
S	4-100-012240-3120	10,080.00	R	Accounting & auditing services
B			D	
S	4-100-012320-5230	590.00	R	Assessor - telecommunications
B			D	
S	4-100-012430-1100	650.00	R	Accounting - salaries & wages
B			D	
S	4-100-031200-1100	37,123.00	R	Sheriff - salaries & wages
B			D	
S	4-100-031200-1300	26,000.00	R	Sheriff - part time salaries & wages

S			R	
B			D	
S	4-100-031200-6008	30,000.00	R	Sheriff - vehicle & powered equipment
B			D	
S	4-100-031250-1100	4,525.00	R	School Resource Officer - salaries & wages
B			D	
S	4-100-032500-8003	24,551.00	R	ECS - communications equipment
			C	
BT	4-100-012510-8016	-16,000.00	R	Data Processing - contingency
			C	
BT	4-100-022100-8007	-13,000.00	R	Commonwealth Attorney - EDP equipment
			C	
BT	4-100-051200-5610	-6,339.00	R	Payment to Health Department
			C	
BT	4-100-071500-6014	-13,900.00	R	Recreation - other operating supplies
			C	
BT	4-100-081100-6014	-12,000.00	R	Community Development - other operating suppl.
			C	
BT	4-100-082600-1100	-45,702.00	R	Agricultural Development - salaries & wages
			C	
BT	4-100-090000-1060	-31,000.00	R	Miscellaneous projects reserve
			D	
BT	4-100-033400-3800	17,625.00	R	Corrections - purchase of svcs. from other gov.
			D	
BT	4-100-042400-3160	59,407.00	R	Refuse Disposal - other contractual services
			D	
BT	4-100-043200-5110	27,000.00	R	General Properties - electrical services
			D	
BT	4-100-043200-5131	10,841.00	R	General Properties - sewer user charges
			D	
BT	4-100-043200-5134	13,137.00	R	General Properties - water user charges
			D	
BT	4-100-052600-5712	322.00	R	State & Local Hospitalization
			D	
BT	4-100-061230-3800	596.00	R	CSA - purchase of svcs. From other gov.
			D	
BT	4-100-081110-2300	2,470.00	R	Planning & Zoning - hospital/medical plans
			D	
BT	4-100-081200-1300	4,960.00	R	Community Development - part time salaries
			D	
BT	4-100-081400-3600	1,338.00	R	BZA - advertising
			D	
BT	4-100-081513-5110	245.00	R	Clothes Closet - electrical services
			C	
B			R	
S	3-100-001899-0013	-2,831.89	R	Miscellaneous revenue
B			D	
S	4-100-093100-9223	2,831.89	R	Transfer to Law Library fund
B			C	
S	3-209-001601-0004	-894.96	R	Law Library fees
B			C	
S	3-209-004105-0001	-2,831.89	R	Transfer from general fund
B	4-209-021800-6099	3,726.85	D	Law Library fund expenditures

S			R	
B			C	
S	3-302-004105-0305	-1,909,229.07	R	Transfer from CP fund - VML/VACo
B			D	
S	4-302-094110-8015	583,808.14	R	CIP - Sheriff's Office renovations
B			D	
S	4-302-094113-3310	8,042.62	R	CIP - Ballfield
B			D	
S	4-302-094167-3100	731,304.60	R	CIP - Water reservoir
B			D	
S	4-302-094182-8001	29,500.00	R	CIP - Backhoe
B			D	
S	4-302-094200-3100	333,435.14	R	CIP - Community Center renovations
B			D	
S	4-302-094325-8005	70,913.87	R	CIP - Vehicles & powered equipment
B			D	
S	4-302-094327-8005	81,584.05	R	CIP - Sheriff's Officer vehicles
B			D	
S	4-302-094330-3310	39,927.70	R	CIP - Clerk's Office roof
B			D	
S	4-302-094550-3310	22,876.95	R	CIP - Admin. complex renovations
B			D	
S	4-302-095140-3310	7,836.00	R	CIP - Probation/Registrar's Office renovation
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			C	
BT	4-100-081120-5810	-180.00	R	Code enforcement - dues & memberships
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			D	
BT	4-100-081522-5230	180.00	R	Meals On Wheels - telecommunications

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

- 4) Affirmation of Authorization to pick-up the Employee's contribution to VRS-

On a motion by Supervisor Petty and carried the Board adopted the Resolution with minor changes as follows:

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION**

**Affirmation of Authorization to Pick-up the Employee's
Contribution to VRS for CUMBERLAND COUNTY, 55124
Under § 414(h) of the Internal Revenue Code**

WHEREAS, CUMBERLAND COUNTY provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS; and

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009; and

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, CUMBERLAND COUNTY desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE IT IS HEREBY RESOLVED, that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after August 12th 2008, CUMBERLAND COUNTY shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by CUMBERLAND COUNTY in lieu of member contributions; and it is further

RESOLVED that pickup member contributions shall be paid from the same source of funds as used in paying the wages of affected employees; and it is further

RESOLVED that member contributions made by CUMBERLAND COUNTY under the pickup arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pickup arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pickup contributions made by CUMBERLAND COUNTY directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of CUMBERLAND COUNTY shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by CUMBERLAND COUNTY on behalf of such employee pursuant to the forgoing resolutions.

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

- 5) Appropriation to Sheriff's Department - \$5,815 (no additional local funds)

On a motion by Supervisor Petty and carried, the Board appropriated \$5,815 to the Sheriff's Department for Project Lifesaver:

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

6) Appropriation for SCAAP - \$164.00 (pass-thru funds)

On a motion by Supervisor Womack and carried, the Board appropriated \$164.00 for SCAAP which will be paid to the Piedmont Regional Jail:

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

b.) Monthly Budget Report –

Mrs. Matthews stated that it is very early in the fiscal year, and there will be meetings with Department Heads to review their budgets individually.

c.) Short-Term Financing Report -

Mrs. Matthews informed the Board that the current project draws, less what has been transferred to VPSA, is \$13,556.795.87, the majority of which is for the school project.

d.) Appropriation of \$44,249 to ESC

The requested funds would purchase one new ambulance for Cartersville Rescue Squad, and re-chassis of an existing ambulance for Cumberland Rescue Squad. This request for funds is in addition to the \$105,000 budgeted for Emergency Services. For informational purposes, Mrs. Matthews also informed the Board that within the next six months, there would be an additional \$18,875.00 requested for a re-chassis of a second ambulance. Mrs. Matthews stated that there

were two funding options. The miscellaneous projects reserve could be used for a portion of the funds requested, or this project could be included in the financing program. After much discussion, the consensus of the Board was to discuss this matter further and take action at the recessed meeting of the Board on August 18th, 2008.

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

a.) Update on Planning Commission actions

Mr. Sorrell informed the Board that the Planning Commission met on July 21st, 2008 and set the Conditional Use permit request for Larry Atkins for Public Hearing for Monday, August 18th, 2008, and toured the new Middle/High School complex on August 8th, 2008. The Planning Commission also asked staff to review current code and suggest revisions to enable the frontage requirements on less traveled roads to be less stringent.

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

a) Appointments –

1) Water and Sewer Advisory Board –

No Appointment at this time.

2.) Planning Commission -

On a motion by Supervisor Oertel and carried, the Board re-appointed Roland Gilliam to the Planning Commission for a term expiring in September 2011:

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

3.) Sesquicentennial Committee -

On a motion by Supervisor Womack and carried, the Board appointed Allan Blakely, Keith White, Barbara Gamage, Michael Rice, Nancy Faxon, and Elizabeth Jamerson to the Sesquicentennial Committee:

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

4.) Industrial Development Authority -

Mr. Wendell Thomas does not wish to be re-appointed. Supervisor Petty mentioned a possible appointee, and will bring to Assistant County Administrator, Mike Cooper.

On a motion by the Chairman and carried, the Board reappointed Darlene Pelot to the Industrial Development Authority:

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

b.) Authorize issuance of Request for Proposal for General Architectural/Engineering Services-

On a motion by Supervisor Womack and carried, the Board approved the issuance of an RFP for General Architectural/Engineering Services:

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

c.) Local Aid to the Commonwealth-

After much discussion, it was the consensus of the Board to make a reimbursement payment directly to the Commonwealth for the locality's entire share of the reductions. The transaction will be reflected in the locality's records as negative revenue under the heading, Local Aid to the Commonwealth Contra Revenue.

On a motion by Supervisor Kennell and carried, the Board approved Option 1, a reimbursement payment to the Commonwealth Contra Account:

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

d.) Legislative priorities for 2009 –

On a motion by Supervisor Petty and carried, the Board approved the Legislative Priorities for 2009 as follows:

2009 CUMBERLAND COUNTY LEGISLATIVE PRIORITIES

The Cumberland County Board of Supervisors has developed the following legislative positions for consideration by VACo and our representatives to the General Assembly.

- 1) Property Taxes - amend the Code of Virginia to allow localities to provide a tax credit or discount rather than a separate rate on real and personal property.
- 2) Transportation – require VDOT to implement a Six Year Plan type of process to establish maintenance priorities.
- 3) Eminent Domain – revise Virginia's eminent domain laws so that one political subdivision does not have the power to condemn land within another political subdivision, without the approval of the local governing body.

- 4) Funding for State mandated positions – provide adequate funding for Magistrates, Sheriff and other constitutional officer staffing. Cumberland County has a small population, but large land area and the five deputies funded by the Compensation Board are not adequate to perform 24-hour law enforcement, court security and other legally required duties.
- 5) Situs for Taxation – amend Section 58.1-3511A requiring that situs for assessment and taxation of personal property, merchants capital and machinery and tools (would not include motor vehicles, travel trailers, boats and airplanes which are already assessed based on where they are “normally garaged, docked or parked”) be in the county, district, town or city in which the property is “normally used, located or held out for sale” instead of where the property “may be physically located on tax day.”
- 6) Comprehensive Services Act – the General Assembly should provide that court-ordered children be classified as “mandated” for the purposes of receiving state reimbursements.
- 7) Land Use and Planning – oppose legislation that will weaken the ability of local governments to control growth, planning and land use decisions – an example is the requirement for clustering of subdivisions and urban development areas.
- 8) Preservation of Open Space – we support General Assembly initiatives such as PDR. We request improving the TDR program to allow for ‘banking’.
- 9) School Construction and debt service – the State should provide recurring money for school facility debt service on a per pupil basis and in addition to SOQ funding, to establish a permanent revenue source and formula for distributing school construction and debt service funding to localities.
- 10) Increase the current level of school construction funding from the Literary Loan program to \$15 million per project and provide to localities on a sliding scale based on the composite index.

- 11) Request legislation which states that property, in a political subdivision with a composite index below .3500, owned by other political subdivisions in the Commonwealth, is not tax exempt.

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

- e) PPTRA percentage –

Per County Code, Sec. 58-291(b) the Board shall, by resolution set the percentage of tax relief at such a level that it is anticipated fully to exhaust PPTRA tax relief funds provided to the County by the Commonwealth. Last year the rate was 47.5%. Based on the amount to be received by the State this year, the rate would be 45.25%.

On a motion by Supervisor Kennell and carried, the Board approved 45.25% for the PPTRA percentage for the year 2008:

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

8) **Assistant County Administrator/Community Development**

- a) Update on projects

- 1.) Museum

Mr. Cooper informed the Board that staff was in receipt of a “No Adverse Effect” letter issued by the Department of Historic Resources which allows the project to proceed to the next phase of review. The project is on track with the revised schedule submitted to the Board at their July meeting.

- 2.) Educational Advancement Center

Mr. Cooper informed the Board that the deadline for bid submittals had been extended for one week at the request of the majority of the interested contractors. Mr. Cooper will present the bids to the Board at their August 18th, 2008 meeting.

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

Mr. Estes informed the Board that he has drafted a proposed County owned Facility Use Policy, and dispersed a copy to the Board members for their review. Mr. Estes recommended the Board hold a workshop prior to any final action on the proposed policy.

10) **Board Member Comments-**

Mr. Osl had no comments

Mr. Kennell spoke to the Board regarding an emergency preparedness drill that was held on July 23rd, 2008. He mentioned that several departments within the Emergency Services Committee were in attendance.

Mr. Petty informed the Board that the Wireless Authority had met with representative of the Buggs Island Broadband group and discussed different options regarding telephone and broadband services.

Mr. Womack informed the Board of a benefit for H.A. "Andy" Blanton and Parkinson's disease research on Saturday, August 23rd, 2008 from 5:30 p.m. to 8:30 p.m. at Wilson's Lake. Proceeds will go directly to Mr. Blanton's medical bills and the research for Deep Brain Stimulation Studies. Mr. Womack urged all to attend this worthwhile endeavor.

Mr. Womack also expressed concern regarding the hardship farmers are encountering due to the lack of rain. Mr. Osl stated that David Smith, County Extension Agent, is in the process of creating a drought declaration. Mr. Womack also mentioned complaints that he has received regarding the congestion at the entrance of the School complex.

Mr. Oertel informed the Board that the main reason for the benefit for Mr. Blanton was because the insurance would not cover the procedure. Mr. Oertel also thanked the Board for allowing Ms. Goff to present the annual report for the Library.

11) **Public Comments**

There were no citizens signed up to speak.

12) **Additional Information-**

13) **Adjourn**

The Chairman adjourned the meeting until August 18th, 2008 at 6 p.m. in the Old Clerk's Office.

Chairman

County Administrator