

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14th day of October 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, Assistant County Administrator
Andrew Sorrell, Zoning Administrator
Stephany Johnson, Deputy Clerk

Absent: None

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 the Chairman and carried, the board amended the agenda as follows:

- 5) Asst. County Administrator/Finance
 - a) Consent Agenda
 - 5) Appropriation for Middle School 21st Century Funds
 - f) Additional Community Center cost estimates

- 9) County Attorney's Report
 - a) Consider Resolution authorizing the issuance and sale of the County's general obligation note, series 2008

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

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

No representatives from VDoT were present

3) **Public Hearings –**

No Public Hearings were scheduled

4) **Departments and Agencies -**

a) Justin Funk, Department of Forestry

Mr. Funk informed the Board that in 2007, 2,864 acres of land were harvested in the County; 1,900 acres of pine, and 964 acres of hardwood. Mr. Funk reviewed a new notification program on the internet for loggers to notify the Department of Forestry of job locations in the County. Mr. Funk also discussed pest control programs, and forest fires.

b) Dr. Jim Thornton, Superintendent of Schools-

There were no representatives from the School present.

c) Kevin Ingle – Emergency Services Committee –

Mr. Ingle informed the Board that each Department will be submitting revised budgets, budget requests, and CIP requests to the ESC for review. Randolph Vol. Fire Department recently completed a pump test to assist in obtaining an ISO certification. SkyStat services will no longer be available to the County residents; however, Pegasus medical helicopter services will be taking its place.

The Chairman requested the ESC to consider changing the updates to the Board from monthly to bi-monthly or quarterly reports.

c) Kenny Gann – Allied Waste

Mr. Gann informed the Board that Phase I construction has an estimated completion timeline of the end of 2008 to early in the first quarter of 2009. Sub-grade rock is being applied on the entrance roadway. Paving should begin by October 21st, 2008. Phase II construction has begun, and the temporary bridge is in place, and the permanent bridge should be in place in the late spring of 2009. The Solid waste facility permit, Part A, was received in May 2008, and there is no further action required for Part A. Part B permit, from DEQ, has an expected approval timeline of late 2008 to early in the first quarter of 2009.

5) **Assistant County Administrator/Finance Report –**

a.) Consent Agenda-

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

- 1) Approval of Minutes – September 2008
- 2) Approval of Bills- September 2008
Ratified bills for September 2008 of warrants totaling \$ 316,587.68 with check numbers ranging from 54656 to 54828. Direct deposits for September 2008 totaling \$ 144,810.11.
- 3) Supplemental Appropriation of \$6,337 – litter grant
- 4) Appoint Chairman as voting representative at VACo annual meeting

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

b) Monthly Budget Report-

Ms. Matthews reviewed the monthly budget report; the Board members had no questions.

c) Short-Term Financing Report -

Mrs. Matthews reviewed the Short-Term Financing Report; the Board members had no questions.

d) Discuss report for additional financial information

Requests by Board member for additional financial information had been submitted to Ms. Matthews. After discussion regarding the specific additional information that was requested, it was the consensus of the Board that the current information being provided is satisfactory.

e) Report on E-Cycling Day

Ms. Matthews reviewed the final report for Cumberland's first Electronics Recycling Day. Senior Landfill Inspector, Richard Woody, and Maintenance worker, Devan Trent manned the event, at which many types of electronics were received. Collections for the day include laptop computers, portable television sets, DVD and VCR players, printers, monitors, batteries, stereos and cellular phones. Supervisor Petty commended Mr. Woody for his initiative and hard work to make this day a success.

f) Updated drawings and cost estimate – Pod B, Community Center

Ms. Matthews reviewed the updated floor plan with the Board members, and stated that the total cost for the project should be no more than \$146,250.00. This includes IT/Telephone requirements, drywall, electrical, plumbing, and mechanical upgrades, new drop ceilings, and other renovations.

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

a) Update of Code Enforcement Officer Activities –

County Planner, Andrew Sorrell informed the Board that the Code Enforcement Officer continues to work on Biosolid issues, and also works closely with the Building Inspector on Erosion and Sediment Control issues.

b) PDR Committee Recommendation

The Purchase of Development Rights committee (PDR Committee) met on Wednesday, October 1st, 2008 and made recommendations to the Board. Mr. Sorrell recommended a workshop to educate the Board on the ranking process and procedures. It was the consensus of the Board to hold a workshop regarding the PDR applications on Wednesday, November 5th, 2008 at 9 a.m.

c) Chris Ingram – Senior Administrative Assistant –

Mr. Sorrell informed the Board that Christen Ingram was hired as the Senior Administrative Assistant in the Planning and Zoning Office. Ms. Ingram began her employment with the County on Monday, October 6th, 2008, and has been a beneficial addition to the staff.

d) Vacation of Plat –

Mr. Sorrell informed the Board that staff has received a request for a vacation of a plat from Attorney Harlan Horton. The request involves property recently transferred to G. Nelson Wilson, IV and Terri Atkins Wilson (the Wilsons) of Pleasant View Farm from Michael and Joy Yoder (the Yoders). A 17.35 acre portion of the Yoder's property had originally extended across Rt. 635 (Pleasant Valley Rd.). The Wilson's purchased this portion of the Yoder's property and recorded a plat on February 12, 2007 that added the 17.35 acre portion to the Wilson's existing 27.84 acre parcel (Taxmap 88-A-53).

The Wilson's had intended to purchase the 17.35 acre portion and create a new, separate parcel. Staff informed the Wilson's that in order to create a standalone 17.35 acre parcel, a plat and an accompanying deed of vacation needed to be prepared, reviewed by staff, and signed by the County Administrator indicating the approval of the Board. Mr. Sorrell recommended that the Board authorize the County Administrator to sign the deed of vacation indicating the Board's approval of the vacation.

On a motion by Supervisor Oertel and carried, the Board authorized the County Administrator, Judy Ownby, to sign the deed of vacation:

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

Mr. Sorrell also informed the Board of the next meeting of the Planning Commission to be held on Monday October 20th, 2008 for a site plan review of the landfill.

7) County Administrator's Report –

a) Appointments –

1) Water and Sewer Advisory Board –

No Appointment at this time.

2) E&S Control Administrator-

Rodney Pillow is the current Code enforcement officer, and is in the process of becoming certified as an E&S Administrator.

A motion was made by Supervisor Womack to appoint Rodney Pillow as the E&S Control Administrator. Supervisor Petty questioned the ability to appoint Mr. Pillow prior to his

acquiring the state certification. Mr. Sorrell informed the Board that a conditional appointment could be made appointing Mr. Pillow under the condition that he receives his certification.

Supervisor Womack amended his original motion to appoint Rodney Pillow as the E&S Administrator contingent upon his acquiring state certification. The motion was approved unanimously:

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

- b) Consider contracts for general Architectural/Engineering Services –

On a motion by Supervisor Kennell and carried, the Board awarded a general Architectural/Engineering contract to Burgess and Niple, Austin Brockenbrough and Associates, and Dewberry and Davis:

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

- c) Consider stipend for Wireless Authority

After much discussion, it was the consensus of the Board not to award a stipend for the Wireless Authority.

8) Assistant County Administrator/Community Development

- a) Update on projects

- 1) Museum -

Mr. Cooper informed the Board that staff is continuing to work with VDOT, and will soon advertise the project for construction bids.

2) Educational Advancement Center -

Mr. Cooper stated that the EAC Phase II project is currently 85% complete and is expected to be substantially complete by Friday, October 17th, 2008.

3) Reservoir Master Plan Project –

Mr. Cooper informed the Board that the project has met the timelines provided in the Cobbs Creek Reservoir Area Conceptual Master Planning Proposal; although Dr. Provo, project manager indicates that there is a need for additional engineering information in order to proceed with the final steps of the study. The engineering work to which Dr. Provo referred is expected to begin upon the execution of ownership agreements between the partnering localities. Dr. Provo recommends some revisions to the original project schedule as follows:

1. Proceed with Step 1, Part A and C
2. Complete Step 1, Part B and Steps 2 and 3 in the spring school term
3. Extend project completion date to March 2009

The proposed changes will require no additional expense beyond the original contract amount. Staff is in agreement with the proposed changes. If the Board approves these changes, staff will move forward with the continuation of the project. It was the consensus of the Board to approve the proposed changes.

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

- a) Resolution authorizing the issuance and sale of the County's general obligation revenue anticipation note, series 2008

Mr. Estes reviewed the proposed revenue anticipation note stating that the note would be for operational revenues for the current year. The note would be with Suntrust Bank, with an interest rate of 4.23%. The term of the note would go through June 30, 2009. The principal amount of the note would be \$2,000,000.00 which would be fully drawn at the time of closing. Mr. Estes informed the Board that there is a specific provision within the State Code that permits Revenue Anticipation Notes to be adopted without holding a Public Hearing because these funds are to be used for operation expenses, not capital needs.

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
AUTHORIZING THE ISSUANCE AND SALE OF
THE COUNTY’S GENERAL OBLIGATION
REVENUE ANTICIPATION NOTE, SERIES 2008**

October 14, 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 October 14, 2008, on a motion by Supervisor Womack and carried, the following Resolution, authorizing the issuance and sale of the County’s General Obligation Revenue Anticipation Note, Series 2008, was adopted and approved according to the votes stated below:

	Present	Absent	Aye	Nay	Abstain
William F. Osl, Jr., Chairman	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Timothy M. Kennell	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Van H. Petty	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Elbert R. Womack	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Robert J. Oertel	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>

The undersigned Clerk of the Board of Supervisors of Cumberland County, Virginia, certifies that such meeting was a regularly scheduled meeting and that, during the consideration of the following Resolution, a quorum was present and that the attendance and voting members in attendance on the following Resolution were as set forth above and hereby further certifies that the following constitutes a true, complete and correct copy of the Resolution adopted at a meeting of the Board of Supervisors of Cumberland County, Virginia, held on October 14, 2008.

WHEREAS, the Board of Supervisors of the County of Cumberland, Virginia (the "County") has determined that it is necessary and advisable to borrow money and issue its general obligation revenue anticipation note in anticipation of the collection of the taxes and revenues of the County for the current year pursuant to Section 15.2-2629 of the Code of Virginia of 1950, as amended:

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

1. Authorization, Issuance and Sale of the 2008 Note. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended, (the "Act") the County is authorized to issue its general obligation revenue anticipation note. The Board of Supervisors authorizes the issuance of its general obligation revenue anticipation note in the maximum principal amount of \$2,000,000 in anticipation of the collection of taxes and revenues for the fiscal year ending June 30, 2009 (the "2008 Note").

2. Authorization of Line of Credit; Notes. The Board of Supervisors accepts the proposal of SunTrust Bank to purchase the County's General Obligation Revenue Anticipation Note, Series 2008 (the "Note") on the terms set forth in the Bank's proposal dated September 17, 2008 (the "Proposal"). The Chairman of the Board of Supervisors and the County Administrator, or either of them, are authorized to arrange for the issuance of the Notes in anticipation of the collection of taxes and revenues of the County for the current fiscal year. The Note shall be in effect until June 30, 2009. The Note shall be issued on the terms set forth in the Proposal and on such additional terms, not inconsistent with the Proposal, as the Chairman of the Board of Supervisors or the County Administrator may approve, such approval to be evidenced conclusively by the execution and delivery of the

Note. The principal amount of the Note shall not exceed \$2,000,000. The Note shall bear interest at an interest rate not to exceed 4.23%.

3. Note Form. The Note shall be in substantially the form of Exhibit A to this Resolution, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing such Note, whose approval shall be evidenced conclusively by the execution and delivery of such Note.

4. Pledge of Full Faith and Credit. The Note shall be payable from the collection of the taxes and revenues of the County for the current fiscal year. In addition, the Note shall be a general obligation of the County for which the full faith and credit of the County is irrevocably pledged for the payment of principal of and interest on the Note. Unless other funds are lawfully available and appropriated for timely payment of the Note, the County Board of Supervisors shall levy and collect an ad valorem tax, over and above all other taxes authorized or limited by law, on all locally taxable property in the County sufficient to pay when due the principal of and interest on the Note.

5. Appointment of Note Registrar and Paying Agent; Transfer. The Treasurer is appointed as Note Registrar and Paying Agent for the Note. The County Administrator may appoint a subsequent registrar and/or one or more paying agents for the Note by giving written notice to the owner of the Note specifying the name and location of the principal office of any such registrar or paying agent. This Note may be transferred only by an assignment duly executed by the registered owner hereof or such owner's attorney or legal representative in a form satisfactory to the Note Registrar. Such transfer shall be made in the registration books kept by the Note Registrar upon presentation and surrender hereof and the County shall execute, and the Note Registrar shall authenticate, if necessary, and deliver in exchange, a new Note having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rate, and registered in such name as requested by the then registered owner hereof or such owner's attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Note Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The County Administrator may designate a successor Note Registrar and/or Paying Agent, provided that written notice specifying the name and location of the principal office of any such successor shall be given to the registered owner of this Note. Upon registration of transfer of this Note, the Note Registrar shall furnish

written notice to the transferee of the name and location of the principal office of the Note Registrar and/or the Paying Agent.

6. Execution of the Note. The Chairman of the Board of Supervisors and the County Administrator as Clerk of the Board are authorized and directed to execute and to affix the seal of the County thereto and to deliver the Note to the Bank upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Chairman of the Board of Supervisors and the County Administrator as Clerk are both by facsimile, the Note shall not be valid until signed at the foot thereof by the manual signature of the Note Registrar.

7. Tax Provisions. The Note shall be deemed taxable and interest thereon is includable in gross income for federal income tax purposes.

8. Effective Date; Applicable Law. This Resolution shall take effect immediately. The Board of Supervisors elects to issue the Note pursuant to the provisions of the Public Finance Act of 1991, in accordance with Section 15.2-2601 of such Act.

Exhibit A
Form of Note

Interest on this note is intended by the issuer thereof to be included in gross income for federal income tax purposes.

REGISTERED

REGISTERED

No. R-1

\$2,000,000

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

COUNTY OF CUMBERLAND

**GENERAL OBLIGATION REVENUE ANTICIPATION NOTE
SERIES 2008**

The **COUNTY OF CUMBERLAND, VIRGINIA** (the "County"), for value received, acknowledges itself indebted and promises to pay to **SUNTRUST BANK** (the "Bank"), its registered assigns or legal representative, the principal amount of

TWO MILLION DOLLARS (\$2,000,000)

on June 30, 2009, together with interest at the rate of 4.23% per year, calculated on the basis of a 360-day year of twelve 30-day months, payable at maturity, from the date hereof until payment of the entire principal amount. All payments hereunder are payable in lawful money of the United States of America, by check or wire transfer mailed or sent to the registered owner hereof, upon presentation and surrender hereof at the office of the County's Treasurer, as Note Registrar.

This Note is registered in the name of the holder hereof on the registration books kept by the County's Treasurer, who has been designated as Registrar for this Note and Paying Agent pursuant to the Resolution (as hereinafter defined), which registration has been made in such registration books and endorsed hereon by the Registrar, and no transfer hereof shall be valid unless made on such registration books upon assignment executed by the registered holder hereof, as provided in the Resolution. The Note Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

This Note is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended, in particular Section 15.2-2629, and a resolution adopted by the County Board of Supervisors on October 14, 2008 (the "Resolution"), and is issued in anticipation of the collection of taxes and revenues of the County for the fiscal year ending June 30, 2009.

This Note is subject to prepayment, in whole or in part, prior to maturity at the option of the City at any time upon payment of 100% of the principal amount of this Note to be prepaid plus interest accrued to the date fixed for prepayment.

The full faith and credit of the City are irrevocably pledged for the payment of principal of and interest on this Note.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Note have happened, exist and have been performed in due time, form and manner as so required, and the issue of this Note, together with all other indebtedness of the City; is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of Cumberland County, Virginia, has caused this Note to be signed by the Chairman of the Board of Supervisors, the County's seal to be affixed hereto and attested by the Clerk of the Board of Supervisors and this Note to be dated October 15, 2008.

10) Board Member Comments-

Supervisor Osl informed the Board that the Farm Bureau dinner held on October 13th, was a wonderful success. James Fowlkes attended and spoke about agriculture in the school curriculum. Mr. Osl also spoke about Cumberland farmers that are finalists in the discussion competition for the annual Farm Bureau competition.

Supervisor Kennell thanked those citizens that attended the last District two town meeting on September 17th, 2008. Mr. Kennell also discussed the benefits of having the Pegasus helicopter assist in emergencies. Mr. Kennell also reminded everyone that election day is coming up soon, everyone's vote counts.

Supervisor Petty spoke about Cumberland's recycling efforts. He voiced his concerns with objects that are being taken to the transfer station that should not be accepted. Supervisor Petty also spoke about affordable housing.

Supervisor Womack informed the Board that Ernest Toney has been appointed as Superintendent at Piedmont Regional Jail. Mr. Womack also informed the Board that a letter was received from Will Rogers with Crossroads Community Service Board regarding budget cuts.

Supervisor Oertel stated that he was in attendance of the Grand Opening of the Bear Creek Academy, and was very impressed. Mr. Oertel

also mentioned that he was in attendance of the Heartland Water and Sewer Authority meeting, and discussed options for Cumberland to join the Authority.

11) Public Comments

There were no citizens signed up to speak.

12) Additional Information-

13) Adjourn

The Chairman adjourned the meeting until October 15th, 2008 at 9:00 a.m. for a joint meeting with the Industrial Development Authority in the Old Clerk's Office.

Chairman

County Administrator