

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 10th day of February 2009, 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
Stephany Johnson, Deputy Clerk
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 the Chairman and carried, the board amended the agenda as follows:

- 4) Departments/Agencies
 - b) Dr. Jim Thornton (will not attend)

- 5) Assistant County Administrator/Finance
 - d) Request for Budget Transfer
 - e) Cartersville Rescue Squad ambulance

- 6) Planner/Zoning Administrator
 - c) Approve Festival Permit for Cartersville Ruritan's 4th of July event

- d) Refer rezoning application to the Planning Commission
- 7) County Administrator
 - a) Proposed letter to Congressman Periello
 - b) Draft appropriation request application
 - c) Request for letter of support for STEP's application for appropriation

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

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

There were no VDoT representatives present.

3) **Public Hearings -**

- a) Ordinance amending Chapter 74 of the County Code adding Section 74-152-162, Rural Large Lot District A-20

Zoning Administrator, Andrew Sorrell, informed the Board that the purpose of this Code amendment was to add provisions for very low density, residential development, while preserving and protecting adjacent rural and agricultural uses from incompatible residential development and densities. This district can serve as a buffer or transition between more dense residential uses and less dense rural and agricultural uses. Supervisor Petty stated that there had been an A-20 Zoning District in the past, and inquired as to the comparison between the two. Mr. Sorrell stated that previously, there was a subdivision exemption option for large lots that was similar to the proposed Rural Large Lot District A-20, but there were not many pre-requisites for the subdivision .

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

Absent:

None

WHEREAS, the Planning Commission held workshops on September 15, 2008, October 7, 2008, October 20, 2008 and November 3, 2008 to discuss proposed amendments to the Code of Cumberland County, which said amendments (collectively the “Code Amendment”) address CHAPTER 74 OF THE CUMBERLAND COUNTY CODE ADDING SECTION 74-152 THROUGH 162, RURAL LARGE LOT DISTRICT A-20 (as shown in the attached ordinance); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment for public review on October 7, 2008; and

WHEREAS, the Planning Commission, by resolution, adopted at its November 17, 2008 meeting after a duly held public hearing, recommends that the Board of Supervisors adopt the Code Amendment; and

WHEREAS, the Code Amendment is accompanied by a Planning Commission Rural Preservation Policy Document and Map indicating appropriate locations for rural preservation; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on February 10, 2009; 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 Planning Commission Rural Preservation Policy Document and Map 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, subdivision and zoning ordinances by providing a transition zone between higher density residential land uses and lower density rural and agricultural land uses whereas such transition zone will preserve and protect adjacent rural and agricultural uses from incompatible residential development and densities; 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, subdivision and zoning ordinances by providing additional low density residential development options that do not detract from existing and future rural and agricultural land uses; 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, subdivision and zoning 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 entitled 08-06, and with the specific text and provisions of such ordinance as attached to this Resolution.
- d. This Resolution is effective immediately.

CODE AMENDMENT 08-06:
AN ORDINANCE AMENDING
CUMBERLAND COUNTY CODE
CHAPTER 74 ZONING ORDINANCE

BOARD OF SUPERVISORS
FEBRUARY 10, 2009

RURAL LARGE LOT DISTRICT, A-20

Sec. 74-152. Statement of intent.

The rural large lot district is intended to preserve and protect areas of Cumberland County that are predominantly rural and used for agricultural purposes while meeting the demand for very low-density large lot residential development. This district is designed to protect existing and future agricultural activity from encroachment of incompatible residential development and densities.

Sec. 74-153. Permitted uses and structures.

Permitted uses and structures in the A-20 district are as follows:

- (1) Single-family dwellings to include Class A manufactured housing located on a recorded lot or parcel that complies with the requirements of this Chapter.
- (2) Accessory uses and structures.
- (3) Agriculture, general farming and forestry.
- (4) Boat landings and piers.
- (5) Preserves and conservation areas.
- (6) Guest houses.
- (7) Home occupations.

Sec. 74-154. Permitted uses with conditional use permit.

The following uses are permitted in the A-20 district with a conditional use permit:

- (1) Fire and rescue facilities.
- (2) Public utilities to serve the permitted uses on the lot.
- (3) Public utility booster or relay stations, transformer substations, meters and other facilities, including water and sewerage facilities.
- (4) Community centers.
- (5) Libraries and other similar public facilities.

Sec. 74-155. Area regulations.

The minimum lot size for all lots in an A-20 district shall be twenty (20)

acres with the following exception: at the time of platting and recording of a major subdivision, one (1) lot in a major subdivision may be less than twenty (20) acres but in no instance shall such lot be less than ten (10) acres in area. After platting of a major subdivision, no lot shall be reduced below twenty (20) acres in area. The parcels created within this district are not subject to the rules of division governing parent tracts as described in the subdivision ordinance. Each parcel in this district is entitled under the zoning district to have as many twenty (20) acre or larger parcels consistent with the A-20 district zoning provisions.

Sec. 74-156. Setback regulations.

No structures in an A-20 district shall be located any closer to the centerline of any road right-of-way or access easement than a minimum of 200 feet, except that temporary signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Sec. 74-157. Frontage regulation and lot width.

- (a) *Frontage.* The minimum lot frontage shall be the same as the required lot width.
- (b) *Width.* The minimum lot width shall be 500 feet. Lot widths shall be measured at the setback line. The minimum lot width shall be exclusive of all roads, ponds, lakes or rivers.
- (c) *Cul-de-sacs.* The frontage on a cul-de-sac shall be a minimum of 50 feet and the minimum lot width at the setback line shall be equal to 50% of the minimum required frontage.

Sec. 74-158. Yard regulations.

- (a) *Side.* The minimum side yard for each main structure shall be 100 feet or more. The minimum side yard for each accessory structure shall be 25 feet or more.
- (b) *Rear.* Each main structure shall have a rear yard of 100 feet or more. The minimum rear yard for each accessory structure shall be 25 feet or more.

Sec. 74-159. Height regulations.

Buildings in an A-20 district may be erected up to 35 feet in height, except that:

- (1) The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use, each of which is a minimum of 50 feet and contains a minimum of one (1) foot of side yard for each additional foot of building height over 35 feet.

Example: Proposed building height of 40 feet equals 50 +5 additional feet over 35 feet = 55 foot minimum required side yard setback for each side.

- (2) No accessory building which is within 50 feet of any property line shall be more than one story high. All accessory buildings shall be less than the main building in height.
- (3) A public or semipublic building such as a library or community center may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall each be increased one (1) foot for each foot in height over 35 feet.
- (4) Cupolas, chimneys, flues, flagpoles, television antennas and radio aerials are exempt from height requirements.

Sec. 74-160. Corner lots.

Any lot fronting on two or more roads shall conform to the minimum frontage, lot width and setback requirements for all such roads regardless of the orientation of any dwelling.

Sec. 74-161. Processing procedure.

- (a) *Pre-application meeting.* A pre-application meeting is required between the applicant, the site designer, and the subdivision agent, to introduce the applicant to the county zoning and

subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site visits, meetings and plan submissions as described below. Applicants are encouraged to present the existing resources and site analysis plan at this meeting.

- (b) *Existing resources and site analysis plan.* Applicants shall submit an existing resources and site analysis plan prepared in accordance with the requirements contained in subsection 74-162. This plan shall form the basis for the proposed site layout as shown on the preliminary plat. Applicants are strongly encouraged to submit this plan, which is required with the preliminary plat submission, prior to or at the site visit. This plan is required for major subdivision and not required for minor subdivisions.
- (c) *Site visit.* The applicant shall arrange for a site visit of the property by the subdivision agent, a member of the planning commission (if available), applicants, their site designers, and the landowner are encouraged to accompany the subdivision agent. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of any open space, and potential locations for proposed buildings and street alignments. Comments made by county officials or their staff and consultants shall be interpreted as being only suggested. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.
- (d) *Submission and review of preliminary plat.*
 - (1) *Minor subdivisions.* Preliminary plats shall not be required for minor subdivisions.
 - (2) *Major subdivisions.* Submittal and review of the preliminary plat shall follow the procedures established in the county subdivision ordinance sections 54-191 and 54-192 and shall also include all information set forth in Sections 152 through 162 of the zoning ordinance.

(e) *Submission and review of final plat.*

- (1) *Minor subdivisions.* Submittal, review and requirements of the final plat shall follow the procedures established in the subdivision ordinance sections 54-121 through 54-124. The final plat shall be submitted to and reviewed by the subdivision agent without further review required by the planning commission.
- (2) *Major subdivision.* Submittal, review and requirements of the final plat shall follow the procedures established in the county subdivision ordinance section 54-193.

Sec. 74-162. Preliminary plat requirements.

The preliminary plat requirements required in the subdivision ordinance sections 54-151 through 54-158, 54-160 and 54-161 shall apply except section 54-159 which shall not apply. Submission of a preliminary plat shall also include an existing resources and site analysis plan, which shall have elements as follows:

- (1) *Existing site resources and site analysis plan.* The following resources shall be incorporated, on an existing site resource and site analysis plans on a map at a scale no less than one inch equals 100 feet:
 - a. A vertical aerial photograph enlarged to a scale not less than one inch equals 400 feet, with the site boundaries clearly marked.
 - b. Topographic contours at ten-foot contour intervals. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated.
 - c. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland, trees with a caliper in excess of 15 inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age, and

condition.

- d. Views of the site, including views onto the site from surrounding roads, including photographs with notations on the map indicating the locations where the photographs were taken.
- e. Stream valleys and wetland complexes, ponds, streams, and natural drainage swales and 100-year floodplains.
- f. Soil series, types, and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction and for septic suitability.
- g. Significant natural areas of species listed as endangered, threatened or of special concern.
- h. Ridge lines and watershed boundaries.
- i. Geologic formations, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- j. Locations of all historically significant sites or structures on the tract, including, but not limited to, cellar holes, stone walls, earthen works, and graves.
- k. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic view sheds as seen from public roads (particularly those with historic features).
- l. All existing manmade features including, but not limited to, streets, driveways, farm lanes, woodland roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants and storm and sanitary sewers.
- m. All easements and other encumbrances of property which

are or have been filed and of record with the Clerk of the Circuit Court for Cumberland County.

(2) *Preliminary plat or accompanying documents.* The preliminary plat shall have additional information and documents as set forth in section 54-191(1) with the following exceptions which shall take precedent:

a. *Streets.*

1. *Roads.*

- a. Minor subdivision - All roads in a minor A-20 subdivision may be designed and constructed to either the private road standards as established in Section 54-124 of the Subdivision Ordinance or shall be designed and constructed in conformance with the Virginia Department of Transportation's (VDOT) subdivision street standards (to also be known as the secondary street acceptance regulations).
- b. Major subdivision - All roads in a major A-20 subdivision shall be designed and constructed in conformance with the Virginia Department of Transportation's (VDOT) subdivision street standards (to also be known as the secondary street acceptance regulations).

If private roads are to be established the final plat and each deed, shall clearly state that the county and the state are not responsible for the maintenance of the roads. A road maintenance agreement, approved by the county attorney as to form and the zoning administrator as to content, shall be filed with the deeds of all lots to be served by such private road. Such agreement shall require the landowners, jointly and severally, to cooperate in and pay for the maintenance of the road such that emergency vehicles and other necessary traffic can reach all of the lots with reasonable ease.

2. *Names (street).* Proposed streets, which are obviously

in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of the proposed streets duplicate existing street names. Street names shall be indicated on the preliminary and final plats, and shall be approved by the subdivision agent. Names of existing streets shall not be changed except by approval of the Board of Supervisors. New street names within a major subdivision shall be named after natural features in the immediate area of the development (such as hills, ridges, meadows, brooks, or native plant or animal species) or to local historic names, buildings, or events. Personal first names shall not be used.

3. *Lot Entrances.* It is the intent of this subsection to limit the number of lot entrances onto existing public roads. Lots shall be accessed from the road created by way of the division and not from an existing public road. One lot entrance onto a new public or private road shall be permitted per lot within this district. However, at the zoning administrator's discretion, additional entrances may be permitted onto existing public roads if clearly marked that they are for non-residential use and not to be used as primary residential access - such as those used to access fields, barns, or other agricultural or forestal uses.

b. *Utilities.* All utilities including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electric, telephone, gas, cable television, or similar services shall be placed underground except, however, the following shall be permitted above ground:

1. Electric transmission lines and facilities in excess of 50 kilovolts.
2. Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, street lighting poles or standards, radio antennae, traffic control devices, and associated

equipment which is, in conformance with accepted utility practices, normally installed above ground.

3. Meters, service connections and similar equipment normally attached to the outside wall of a customer's premises.
4. Temporary above ground facilities required in conjunction with an authorized construction project.
5. Existing utilities located above ground in proposed subdivisions may be maintained, repaired or upgraded to maintain current levels of service.
6. Whenever any existing above ground utilities require relocation for any reason they shall be placed underground.

4) **Departments and Agencies -**

- a) Aaron Hawkins – Robinson, Farmer, Cox & Associates – FY 2008 audit report

Aaron Hawkins, Senior Staff Member for Robinson, Farmer, Cox, informed the Board that the company submitted an unqualified report of finances for the County. Mr. Hawkins also informed the Board of new professional standards that will be required beginning in FY 2009.

- b) Dr. Jim Thornton – Superintendant of Schools

N/A

- c) Eric Spencer – update on landfill project

Mr. Spencer informed the Board that there have not been many changes since the January update. The Solid Waste Facility Permit, Part A, was received in May 2008, and there is no further action required. A draft part B Permit is expected by the end of

March 2009, and the Final Part B Permit is anticipated by late June 2009.

The Wetlands Mitigation Development Plan was submitted in January 2009. The engineering team worked closely with DEQ and the Army Core of Engineers while preparing the plan in hopes that it would eliminate or minimize the number of submittal response comments. Review and approval of the mitigation plan is anticipated to take 60 days, barring excessive comments.

Mr. Spencer also informed the Board that Republic Services plans to participate in this year's Patriot Day celebration along with the Recycling Committee to promote recycling in the County.

5) Assistant County Administrator/Finance Report -

- a.) Consent Agenda-
 - 1) Approval of Minutes – January 2009
 - 2) Approval of Bills- January 2009 and February 2009
Ratified bills for January 2009 of warrants total \$ 413,200.99 with check numbers ranging from 55465 to 55673. Direct deposits for January 2009 total \$ 144,710.59.

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

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, and informed the Board that the interest rate is now .98%. After much discussion, the consensus of the Board was to exclude this report from the Board packet until a later time.

d) Request for Budget Transfer

The request for budget transfer is for debt service covering the Ameresco debt service for the school. This is an inter-fund transfer within the debt service fund. This item, in the amount of \$116,000, is for debt service incurred during an energy saving study at the school, for a portion of the renovations at the Luther P. Jackson Adult Education Center, and retro-fitting the facility with energy saving features. This debt service was removed from the School budget as the County manages debt service for this year.

On a motion by the Chairman and carried, the Board approved the budget transfer in the amount of \$116,000:

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

e) Cartersville Rescue Squad ambulance

The Emergency Services Committee (ESC) is due to receive grant funds to cover a portion of the \$124,000 purchase of a new ambulance for the Cartersville Rescue Squad. The Board has previously appropriated funds to cover the remaining balance. The ESC is scheduled to receive the ambulance immediately although the grant funds are not anticipated for at least 30 days.

The ESC is proposing that the County pay the remaining balance of roughly \$59,000, in order to pay the invoice in full, in anticipation of receipt of the grant funds. Mrs. Matthews informed the Board that if the appropriation was not made, the

total interest for the ESC to carry the balance for 30 days would be \$236.40.

Mrs. Matthews recommended that the Board not appropriate the additional \$59,000 to the ESC due to the fact that it would cost the County more to process the appropriation, than it would save the ESC.

Supervisor Kennell suggested that the County reimburse the \$236.40 to the ESC.

On a motion by Supervisor Kennell and carried, the Board approved the appropriation of \$236.40 to the ESC to cover interest on the balance of the invoice for the Ambulance purchased for the Cartersville Rescue Squad:

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

6) Planner/Zoning Administrator, Andrew Sorrell -

- a) Refer Conditional Use Permit for Kevin Dunn to the Planning Commission

Zoning Administrator, Andrew Sorrell, informed the Board that a Conditional Use Permit application was received from Mr. Kevin Dunn. Mr. Dunn requests the ability to use three pre-existing nonconforming parcels that are located on Cumberland Rd., near the Farmville town limits.

In order to bring the lots closer to the conforming lot size of 20,000 square feet, Mr. Dunn proposes to vacate the interior property lines of the middle lot and divide, equally, the footage between the two exterior lots, and bring the two remaining lots up to 18,000 square foot in area.

On a motion by Supervisor Womack and carried, the Board referred this re-zoning application to the Planning Commission for review:

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

b) Update on Planning Commission Public Hearings for February

Mr. Sorrell informed the Board that the Planning Commission has four public hearings scheduled for their February 17, 2009 meeting.

Staff will be presenting the annual Planning Commission activity report to the Commission at their February meeting for review and approval. This year's report will also include activities of the Board of Zoning Appeals. The approved reports will be submitted to the Board of Supervisors for the March 2009 meeting.

c) Approve Festival Permit for the Cartersville Ruritan's 4th of July event

Mr. Sorrell informed the Board that staff had received a festival permit application for the Cartersville Ruritan's 4th of July event. This year's event will take place behind the Cartersville Ruritan building.

On a motion by the Chairman and carried, the Board approved the Festival Permit Application for the Cartersville Ruritan's 4th of July event:

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

Mr. Sorrell also informed the Board that staff has received a festival permit application for Bodacious, and will forward that application to the Board in the near future.

- d) Refer rezoning application REZ # 09-01 for S&M Properties to the Planning Commission

Mr. Sorrell informed the Board that the property owners are proposing to amend the zoning conditions attached to the property. Staff requests that this request be referred to the Planning Commission for review.

On a motion by Supervisor Petty and carried, the Board referred rezoning application REZ # 09-04 to the Planning Commission for review:

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

Mr. Sorrell informed the Board that citizens in the Trices Lake area brought concerns to the Planning Commissions' attention at their January 2009 workshop. It was suggested that a Zoning overlay be created in order to improve the ability for property owners to utilize the land, and decrease conflict with the current County Code.

Mr. Sorrell stated that staff has received the final draft Historic Design guidelines. A workshop is anticipated between the Planning Commission and the consultants in early March 2009.

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

a) Discuss FY 2010 Appropriation requests

i) Proposed letter to Congressman Periello

By unanimous consent, the Board directed the County Administrator to send correspondence to Congressman Periello regarding the American Recovery and Reinvestment Act.

ii) Draft appropriation request application

By unanimous consent, the Board will have further discussion regarding the appropriation request application during the workshops scheduled for February 20th, 2009.

iii) Request for letter of support for STEP's application for appropriation

By unanimous consent, the Board directed the County Administrator to send the letter in support of STEPS to Congressman Periello's office.

b) Discuss Board representative to Chief Local Elected Officials (CLEO), Workforce Investment Board

County Administrator, Judy Ownby, stated that the current representatives are unable to attend the meetings regularly. Ms. Ownby asked if any Board member would be interested in serving on the consortium of CLEO's.

Supervisor Kennell expressed interest and volunteered to serve as Board representative for CLEO, Workforce Investment Board.

8) Assistant County Administrator/Community Development

a) Update on projects

1) Proposed waterline extension

Mr. Cooper informed the Board that staff continues to work with the engineers at Draper Aden Associates to explore the changes that were discussed at the work session held in January. Staff anticipates the completion of the plans, and submittal to the County for review by late February or early March 2009. Mr. Cooper also informed the Board that approval for funding from the USDA Rural Development still has not been received.

2) Industrial Development Authority (IDA)

Mr. Cooper stated that the IDA has published their meeting dates for 2009, and that they look forward to working with the Board on upcoming projects.

Mr. Cooper also informed the Board that Grant Writer, Jennifer Roberts is currently conducting an informational workshop with departments and agencies. The purpose of the workshop is to review the grants process to discourage the application for grants without prior notification of, and approval by the Board.

9) County Attorney's Report -

a) Resolution authorizing and approving an extension of the borrowing through VACo/VML Commercial Paper Program

County Attorney, Howard Estes, reviewed the Resolution:

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION

AUTHORIZING AND APPROVING AN EXTENSION OF THE
BORROWING THROUGH THE VML / VACO COMMERCIAL PAPER
PROGRAM

February 10, 2009

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., February 10, 2009, 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
<u>Absent:</u> None	

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 Board duly held public hearings at its meetings of December 12, 2006 and January 3, 2007 with regard to the issuance of the Note pursuant to the provisions of the Virginia Public Finance Act and specifically Va. Code § 15.2-2606 and thereafter approved the issuance by resolution;

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 an original maturity date of June 30, 2008 which was thereafter extended December 31, 2008;

WHEREAS, the parties thereto desire to extend such date to December 31, 2009 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 December 31, 2009.

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 December 31, 2009, 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 or prior 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.

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

10) Board Member Comments-

The Chairman stated his delight with the work that is being done to help support County initiatives and programs through the grants process. He discussed his opportunity to participate in the interview process for the position of Dean at the College of Agriculture and Life Science at Virginia Tech. The Chairman also stated that he had spoke with Senator Warner regarding the proposed economic stimulus package, and it was suggested that the individual counties will not receive a large sum of money. He stated that no matter the amount Cumberland receives, it will be put to good use.

Supervisor Kennell spoke regarding his attendance at the Annual VACo Legislative Day. He thanked County staff for assisting the Board members in their daily work.

Supervisor Petty informed the Board that the Wireless Authority continues to take the necessary steps in order to provide citizens with wireless internet access. Lakeside Village is a possible pilot site, although no tower site has been confirmed. Supervisor Petty also voiced concerns regarding the ability to recycle the new energy-saving light bulbs. He stated that the Recycling Taskforce is considering safely collecting and storing or transporting the energy saving light bulbs to a recycling company with the ability to recycle these items.

Supervisor Womack informed the Board that he attended a meeting to discuss needs assessment for an Agricultural Center in Buckingham. This proposed multi-use building would have an arena and two meeting rooms available for public use. The proposed building is estimated to cost \$2.1 million dollars. Supervisor Womack also attended the 2009 Virginia Agricultural Summit in Richmond. Speakers include Governor

Kaine and Senator Warner, and topics included alternative energy sources.

Supervisor Oertel thanked the County's administrative staff as well as the Maintenance Department for their constructive efforts on behalf of the County. He informed the Board that Stuart Harris, Maintenance Director, has selected a secure room for the storage of materials donated to the County's museum. Supervisor Oertel also informed the Board of a reception that he attended for the friends of High Bridge Trail State Park.

11) Public Comments

The two citizens signed up to speak to the Board brought forth issues and concerns from the Woods subdivision. Some of these concerns were for benefits or compensation for the property owners within the subdivision.

12) Additional Information-

- a) 2008 Business License Annual Report
- b) Wireless Authority Board minutes
- c) Update on renovations of County Facilities
- d) Building Inspections Report for January 2009
- e) Workforce Investment Board information on unemployment rates

13) Adjourn-

With no additional business to come before the Board, the Chairman adjourned the meeting until February 17th, 2009 at 8:30 a.m. for budget workshops in the County Conference Room.

Chairman

County Administrator