

**BOOK 12 PAGE 758**

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14<sup>th</sup> day of June, 2011, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1  
Timothy Kennell, District 2  
Van Petty, Chairman, District 3  
Elbert Womack, District 4  
Robert Oertel, District 5  
Howard Estes, County Attorney  
Judy Ownby, County Administrator  
Jill Matthews, Assistant County Administrator  
Bret Schardein, Planner  
Stephany Johnson, Deputy Clerk

Absent: None

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

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

**1) Approval of Agenda-**

On a motion by Supervisor Womack and carried, the Board amended the agenda to include:

4. Departments/Agencies
  - a) VDoT monthly report
  
5. Assistant County Administrator/Finance
  - a) Consent Agenda
    - 6) Request for appropriation – Social Services (collections totaling \$3,809.33)
  - c) Line of Duty Act – Additional info

- e) VRS group Long Term Care insurance program – Employer Adoption Agreement
- f) Appropriations to the IDA Fund
- g) Request for waiver of tap fee

7. County Administrator

- c) Email from Extension Agent regarding 25 agent positions (request for Board input)

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

Supervisor Osl made a subsequent motion to reconsider the agenda, and include item 7d) Modification of Legal Services Contract:

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

2) **Public Comments-**

One citizen spoke to the Board about the benefits of having a local Medical Reserve Core.

3) **Public Hearings –**

- a) CUP 11-02 –NCT, Inc.

Mr. Bret Schardein, Planner, and Mr. Al Doss, representative of National Communication Towers, Inc, reviewed the CUP request. The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Kennell and carried, the Board approved CUP 11-02:

BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION  
GRANTING  
CONDITIONAL USE PERMIT  
APPLICATION #11-02  
FOR TAX MAP PARCEL 65A3-A-4A  
REQUESTED BY  
NATIONAL COMMUNICATION TOWERS, LLC

June 14, 2011

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., June 14, 2011, the following action was taken following a duly held public hearing during which time the Acting Planning & Zoning Administrator provided a review of the conditional use permit request, the applicant provided a review of the 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 grant the Conditional Use Permit in accordance with the following Recitals and Resolutions;

Following a reading of the Recitals and Resolutions, the Board of Supervisors adopted and approved the Recitals and Resolutions according to the votes stated below:

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<u>Present:</u>	<u>Vote:</u>
Van H. Petty, Chairman	aye
William F. Osl, Jr.	aye
Timothy Kennell	aye

Elbert R. Womack aye

Robert J. Oertel aye

**WHEREAS**, National Communication Towers, LLC (the “Applicant”) filed a conditional use permit application and supporting materials (the “CUP Application, CUP #11-02”) seeking a conditional use permit for the property described below in accordance with Section 74-143 of Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”); specifically, the Applicant has requested a conditional use permit to allow for the construction and operation of a 250 foot tall telecommunications tower and related facilities; and

**WHEREAS**, the subject property is located on the north side of Anderson Highway (Route 60), west of Forest View Road (Route 628), behind the Cumberland County Community Center. The affected property is currently zoned A-2, Agricultural and R-2, Rural Residential. The proposed tower would be on an approximately 125 feet by 125 foot leased area on the portion of the property with A-2 zoning. The parcel is not located in a growth area as designated by the Comprehensive Plan. The affected property is located in Election District 3 and more particularly described as Tax Map Parcel 65A3-A-4A (the “Property”), with respect to approximately 5.12 acres, as shown on the Site Plan attached to the CUP Application; and

**WHEREAS**, the Board of Supervisors duly referred the CUP Application to the County Planning Commission for its recommendation on March 8, 2011; and

**WHEREAS**, the Planning Commission directed staff to make the CUP Application available for public review on April 18, 2011; and

**WHEREAS**, the Planning Commission duly advertised and held a public hearing on May 16, 2011; and

**WHEREAS**, after the Planning Commission duly considered the testimony and evidence presented at the public hearings and workshops in support or opposition to the proposed CUP Application and gave reasonable consideration to numerous factors, including but not limited to the County's Comprehensive Plan and the suitability of the Property for various uses, the Planning Commission recommended approval of the conditional use permit; and

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on June 14, 2011; and

**WHEREAS**, the Board of Supervisors carefully considered the Planning Commission's recommendation and the testimony and evidence presented at the public hearing on June 14, 2011, in support or opposition to the proposed CUP Application and gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for the proposed use, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies, the conditional use permit standards more fully described in Section 74-702 of the Zoning Ordinance and the supplemental standards for communications antennas and towers more fully described in Section 74-731 through 747 of the Zoning Ordinance; and

**WHEREAS**, in its review of the CUP Application, the Board of Supervisors further finds that the proposed telecommunication tower and its related facilities provide a reasonable signal coverage that cannot be accommodated on an existing tower; and

**WHEREAS**, the Board expressly approves the use of a communication tower on the property subject to the conditions included in the CUP application; and

**WHEREAS**, in its review of the CUP Application, the Board of Supervisors gave reasonable consideration to numerous factors, including but not limited to the following: the existing use

and character of the Property, the County's Comprehensive Plan, the suitability of the Property for various uses, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies; and

**WHEREAS**, after discussion, staff presentation and due deliberation with respect to such documentation, information and data, including information and materials presented at this public hearing, the Board of Supervisors desires to affirm its findings and take action with respect to the CUP Application;

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

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the foregoing and the conditions set forth in the Zoning Ordinance, including Section 74-702 and the supplemental standards for communications antennas and towers more fully described in Section 74-731 through 747 of the Zoning Ordinance, the Board of Supervisors finds it appropriate to grant Conditional Use Permit #11-02 in accordance with the CUP Application.
- c. The Board of Supervisors further finds that the request made in the CUP Application is in substantial accordance with the County's Comprehensive Plan.
- d. The Board of Supervisors has also determined that the request made in the CUP Application furthers the general purpose and objectives of the Zoning Ordinance and such use would be beneficial and appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice.
- e. The Board of Supervisors hereby specifically approves a communication tower as an approved use of the Property

notwithstanding any prior restriction or covenant that may now be in effect.

- f. The Board of Supervisors hereby grants the CUP Application to the Applicant to allow the use of a 250 foot tall telecommunications tower and related facilities on the Property subject to the following terms and conditions:
  - 1. This conditional use permit shall allow for construction work commenced on or before **one (1) year from the effective date of the conditional use permit**, and any such expansion activities commenced thereafter shall require a new conditional use permit.
  - 2. All operations on the Property shall comply with all applicable health and environmental laws, rules and regulations, and with all County, State and Federal Laws which govern construction and operation of the tower.
  - 3. All representations of National Communication Tower, LLC's conditional use permit application #11-02 for a 250 foot Telecommunication Tower and associated equipment, including all attached documentation, filed on February 18, 2011, are included herein as conditions.
  - 4. This permit shall not become effective until a removal bond in the amount of \$25,000 pursuant to Section 74-745 of the Zoning Ordinance has been approved by the County Attorney executed, and filed with the County Administrator.
  - 5. The radius width shall be limited to three (3) feet for any antennae or dish placed on the tower.
- g. This Resolution is effective immediately.

b) CA 10-01 Subdivision Ordinance

Mr. Bret Schardein, County Planner, reviewed the proposed code amendment. Mr. Parker Wheeler, Chairman of the Planning

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

BOARD OF SUPERVISORS OF THE  
COUNTY OF CUMBERLAND, VIRGINIA

RESOLUTION

ADOPTING AMENDMENTS TO THE  
CODE OF CUMBERLAND COUNTY:

CODE AMENDMENT 10-01:

“AN ORDINANCE AMENDING CHAPTER 54, SUBDIVISIONS, CONSISTING OF §§54-1 THROUGH 54-302, OF THE CUMBERLAND COUNTY CODE BY AMENDING AND RE-ENACTING CHAPTER 54, SUBDIVISIONS, CONSISTING OF §§54-1 THROUGH 54-270, SUCH CHAPTER 54, SUBDIVISIONS, BEING A COMPREHENSIVE REVISION OF THE SUBDIVISION ORDINANCES OF THE COUNTY.”

**June 14, 2011**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia, 23040, commencing at 7:00 p.m., June 14, 2011, 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 Osl it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending and re-enacting the Code of Cumberland County by amending and re-enacting the subdivision ordinance;

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

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Present:

Vote:

Van H. Petty, Chairman

aye

William F. Osl, Jr.	aye
Timothy Kennell	aye
Elbert R. Womack	aye
Robert J. Oertel	abstain

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**WHEREAS**, on September 12, 2006, the Board of Supervisors adopted the Cumberland County, Virginia (the "County") Comprehensive Plan 2006-2011 ("Comprehensive Plan") a new Comprehensive Plan for the County, which plan recommended and necessitated a comprehensive revision to the City's zoning and subdivision ordinances;

**WHEREAS**, County staff drafted a comprehensive revision to the subdivision ordinance from January, 2010 through July, 2010;

**WHEREAS**, the Planning Commission conducted multiple public workshops and input gathering sessions and solicited input from design professionals in July and August 2010, specifically meeting on July 19, July 26, August 30, 2010 including a joint workshop with the Board of Supervisors on August 9, 2010;

**WHEREAS**, a draft of the new subdivision ordinance was made available to the public on July 19, 2010 by the Planning Commission;

**WHEREAS**, the Planning Commission conducted additional meetings to review, discuss and revise the draft subdivision ordinance on October 18, 2010, January 3, January 18, January 24, February 22, and March 21, 2011 including a joint workshop with the Board of Supervisors on April 11, 2011;

**WHEREAS**, at a regular monthly meeting held on April 18, 2011, the Planning Commission directed staff to formally prepare the proposed amendments to the Code of Cumberland County, which said amendments (collectively the "Code Amendment") address the amendment, re-enactment and recodification of Chapter 54 "Subdivisions" of the County Code, as

reflected in the attached ordinance and incorporated herein by this reference; and

**WHEREAS**, after due publication and timely public notice, the Planning Commission for Cumberland County held a public hearing on May 16, 2011 on the Code Amendment; and

**WHEREAS**, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

**WHEREAS**, in its review of the Code Amendment, the Planning Commission gave reasonable consideration to furthering the goals and policies of the County's Comprehensive Plan by implementing and aligning the County's subdivision regulations with the County's Comprehensive Plan which among other things include maintaining rural character, encouraging development in designated growth areas, maintaining the existing visual experience along county roadways, defining subdivision policies for various road types and providing greater flexibility in subdivision design and permitting; and

**WHEREAS**, the Planning Commission, by resolution adopted on May 16, 2011, recommended that the Board of Supervisors adopt the Code Amendment; and

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on June 14, 2011; 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 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 by implementing and aligning the County's subdivision regulations with the County's Comprehensive Plan which among other things include maintaining rural character, encouraging development in designated growth areas, maintaining the existing visual experience along

county roadways, defining subdivision policies for various road types and providing greater flexibility in subdivision design and permitting; 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;

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

- h. The foregoing recitals are hereby incorporated by this reference.
- i. Upon consideration of the foregoing, the Board considers it appropriate to by ordinance and this resolution amend the Code of Cumberland County in accordance with the specific text and provisions of the Code Amendment as attached hereto and incorporated herein by this reference.
- j. The Board of Supervisors finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan.
- k. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves by ordinance the Code Amendment referenced 10-01 amending and re-enacting Chapter 54, Subdivisions, being a comprehensive revision of the County's subdivision ordinance, as set forth in the specific ordinance text as attached and incorporated herein.
- l. This Resolution and the Ordinance herein contained shall be effective on August 1, 2011.

c) CA 10-10 Zoning Ordinance

Mr. Bret Schardein, County Planner, reviewed the proposed code amendment. The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing.

BOARD OF SUPERVISORS OF THE  
COUNTY OF CUMBERLAND, VIRGINIA

RESOLUTION

ADOPTING AMENDMENTS TO THE  
CODE OF CUMBERLAND COUNTY:

CODE AMENDMENT 10-10:

“AN ORDINANCE AMENDING, RENUMBERING AND RE-ENACTING THE CODE OF CUMBERLAND COUNTY (1990), AS AMENDED, BY AMENDING CHAPTER 74, ZONING, CONSISTING OF §§74-2, 74-3, 74-14 AND 74-141 THROUGH 74-340 AND RE-ENACTING CHAPTER 74, ZONING, CONSISTING OF §§74-2, 74-3, 74-141 THROUGH 74-340 SUCH CHAPTER 74, ZONING, BEING A COMPREHENSIVE REVISION OF THE ZONING DISTRICT TITLES, PERMITTED USES BY SUBDIVISION TYPE, THE DIMENSIONAL STANDARDS, THE ZONING TERMS CORRESPONDING TO SUCH STANDARDS FOR ZONING DISTRICTS IN THE ZONING ORDINANCE OF THE COUNTY.”

**June 14, 2011**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia, 23040, commencing at 7:00 p.m., June 14, 2011, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Womack it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending and re-enacting the Code of Cumberland County by amending, renumbering and re-enacting the Zoning Ordinance consisting of §§74-2, 74-3, 74-14 and 74-141 through 74-340 and re-enacting the Zoning Ordinance consisting of §§74-2, 74-3, 74-141 through 74-340;

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

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

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**WHEREAS**, on September 12, 2006, the Board of Supervisors adopted the Cumberland County, Virginia (the County) Comprehensive Plan 2006-2011 (“Comprehensive Plan”) a new Comprehensive Plan for the County, which plan recommended and necessitated a comprehensive revision to the County’s zoning and subdivision ordinances;

**WHEREAS**, County staff drafted a comprehensive revision to the zoning district titles, permitted uses by subdivision type, the dimensional standards for lots and parcels, the zoning terms corresponding to such standards for zoning districts in the zoning ordinance of the County from October, 2010 through March, 2011;

**WHEREAS**, the Planning Commission conducted multiple public workshops and input gathering sessions and solicited input from design professionals from January to April 2011, specifically meeting on January 18, January 24, February 22, March 28 including a joint workshop with the Board of Supervisors on April 11, 2011 to discuss the provisions in such amendment;

**WHEREAS**, a draft of such zoning ordinance amendment was made available to the public on April 18, 2011 by the Planning Commission;

**WHEREAS**, at a regular monthly meeting held on April 18, 2011, the Planning Commission directed staff to prepare the proposed amendments to the Code of Cumberland County, which said amendments (collectively the "Code Amendment") address the amendment, re-enactment and re-codification of Chapter 74, Zoning, consisting of §§74-2, 74-3, 74-14 and 74-141 through 74-340 and re-enacting Chapter 74, Zoning, consisting of §§74-2, 74-3, 74-141 through 74-340 of the County Code (as shown in the attached ordinance) and directed that such Code Amendment be set for public hearing; and

**WHEREAS**, after due publication and timely public notice, the Planning Commission for Cumberland County held a public hearing on May 23, 2011 on the Code Amendment; and

**WHEREAS**, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

**WHEREAS**, in its review of the Code Amendment, the Planning Commission gave reasonable consideration to furthering the goals and policies of the County's Comprehensive Plan by implementing and aligning the County's zoning ordinance with an amended and reenacted subdivision ordinance and the goals and policies of the County's Comprehensive Plan which, among other things, include maintaining rural character, encouraging development in designated growth areas, maintaining the existing visual experience along county roadways and providing general clarity in the provisions of the County Code to be responsive to the needs of County citizens; and

**WHEREAS**, the Planning Commission, by resolution adopted on May 23, 2011, recommended that the Board of Supervisors adopt the Code Amendment; and

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on June 14, 2011; 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 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 by implementing and aligning the County's zoning ordinance with an amended and reenacted subdivision ordinance and the goals and policies of the County's Comprehensive Plan which, among other things, include maintaining rural character, encouraging development in designated growth areas, maintaining the existing visual experience along county roadways, and providing general clarity in the provisions of the County Code to be responsive to the needs of County citizens; 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;

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Supervisors (the Board), as follows:**

m. The foregoing recitals are hereby incorporated by this reference.

n. Upon consideration of the foregoing, the Board considers it appropriate to by ordinance and this resolution amend the Code of Cumberland County in accordance with the specific text and provisions of the Code Amendment as attached hereto and incorporated herein by this reference.

o. The Board further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan.

p. Upon consideration of the proposed text of the Code Amendment, testimony, staff remarks and presentation materials and public comment, the Board of Supervisors adopts and approves by ordinance the Code Amendment referenced 10-10 amending, renumbering and re-enacting the Code of Cumberland County (1990), as amended, specifically amending Chapter 74, Zoning, consisting of §§74-2, 74-3, 74-14 and 74-141 through 74-340 and re-enacting Chapter 74, Zoning, consisting of §§74-2, 74-3, 74-141 through 74-340 such Chapter 74, Zoning, being a comprehensive revision of the zoning district titles, permitted uses by subdivision type, the dimensional standards of lots and parcels, the zoning terms corresponding to such standards for zoning districts in the zoning ordinance of the County, as set forth in the specific ordinance text as attached and incorporated herein.

q. In order to provide clarity to property owners in the County, no properties are rezoned by way of this Resolution or the Ordinance contained herein.

r. This Resolution and the Ordinance herein shall be effective on August 1, 2011.

d) USDA Financing-Water Revenue Bond - \$939,000

County Attorney, Howard Estes, informed the Board that the max amount of the loan is \$939,000 with a maximum interest rate of 2.75% for a 40 year term. The Chairman then opened the public hearing. One citizen questioned the need for another county loan. With no additional citizens signed up to speak, the Chairman then closed the public hearing. After some discussion, Supervisor Osl made a motion to approve a Resolution authorizing the USDA Rural Development Financing in an amount not to exceed \$939,000:

**RESOLUTION OF THE BOARD OF SUPERVIORS OF CUMBERLAND COUNTY, VIRGINIA AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF ITS WATER SYSTEM REVENUE BOND IN THE MAXIMUM PRINCIPAL AMOUNT OF \$939,000; THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$1,000,000; AND**

**THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS  
PREPARED IN CONNECTION THEREWITH**

**WHEREAS**, Cumberland County, Virginia (the "County"), has previously submitted an application to the United States Department of Agriculture, Rural Development (the "Government"), to finance all or a portion of the costs of certain infrastructure improvements, including the construction, extension, easement acquisition, and equipping of its public water system and facilities in order to extend the County's existing public water system from its current terminus in the courthouse area along Anderson Highway (U.S. Route 60), westward, to its intersection with State Route 45, together with related administrative and financing costs and expenses (the "Project"), and the Government has indicated its willingness to finance a portion of the Project, in accordance with the terms of a Loan Resolution; a Letter of Conditions and a Letter of Acceptance exchanged between the Government and the County; and a Loan Agreement and a Grant Agreement which the forms of such documents have been presented to this meeting.

**WHEREAS**, the County duly advertised and held a public hearing on June 14, 2011 and seeks to adopt and authorize certain actions in furtherance of the issuance of the bond for the loan from and acceptance of the grant from the Government;

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF  
CUMBERLAND COUNTY, VIRGINIA (THE "BOARD") AS FOLLOWS:**

1. Issuance of Bond and Use of Proceeds. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 (the "Act"), and without regard to the requirements, restrictions or other provisions contained in any charter or local or special act applicable to the County, the Board hereby provides for the issuance and sale of its Water System Revenue Bond, Series 2011 (the "Bond") of the County in a maximum principal amount of \$939,000 to provide funds to finance a portion of the Project and to pay related costs, including costs incurred in issuing the Bond.

2. Authorization of Loan and Grant Agreement. The form of the Loan Agreement, the Bond, and the Grant Agreement submitted to this meeting (collectively, the "Loan Documents") are hereby approved. The terms and conditions set forth in the Loan Resolution are hereby approved and are made a part of this Resolution and are hereby approved. The Chairman of the Board is authorized to execute the Loan Documents in substantially the form presented at this meeting, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman of the Board in consultation with the County Attorney and whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the Bond to the Government shall be upon the terms and conditions of the Loan Agreement. The proceeds of the Bond and the grant funds shall be applied in the manner set forth in the Loan Agreement and related documents, including the Grant Agreement. All capitalized terms used but not defined herein shall have the same meaning as set forth in the Loan Agreement.

3. Bond Details. The Bond shall be issued as a single, registered bond, shall be designated "Water System Revenue Bond, Series 2011" and shall be numbered R-1. The Board authorizes the issuance and sale of the Bond on such terms as shall be satisfactory to the Chairman of the Board; provided, however, that the Bond (a) shall be in a principal amount not exceeding \$939,000, (b) shall mature no later than forty (40) years from the date of delivery of the Bond to the Government, and (c) shall bear interest on the outstanding principal balance thereof at a rate of interest approved by the Chairman of the Board, but not to exceed 2.75% per annum (excluding any default payments and extraordinary expenses that might arise), and shall accrue certain other ongoing costs and expenses upon the terms and conditions described in the Loan Documents. Subject to the preceding terms, the Board further authorizes the Chairman of the Board to (a) determine the final principal amount of the Bond and (b) to establish the maturity date and principal amortization schedule (including the principal installment dates and amounts) for the Bond in such manner as the Chairman of the Board shall determine to be in the best interest of the County. The Chairman of the Board's approval of the final terms, purchase price, initial interest rate, interest rate adjustment provisions, maturity date and amortization schedule of the Bond shall be evidenced

by the execution and delivery of the Bond, and no further action shall be necessary on the part of the County. The principal of and premium, if any, and interest on the Bond shall be payable in lawful money of the United States of America.

4. Additional Payments; Debt Service Reserve Fund. The County acknowledges that the Loan Documents will further require the County to pay, on a subject to appropriation basis, any applicable default payment, late payment or similar costs and expenses described therein, including, without limitation, certain extraordinary expenses (to include, among other things, amounts payable in connection with arbitrage or rebate calculations). In addition to such other obligations set forth in the Loan Agreement, the County shall make payments in addition to its Debt Service equal to ten percent (10%) of its monthly payments until such amounts equal an annual instalment of debt service under its Bond and to further establish an account on its books placed in reserve and pledges such sums for the benefit of the Government in the event of nonpayment or default by the County under the Bond and the obligations stated herein.

5. Payment and Redemption Provisions. The principal of and premium, if any, and interest on the Bond shall be payable as set forth in the Bond and the Loan Agreement. The County may, at its option, redeem, prepay or refund the Bond upon the terms set forth in the Loan Agreement.

6. Execution and Form of Bond. The Bond shall be signed by the Chairman of the Board, and the County's seal shall be affixed thereon and attested by the Clerk of the Board. The Bond shall be issued as a typewritten bond in a form sufficient to evidence the County's obligations under the Loan Agreement, consistent with the terms of this Resolution, and approved by the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

7. Security for the Bond. Any other provision of the Loan Agreement, the Bond or any security instruments to the contrary notwithstanding, the County's obligation to make payments under the Loan Agreement is hereby specifically stated to be revenues of the

System, and nothing in the Loan Agreement or in the other Loan Documents shall constitute a pledge of the full faith and credit nor taxing power of the County, or any other political subdivision of the Commonwealth of Virginia.

8. Preparation of Printed Bond. Upon the reasonable request of the registered owner and upon presentation of the Bond at the office of the Registrar (as hereinafter defined), the County shall arrange to have prepared, executed and delivered in exchange as soon as practicable the Bond in typewritten form in an aggregate principal amount equal to the unpaid principal of the Bond, in denominations of \$100,000 and integral multiples of \$5,000 in excess thereof, of the same form and maturity and registered in such names as requested by the registered owners or their duly authorized attorneys or legal representatives. The printed Bond may be executed by manual or facsimile signature of the Chairman of the Board, with the County's seal affixed thereto and attested by the Clerk of the Board; provided, however, that, if both such signatures are facsimiles, no Bond shall be valid until it has been authenticated by the manual signature of the Registrar and the date of authentication noted thereon. The typewritten Bond surrendered in any such exchange shall be canceled.

9. Registration and Transfer of the Bond. The County appoints the County Treasurer as paying agent and registrar (the "Registrar") for the Bond. If deemed to be in the County's best interest, the Chairman of the Board may at any time appoint a qualified bank or trust company, or another official of Cumberland County, as successor Registrar. The Bond may be transferred only by an assignment duly executed by the registered owner thereof in form satisfactory to the Registrar in exchange for a single, new Bond having an equal maximum principal amount, of the same form and maturity, and bearing interest at the same rates. Such transfer shall be made in the registration books kept by the Registrar, upon presentation and surrender hereof. The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, premium, if any, and interest, and the exercise of all other rights and powers of the owner.

10. Mutilated, Lost or Destroyed Bond. If the Bond has been mutilated, lost or destroyed, the County shall execute and deliver a new

Bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Bond or in lieu of and in substitution for such lost or destroyed Bond; provided, however, that the County shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost or destroyed Bond, (a) has filed with the County evidence satisfactory to the County that such Bond was lost or destroyed and (b) has furnished to the County satisfactory indemnity.

11. Preparation and Delivery of Bond. The Chairman of the Board is authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver it to the Government as the purchaser thereof upon receipt of the purchase price from the Government as set forth in the Loan Agreement.

12. Arbitrage Covenants. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bond to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

13. Tax and Other Documents. The Chairman of the Board is authorized and directed to execute and deliver a Tax Certificate as to Arbitrage and an IRS Form 8038-G, each in a form approved by such officers and the County's bond counsel.

14. Other Actions. All other actions of County officials in conformity with the purposes and intent of this Resolution and in

furtherance of the issuance and sale of the Bond and acceptance of the Grant are ratified, approved and confirmed. The County officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Bond pursuant to this Resolution, the Loan Agreement and the Grant Agreement. All other ordinances and resolutions, or parts thereof, in conflict herewith are repealed, except such ordinances and resolutions, or parts thereof, as may have been adopted by the County at the Government's specific request as a condition to its purchase of the Bond or issuance of the grant funds.

15. Filing of Resolution. The County Attorney is authorized and directed to coordinate the prompt filing of a certified copy of this Resolution in the Circuit Court of Cumberland County, Virginia, in accordance with Section 15.2-2607 of the Act.

16. Effective Date. This Resolution shall take effect immediately.

Adopted: June 14, 2011.

### **CERTIFICATE**

The undersigned Clerk of the Board of Supervisors of Cumberland County, Virginia (the "Board"), hereby certifies that:

1. A meeting of the Board was duly called and held on June 14, 2011 (the "Meeting").

2 Attached hereto is a true, correct and complete copy of a resolution (the "Resolution") of the Board entitled "Resolution of the Board of Supervisors of Cumberland County, Virginia, Authorizing and Approving the Issuance and Sale of its Water System Revenue Bond in the Maximum Principal Amount of \$939,000; the Acceptance of a Grant in the Amount of \$1,000,000; and the Execution and Delivery of Certain Documents Prepared in Connection Therewith," as recorded in full in

the minutes of the Meeting and duly adopted by a majority of the members of the Board present and voting during the Meeting.

3. A summary of the members of the Board present or absent at the Meeting, and the recorded vote with respect to the Resolution, is set forth below:

Member Name	Voting				
	Present	Absent	Yes	No	Abstaining
Van H. Petty, Chairman	X	_____	X	_____	_____
Elbert R. Womack	X	_____	X	_____	_____
Timothy M. Kennell	X	_____	X	_____	_____
Robert J. Oertel, Vice Chairman	X	_____	X	_____	_____
William F. Osl, Jr.	X	_____	X	_____	_____

4. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

e) Joint Hearing with VDoT – Secondary Road Six Year Plan for FY 2011-12 – 2017-18

Mr. Randy Hamilton, Program Director, provided the Board with a copy of the proposed Six-Year Plan and the priority list for un-funded projects, and reviewed both documents.

The Chairman opened the public hearing. Three citizens asked the Board to move the Jenkins Church Road project up on the list to ensure that it gets paved. One citizen requested that Bonbrook Creek Road be re-paved.

**BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION  
APPROVING AND ADOPTING  
2011-12 – 2017-18 SECONDARY SIX YEAR PLAN**

June 14, 2011

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Circuit Courtroom, Cumberland, Virginia commencing at 8:00 p.m., June 14, 2011, the following action was taken following a duly held public hearing during which time members of the public offered comment:

On a motion made by Supervisor Osl, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, the Secondary Six Year Road Plan for 2011-12 to 2017-18;

Following a reading of the Recitals and Resolutions, the Board of Supervisors adopted and approved the Recitals and Resolutions according to the votes stated below:

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<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
-----	

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

**WHEREAS**, this board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2011-12 – 2017-18) as well as the Construction Priority List (2011) on June 14, 2011 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

**WHEREAS**, Jorg Huckabee-Mayfield, Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2011-12 through 2017-18) and the Construction Priority List (2011) for Cumberland County,

**NOW, THEREFORE, BE IT RESOLVED** that since said Plan appears to be in the best interests of the Secondary Road System in Cumberland County and of the citizens in residing on the Secondary System, said Secondary Six-Year Plan (2011-12 through 2017-18) and Construction Priority List (2011) are hereby approved as presented at the public hearing.

**4) Departments and Agencies -**

a) VDoT

1) Monthly report

Ms. Jorge Huckabee-Mayfield reviewed the monthly report. The Rt. 624, Jenkins Church Road project is scheduled to be advertised in April 2012. Ms. Huckabee-Mayfield stated that VDoT is soliciting other means of moving this project forward.

b) Dr. Amy Griffin, Superintendent of Schools

Dr. Amy Griffin, Superintendent, requested an appropriation in the amount of \$400,752.55 for local receipts for the 2010-2011 school year.

On a motion by Supervisor Osl and carried, the Board approved an appropriation in the amount of \$400,752.55 for local receipts:

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

- c) John Butler – Report on Virginia Battlefield Preservation Conference

Mr. John Butler provided the Board with an overview of information received upon his attendance at the Virginia Battlefield Preservation Conference. Cumberland has two historical battlefields within its borders. The Battle of High Bridge of which two thirds are located in the County, and the Battle of Cumberland Church. High Bridge encompasses 3,368.89 acres total with 3,127.69 acres at risk. Cumberland Church encompasses 2,560.20 acres total with 2,538.78 acres at risk.

**5) Assistant County Administrator/Finance**

- a) Consent Agenda-
  - 1) Approval of minutes for May 2011
  - 2) Approval of Bills- May 2011 and June 2011  
Approved bills for June 14, 2011 total \$121,949.72. Ratified bills for May 2011 of warrants total \$302,942.91 with check numbers ranging from 61324-61635. Direct deposits total \$152,791.97.
  - 3) Appropriation of \$4,329.18 and \$11,906.39 to the Clerk's office (no local funds required)
  - 4) Local reimbursement to the State (Option 2)
  - 5) Request for appropriation – Social Services (Collections totaling \$3,809.33)

On a motion by Supervisor Osl 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) Appropriation of County budget FY 2011-2012 effective July 1, 2011

Supervisor Oertel requested that the County move the Museum Project to the top of the list. The structure is constantly deteriorating, and needs attention. Supervisor Petty informed the Board that this project is not included in the current budget. Supervisor Osl suggested that staff stabilize the structure to reduce further deterioration. Ms. Matthews will look into this suggestion and report to the Board at the next meeting.

On a motion by Supervisor Oertel and carried, the Board appropriated the 2011-2012 County budget effective July 1, 2011:

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

- c) Monthly Budget Report

Assistant County Administrator, Jill Matthews, reviewed the budget report. The Board members had no questions.

- d) Line of Duty Act Coverage

Mrs. Matthews, Assistant County Administrator, informed the Board that this cost has been covered by the state in the past, and the state has chosen to pass this expense on to the localities. The Program is managed by Virginia Retirement Systems (VRS), however the localities do have the option to seek coverage elsewhere. The County received a proposal through VACoRP for

that coverage which showed a significant reduction in cost. Mrs. Matthews recommended that the Board opt-out of coverage through VRS, and seek coverage elsewhere.

On a motion by Supervisor Osl and carried, the Board approved a Resolution approving an irrevocable election not to participate in the Line of Duty Act Fund:

**RESOLUTION**

**Irrevocable Election Not to Participate in Line of Duty Act Fund**

**WHEREAS**, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

**WHEREAS**, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

**WHEREAS**, it is the intent of Cumberland County to make this irrevocable election to be a non-participating employer with respect to the Fund;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that Cumberland County hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

**RESOLVED** that the following entities,

Cumberland County Sheriff's Department  
Cumberland Volunteer Fire Department  
Cumberland Volunteer Rescue Squad  
Cartersville Volunteer Fire Department  
Cartersville Volunteer Rescue Squad  
Randolph Volunteer Fire Department

to the best of the knowledge of Cumberland County, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

**RESOLVED** that, as a non-participating employer, Cumberland County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of Cumberland County, on or after July 1, 2010; and it is further

**RESOLVED** that, as a non-participating employer, Cumberland County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

**RESOLVED** that Cumberland County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in Cumberland, Virginia this 14<sup>th</sup> day of June, 2011.

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

On a motion by Supervisor Osl and carried, the Board authorized staff to move forward with identifying a self-funded Line of Duty trust fund with VACoRP:

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

e) Adopt Fund Balance Policy per Auditors recommendation

Ms. Matthews informed the Board the Auditors suggested the County adopt a Fund Balance Policy for financial reporting purposes. According to the Auditor's, the Policy shouldn't pose any changes in the way the county budgets or accounts for funds, but will ensure that we meet the new financial reporting requirements of GASB 54. This change will however, require more work on county staff. Mrs. Matthews stated that over the past 10 years, the requirements of GASB have tripled or quadrupled the amount of work required of county staff during an audit.

Supervisor Petty made a motion to adopt the recommended Fund Balance Policy however, the motion was defeated:

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

f) VRS Group Long Term Care insurance program - Employer Adoption Agreement

Currently, the program is available to county employees through a private carrier. VRS is now taking over administration of the program, and now makes this program available to employees through a payroll deduction. There is no cost to the county.

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On a motion by Supervisor Kennell and carried, the Board approved the VRS Group Long Term Care insurance program and Employer Adoption Agreement:

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

(A copy of the executed agreement is in the Official Board File)

g) Appropriations to the IDA Fund

1) Appropriation in the amount of \$4,700.00

Mrs. Matthews requested an appropriation of \$4,700.00 for expenses related to correction of elevated lead and copper water readings at the Community Center:

On a motion by Supervisor Osl and carried, the Board approved an appropriation in the amount of \$4,700.00 to the IDA Fund:

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

2) Appropriation in the amount of \$13,651

Mrs. Matthews requested an appropriation of \$13,651.00 for expenses related to the IDA purchase of the Community Center property.

On a motion by Supervisor Osl and carried, the Board approved an appropriation in the amount of \$13,651.00 to the IDA Fund:

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

- 3) Appropriation in the amount of \$66,667.00

Mrs. Matthews requested an appropriation of \$66,667.00 which is the amount of the Green Front property payment.

On a motion by Supervisor Womack and carried, the Board approved an appropriation in the amount of \$66,667.00 to the IDA Fund:

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

- h) Request for waiver of tap fee

Mrs. Matthews informed the Board that staff was in receipt of a request from the Cumberland Volunteer Rescue Squad for waiver of the \$100 tap fee required for connection to the County Waterline Extension. After some discussion, the Board did not grant the waiver request due to USDA requirements.

**6) Director of Planning-**

- a) Set public hearings

- 1) Code Amendment CA 11-05 for new Dollar General Store

On a motion by Supervisor Osl and carried, the Board set this code amendment for public hearing for the July 12, 2011 Board meeting:

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

- 2) Rezoning request REZ 11-01 New Dollar General

On a motion by Supervisor Osl and carried, the Board set this rezoning request for public hearing for the July 12, 2011 Board meeting:

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

- 3) Conditional Use Permit CUP 11-04 for Patriot Ridge Shopping Center

On a motion by Supervisor Osl and carried, the Board set this conditional use permit for public hearing for the July 12, 2011 Board meeting:

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

- 4) Rezoning request REZ 11-02 Patriot Ridge Shopping Center

On a motion by Supervisor Osl and carried, the Board set this rezoning request for public hearing for the July 12, 2011 Board meeting:

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

- b) Update on Rezoning request REZ 11-03 Foster Road

Planner, Bret Schardein, informed the Board that this request is not ready for public hearing at this time. It is anticipated that this request will be ready for a public hearing by the Board at their August 9, 2011 meeting.

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

- a) Appoint Representative and Alternate to the Commonwealth Regional Council

Supervisor Oertel stated his interest in serving in this capacity.

On a motion by the Chairman and carried, the Board appointed Supervisor Oertel as representative of the Board on the Commonwealth Regional Council:

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

On a motion by the Chairman and carried, the Board appointed Supervisor Kennell as an alternate representative of the Board on the Commonwealth Regional Council:

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

- b) Amendment to Engineering Services Agreement – Approve pending approval of USDA Rural Development - \$6,795.00

On a motion by Supervisor Oertel and carried, the Board approved amending the Engineering Services Agreement with Dewberry & Davis, Inc. for additional field surveying and easement plat preparation regarding the Waterline Extension Project pending approval of USDA Rural Development in the amount of \$6,795.00:

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

- c) Email from Extension Agent asking for Board input on 25 agent positions by end of June

Ms. Ownby provided the Board with an email from Extension Agent, Linda Eanes, requesting Board input regarding 25 agent positions that the General Assembly required the Virginia Cooperative Extension to hire in the upcoming fiscal year.

d) Modification of Legal Services Contract

Ms. Ownby stated that based on the approved budget for FY2011-2012 which included a reduction in the amount approved for legal services; the board needs to take action to amend the Agreement.

On a motion by Supervisor Womack and carried by the following vote, the Board amended the Agreement with Estes & Associates for FY 2011-2012 for \$189,250, with an hourly fee of \$285 for additional work not covered under the Agreement. An amended Agreement will be prepared by the Attorney:

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

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

In the absence of a Director of Community Development, Mrs. Matthews, Assistant County Administrator for Finance, reviewed the report.

a) Project updates

**Waterline Extension Public Information Session**

Ms. Matthews informed the Board that staff held a public information session regarding the Waterline Extension Project on May 25, 2011 in the Cumberland Elementary School Cafeteria. Staff was on hand to answer questions, notarize user agreements and collect fees for connection to the Waterline.

Business Park

Ms. Matthews stated that the necessary easement agreements have been sent to the property owners, and she has made contact with the parties involved and anticipates receiving completed easement agreements in the near future.

County Attorney, Howard Estes, informed the Board that the Tobacco Commission did award the Wetlands Delineation and Water Supply Plan for the business park. There is a 10% County match for Tobacco Commission projects, and those funds have already been appropriated. The next process would be to award contracts. A few bids have been received and will soon be reviewed by the County Attorney, and County Administration.

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

a) Redistricting Information/update

County Attorney, Howard Estes, informed the Board that the required filing to the Department of Justice has been submitted, and we have not yet received a response.

b) Community Center Complex

Mr. Estes informed the Board that the IDA approved a Facility Use Policy, application and fee schedule for providing access to the fields at the Complex. These documents are now available in the County Administrator's Office.

The IDA also executed a lease with NCT, Inc. regarding the proposed tower on the Complex property.

**11) Board Member Comments-**

Supervisor Womack informed the Board that he was in attendance at an Environmental and Agricultural Steering Committee

meeting in Richmond, and was made aware of possible future unfunded mandates required by the EPA.

**12) Additional Information**

- a) Treasurer's Report
- b) Building Inspections Report
- c) DMV Report
- d) Recycling Report
- e) Cartersville Fire Department Fund Raising Event – July 30<sup>th</sup> 2011

**13) Adjourn**

With no additional business to come before the Board, the Chairman adjourned the meeting until the next regular meeting of the Board to be held on Tuesday, July 12, 2011.

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Chairman

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County Administrator