

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack held in the Cafetorium of Metompkin Elementary School in Parksley on the 17th day of June, A.D., 2009.

Members Present: Steve D. Mallette, Chair
Laura Belle Gordy, Vice Chair
Wanda J. Thornton
Ron S. Wolff
Grayson Chesser
Sandra Hart Mears
John Charles "Jack" Gray
Donald L. Hart, Jr.
E. Philip McCaleb

Others Present: Steven B. Miner, County Administrator
Yvonne N. Pennell, Administrative Assistant
Mark B. Taylor, County Attorney

Call to Order

The meeting was called to order by the Chair and with a prayer by Mrs. Thornton, after which the Pledge of Allegiance to the Flag was recited.

Chair's Comments

The Chair asked the Board members to make a list of Goals and Objectives for the remainder of the current term of office.

Adoption of Agenda

The Chair requested that Items 9E *Eastern Shore 9-1-1 Commission* and 9F *Highway Matters* be added to Reports of Public Officials.

Mrs. Gordy made a motion to adopt the Agenda as amended. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Chesser and Mrs. Mears absent.

Public Participation

The following person expressed concern about the restricted hours of convenience centers:

Linda K. Smith

Approval of the Consent Agenda

Mrs. Gordy made a motion to approve the Consent Agenda. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Chesser and Mrs. Mears absent.

- a. Approved renewal of RFP #207, the contract with AvFuel Corporation to provide aviation fuel and other services to the Airport under the same terms and conditions stated in RFP 207 for the term of August 1, 2009 -- July 31, 2011,

- b. Approved renewal of RFP #189 for Financial Auditor Services, the contract with Robinson, Farmer, Cox to complete the FY09 audit for the same fee as last year in the amount of \$42,220 and to authorize the County Administrator to sign the contract documents,
- c. Approved requesting VDOT to install Watch for Children signs on Broadway Road in Cashville, and
- d. Approved ratifying the preparation of the following Resolution of Commendation for recognition of the Tangier High School Valedictorian.

**A RESOLUTION TO RECOGNIZE THE 2009 VALEDICTORIAN AT TANGIER
COMBINED SCHOOL**

WHEREAS, the Accomack County Board of Supervisors wishes to recognize academic excellence and achievement by the county's high school students; and

WHEREAS, George Ryan Ligon, has been selected as the Valedictorian for the Tangier Combined School Class of 2009; and

WHEREAS, Mr. Ligon has participated in Advanced Placement Courses, HI-Y member grades 9-12 and was Vice-President during his Senior year; and

WHEREAS, Mr. Ligon participated in the Model General Assembly; and

WHEREAS, Mr. Ligon was the winner of the District-wide Essay Competition by NASA & US Navy to commemorate the U. S. Navy Anniversary; and

WHEREAS, Mr. Ligon has been active as a community volunteer by volunteering his services as during benefit concerts for cancer survivors and as a member of the Tangier Volunteer Fire Department and Rescue Squad, etc.; and

WHEREAS, Mr. Ligon will be attending Virginia Tech with plans to major in Engineering;

NOW, THEREFORE IT BE RESOLVED that the Accomack County Board of Supervisors wishes to recognize George Ryan Ligon for his many years of academic achievement and congratulates him on his selection as Valedictorian of the Tangier Combined School Class of 2009.

Mrs. Mears entered the meeting at 5:07PM

Debt Restructuring Plan

County Director of Finance Michael Mason reviewed documents distributed earlier in the evening that related the Debt Restructuring Plan, and introduced Mr. Courtney Rogers of Davenport.

Mr. Rogers reviewed the Debt Restructuring Plan for Accomack County. Mr. Rogers and Mr. Mason responded to comments and questions from the Board.

Discussion followed.

Mr. Chesser entered the meeting at 5:37PM

Mr. Wolff made a motion to accept the Debt Restructuring Plan as presented by Davenport Company, including the Bond Purchase Agreement, Assignment of Rents & Leases; Deed of Trust & Security Agreement Documents, Financing Lease, Prime Lease, and

County Resolution; and to authorize the County Administrator to execute all Bond

Documents. Mrs. Mears seconded the motion. Ayes: Mr. Mallette; Mrs. Gordy; Mr. Wolff;

Mr. Chesser; Mrs. Mears; Mr. Gray; Mr. Hart; and Mr. McCaleb. Nay: Mrs. Thornton.

A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF ACCOMACK, VIRGINIA REQUESTING THE
ECONOMIC DEVELOPMENT AUTHORITY
OF THE COUNTY OF ACCOMACK, VIRGINIA
TO ISSUE LEASE REVENUE REFUNDING BONDS
TO REFINANCE COUNTY PROJECTS

The Board of Supervisors of the County of Accomack, Virginia (the "County") has determined that it is advisable to request the Economic Development Authority of the County of Accomack, Virginia (the "Authority") to issue lease revenue refunding bonds (the "Bonds") (i) to refund the outstanding principal amount of the Lease Revenue Bonds (County of Accomack, Virginia, Social Services Building Leased Property), Series 2003 (the "2003 Bonds"), which were issued by the Authority to assist the County in financing the acquisition, construction and equipping of a new County social services building (the "Social Services Building") and (ii) to refinance a portion of the outstanding amounts payable under the Financing Lease dated as of December 1, 2006 (the "2006 Financing Lease," and together with the 2003 Bonds, the "Refunded Obligations"), between the County and the Virginia Resources Authority ("VRA"), which was entered into to obtain financing for the design, improvement, construction, and equipping of four residential solid waste convenience centers for the County (the "Convenience Centers," and together with the Social Services Building, the "Financed Projects").

The County will lease the Social Services Building and the County's administration building (the "Administration Building," and together with the Social Services Building, the "Leased Property") to the Authority pursuant to a lease (the "Lease") and will lease the Leased Property back from the Authority pursuant to a financing lease (the "Financing Lease").

The Bonds will be payable solely from the revenues received by the Authority under the Financing Lease, pursuant to which the County will agree to make rental payments, subject to and contingent upon annual appropriation, sufficient to pay the principal of and interest on the Bonds.

The Bonds will be issued pursuant to the following documents: (i) the Lease; (ii) the Financing Lease; (iii) a Leasehold Deed of Trust from the Authority to the individual trustees named therein; (iv) an Assignment of Rents and Leases between the Authority and the holder of the Bonds; and (v) a Bond Purchase Agreement ("Bond Purchase Agreement") among the County, the Authority, and Davenport & Company, LLC (the "Underwriter"). All of the documents listed above, except the Bonds, are referred to in this Resolution as the "Basic Documents."

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

1. Issuance of Bonds. The County requests the Authority to issue its Bonds in the maximum amount of \$4,300,000 to be paid from revenues derived from payments made by the County pursuant to the Financing Lease.

2. Authorization of Basic Documents. The Bonds and the Basic Documents are approved in substantially the forms on file with the County Administrator, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Chairman or Vice Chairman of the Board of Supervisors or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery of and performance by the County under the Bonds and the Basic Documents to which it is a party are authorized.

3. Execution of Documents. The Chairman and Vice Chairman of the Board of Supervisors and the County Administrator, or any of them, are authorized to execute on behalf of the County the Basic Documents to which the County is a party, and, if required, the County

Administrator is authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. Such officers or their designees are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, including without limitation to cause the refunding of the Refunded Obligations, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. Sale of Bonds. The County Administrator and the Chairman and Vice Chairman of the Board of Supervisors or any of them, is authorized and directed to consent to the terms of the sale of the Bonds by the Authority to the Underwriter and to execute and deliver the Bond Purchase Agreement, provided that (i) the true interest cost of the Bonds shall not exceed ___%, (ii) the aggregate principal amount of the Bonds shall not exceed the amount set forth in paragraph 1, (iii) the sale price of the Bonds to the Underwriter shall not be less than ___% of the aggregate principal amount thereof (not taking into account any original issue discount) and (iv) the final maturity of the Bonds shall not be later than ___ years from their date. The approval of such officers shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement.

5. Nature of Obligations. Nothing in this Resolution, the Bonds or the Basic Documents shall constitute a debt of the County and the Authority shall not be obligated to make any payments under the Bonds or the Basic Documents except from payments made by or on behalf of the County under the Financing Lease. The County Administrator is directed to submit for each fiscal year a request to the Board of Supervisors for an appropriation to the Authority for an amount equal to the rental payments coming due under the Financing Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this Resolution shall be subject to and contingent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this Resolution, the Bonds or the Financing Lease shall constitute a pledge of the full faith and credit of the County.

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

Accomack County Public Schools

W. Richard Bull, Division Superintendent, Accomack County Public Schools was not present, but had submitted a written report to the Board.

Accomack County Parks and Recreation

County Director of Parks and Recreation William L. Allen introduced Parks and Recreation Director Board members Tony Washington and Barbara Boggs. Mr. Washington reported on various sports and other activities; Mrs. Boggs reported on special events sponsored by the department. Mr. Allen, Mr. Washington, and Mrs. Boggs responded to comments and questions from the Board.

Director of Planning

County Director of Planning James M. McGowan had offered an opportunity for questions from the Board concerning the report submitted on June 4. There were none.

Director of 9-1-1 Commission

County 9-1-1 Commission Director Jeffrey Flournoy reported on the problems within the Accomack County Emergency Services communications systems, and requested

authorization to work with the County Administrator in using Accomack County as the host agency for the United States Department of Agriculture Rural Development (USDA-RD) grant application for radios, receivers, antennae, installation, and tower work. The USDA-RD Grant would cover approximately 55 percent of the total cost, with the remaining costs paid from the 9-1-1 Commission Operating Budget.

Mr. Wolff made a motion to approve Mr. Flournoy's proposal for authorization to work with the County Administrator and use Accomack County as the host agency for a grant application to the USDA-RD program for improvements to Accomack County Emergency Services communications systems. Mr. Hart seconded the motion. The motion passed unanimously.

Highway Matters

Monthly Report

Mr. Robert Isdell, Acting Residency Administrator, Virginia Department of Transportation (VDOT), reported on VDOT projects and activities, and responded to questions and comments from the Board.

FY2010 Capital Improvement Plan

Mrs. Mears made a motion to approve the proposed FY2010 Capital Improvement Plan. Mrs. Thornton seconded the motion. The motion passed unanimously.

Leachate Treatment Facility Project

County Director of Public Works Stewart Hall addressed the Board concerning the current cost for disposal of leachate from the County landfills, and responded to comments and questions from the Board.

Mrs. Thornton made a motion to approve the proposed changes in the project scope of the Leachate Treatment Facility Project as presented. Mr. Wolff seconded the motion. The motion passed unanimously.

Appointments

Accomack-Northampton Regional Housing Authority

Mrs. Gordy made a motion to appoint Betsy Jenkins to the Accomack-Northampton Regional Housing Authority to fill the unexpired term of William T. Brown, who resigned,

to begin immediately and end June 30, 2010. Mrs. Mears seconded the motion. The motion passed unanimously.

Parks and Recreation Advisory Commission

Mr. Hart made a motion to reappoint Tony Washington to the Parks and Recreation Advisory Commission for a four-year term, to begin July 1, 2009 and end June 30, 2013.

Mrs. Gordy seconded the motion. The motion passed unanimously.

Mr. Wolff made a motion to reappoint Gary Miller to the Parks and Recreation Advisory Commission for a four-year term, to begin July 1, 2009 and end June 30, 2013.

Mr. Hart seconded the motion. The motion passed unanimously.

Quinby Boat Harbor Committee

Mr. Hart made a motion to reappoint Mark Wallace to the Quinby Boat Harbor Committee for a four-year term, to begin immediately and end June 30, 2013. Mrs. Mears seconded the motion. The motion passed unanimously.

Wetlands Board (5-year term)

Mr. Wolff made a motion to reappoint Mr. C. Lee Davis to the Accomack County Wetlands Board for a five-year term, to begin July 1, 2009 and end June 30, 2014.

Sewer Service Rates Structure

County Director of Public Works Stewart Hall reported the proposed increases to the Town of Onancock Sewer Service Rates Structure and the possible impacts to customers, explaining that the County was required to hold a Public Hearing concerning the changes.

Mr. Hall responded to comments and questions from the Board.

Mrs. Thornton made a motion to schedule a Public Hearing for the Proposed Changes to the Town of Onancock Sewer Service Rates Structure. Mr. Wolff seconded the motion. The motion passed unanimously.

County Administrator's Report

County Administrator Steven B. Miner reported on the following items:

- Small Business Association's America's Capital Recovery Loan Program
- Real Estate Assessor's Report

Mr. Miner requested approval for the Public Works Director to begin discussions with private providers concerning public-private partnerships for operation of the Water and Sewer Services.

Mrs. Thornton made a motion to authorize the Director of Public Works to begin the formal process of negotiation and discussion with private providers concerning public-private partnerships operation of the Water and Sewer Services. Mrs. Gordy seconded the motion. Ayes: Mr. Mallette; Mrs. Gordy; Mrs. Thornton; Mr. Wolff; Mr. Chesser; Mrs. Mears; Mr. Gray; and Mr. Hart. Nays: Mr. McCaleb.

Discussion followed.

County Attorney's Report

County Attorney Mark Taylor added comments to the negotiation and discussion with private providers concerning public-private partnerships operation of the Water and Sewer Services.

Mr. Taylor also reported on the following issues:

- Impending construction of the Onley Wal-Mart
- Animals running at-large

Board of Supervisors Comment Period

Mr. Hart reported on his travels and activities to 65 of the 95 counties in the commonwealth, in his role as President of the Virginia Association of Counties.

Mrs. Thornton expressed appreciation of Mr. Hart's representation of Accomack County as he traveled.

Mrs. Thornton requested that the Board receive attendance reports from all boards commissions, and committees.

Mr. Wolff reported that Norm Bobczynski of Orbital Science was the guest speaker at the monthly ED 2 Meeting.

Payables

Mrs. Mears made a motion to authorize the payment of invoices. Mrs. Thornton seconded the motion. The motion passed unanimously.

Budget and Appropriation Items

Mrs. Mears made a motion to approve the following budget and appropriation. Mrs. Thornton seconded the motion. The motion passed unanimously.

FISCAL YEAR 2009

Grants, Etc.

Increase Revenues

From the Federal Government

\$4,423

Increase Expenditures

Sheriff	\$4,423
--2008B Byrne Jag grant award	
Increase Revenues	
From the Commonwealth	\$18,861
Increase Expenditures	
Litter Control	\$18,861
--Supplemental and Carryover litter grant awards	
Increase Revenues	
From the Commonwealth	\$11,000
Increase Expenditures	
Fire Training Center	\$11,000
--Burn building renovation grant award	
Increase Revenues	
From the Commonwealth	\$2,000
Increase Expenditures	
Solid Waste	\$2,000
--Abandon vehicle funds	
Increase Revenues	
From the Commonwealth	\$32,856
Increase Expenditures	
Litter Control	\$32,856
--"Four for Life" grant award	
From Contingencies (\$128,571 remaining in operating contingency as of 5/27/09)	
Decrease Expenditures	
Contingencies	\$20,000
Decrease Expenditures	
Volunteer Fire and Rescue Services	\$20,000
--Timing difference. Parksley fiscal year 2008 general fund contribution paid in fiscal year 2009.	
Other	
Increase Revenues	
Miscellaneous Recoveries	\$11,685
Increase Expenditures	
Treasurer	\$11,685
--Recovery of attorney fees associated with delinquent tax collections.	
Decrease Fund Balance	
Miscellaneous Recoveries	\$4,000
Increase Expenditures	
Solid Waste	\$4,000
--Income from Solid Waste Garage interdepartmental services.	
Increase Revenues	
Charges for Services	\$15,000
Increase Expenditures	
Health Department	\$15,000
--Health Dept. migrant services paid by ES Rural Health	
Increase Revenues	
Miscellaneous Revenue	\$371

Increase Expenditures

SPCA \$371
--Animal friendly plate collections

Increase Revenues

Charges for Services \$3,174

Increase Expenditures

Planning \$3,174
--Erosion and sediment control permit issuance expenses recovered via fees.

Public Hearings

The County Attorney read the rules governing Public Hearings.

Proposed Amendment to the Fiscal 2008-2009 Budget

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Amendment to the Fiscal 2008-2009 Budget, in the amount of \$6,394,372 to reflect receipt of federal and state grant funding in the Public School Fund.

No public comments were offered and the Chair closed the Public Hearing.

Mrs. Mears made a motion to approve the Proposed Amendment to the Fiscal 2008-2009 Budget, in the amount of \$6,394,372 to reflect receipt of federal and state grant funding in the Public School Fund as presented. Mrs. Thornton seconded the motion. The motion passed unanimously.

Source of funds:		Use of funds:	
Charges for Services	\$ 100,000	"No Child Left Behind" Programs & Initiatives	\$ 3,066,855
Federal and State Grant Funds	6,294,372	State Grant Programs	2,108,991
Total	\$ 6,394,372	Occupational therapy & other Medicaid eligible services	100,000
		Special Education Programs	1,118,526
		Total	\$ 6,394,372

Proposed Amendment to Chapter 82 – Taxation, Division 3. Special Assessment for Land Preservation

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Amendment to Chapter 82 – Taxation, Division 3. Special Assessment for Land Preservation, Section 82-128. Owner’s application to county assessor; fee.

The following person spoke in opposition to the Proposed Amendment to Chapter 82 – Taxation, Division 3:
Ace Seybolt

The Chair closed the Public Hearing.

County Finance Director Michael Mason and County Real Estate Assessor Brent Hurdle responded to comments and questions from the Board.

Mr. McCaleb made a motion to table the Proposed Amendment to Chapter 82 – Taxation, Division 3. Special Assessment for Land Preservation, Section 82-128. Owner’s application to county assessor; fee until reports concerning direct costs of administration and other requested information was received and reviewed by the Board. Mrs. Gordy seconded the motion. The motion passed unanimously.

Adjournment

Mr. Wolff made a motion to adjourn the meeting at 8:00PM. Mr. McCaleb seconded the motion.

Chair