

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 1st day of July, A.D., 2009.

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

Members Absent: Laura Belle Gordy, Vice Chair
Donald L. Hart, Jr.

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 Mr. Wolff, after which the Pledge of Allegiance to the Flag was recited.

Adoption of Agenda

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

Chair's Comments

The Chair commented on the following items:

- Green box closure schedules
- Reports of future military rocket launches
- Maryland's plans to lure businesses
- Projected Commonwealth revenue shortfalls and reductions for FY2009 and forward

Public Participation

The following person expressed appreciation to Norman Pitt of the Planning Department staff:
Lois Cooper

Consideration Of Minutes

Mrs. Mears made a motion to approve the Minutes of the February 18, February 26, March 4, March 9, and March 11, 2009, meetings, with corrections. Mr. McCaleb seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Approval of the Consent Agenda

The Chair requested the removal of Item A for discussion.

Mrs. Thornton made a motion to approve items b, c, and d of the Consent Agenda.

Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr.

Hart absent.

- b. Approved the following Resolution to obtain financial assistance through the Rural Housing Service to purchase police cars for the County of Accomack, VA,

**RESOLUTION OF GOVERNING BODY OF
ACCOMACK COUNTY**

The Board of Supervisors governing Accomack County, consisting of nine (9) members, in a duly called meeting held on the 1st day of July, 2009, at which a quorum was present, RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government) to Purchase Police Cars for the County, the Board of Supervisors does hereby adopt and abide by the covenants contained in the following agreements:

1. Form RD-400-4, "Assurance Agreement"
2. Form RD-400-1, "Equal Opportunity Agreement"
3. Form RD 1940-1, "Request for Obligation of Funds"
4. Ford RD-442—7, "Operating Budget"
5. Form AD-1047, "Certification Regarding the Debarment, Suspension and Other Responsibility Matters – Primary Covered Transactions"
6. Form AD-1049, "Certification Regarding Drug-Free Workplace"
7. Form AD-3570-3, "Agreement for Administrative Requirements for Community Facility Grants"
8. FmHA 1940-Q, "Exhibit A-1, Certification Regarding Lobbying"

BE IT FURTHER RESOLVED that Steven B. Miner is authorized to execute, on behalf of Accomack County the above agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-named documents, is hereby entered into the permanent minutes of the meetings of this Board of Supervisors.

- c. Approved renewal of the contract with McKim & Creed for engineering services related to environmental, water, and wastewater issues for the final one year term of May 22, 2009 - May 21, 2010 in accordance with the terms and conditions of RFP 205. Task orders will be negotiated and issued for engineering services in accordance with available funding.

- d. Authorized the preparation of a Resolution of Recognition for Mr. George Podelco

Resolution of Support of Wind Energy Development in Accomack County, Virginia

The Chair invited Mr. George Strickland to address the Board concerning the

Proposed Resolution of Support of Wind Energy Development in Accomack County,

Virginia.

Mr. Strickland explained the rise of local and federal interest in wind energy, and that the Proposed Resolution was a Resolution in Support, not a commitment of funds. Mr. Strickland responded to comments and questions from the Board.

Mrs. Thornton made a motion to approve the Resolution of Support of Wind Energy Development in Accomack County, Virginia as presented. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

**ACCOMACK COUNTY
RESOLUTION IN SUPPORT OF
WIND ENERGY DEVELOPMENT
IN
ACCOMACK COUNTY, VIRGINIA**

RESOLUTION 2009-07-01

WHEREAS, wind is a natural, “green” source of energy that is clean, abundant, renewable, domestic and accessible, the use of which is being promoted by the U. S. Department of Energy and other federal and national agencies and organizations as reasonably safe, economical, technically-proven, non-polluting and beneficial to the environment as part of the mix with other sources of energy; and

WHEREAS, it is the policy of the Commonwealth of Virginia to foster renewable energy projects, including but not limited to the generation of electricity from the power of wind for sale to electric utility companies and cooperatives; and

WHEREAS, it is the practice of Accomack & Northampton Electric Cooperative (ANEC), as a member of Old Dominion Electric Cooperative (ODEC), to support targets for renewable energy generation and distribution as specified by the Commonwealth of Virginia; and

WHEREAS, wind energy projects provide economic opportunities for residents of the County and for the government of the County and yet do not require expensive services from the County or other public agencies; and

WHEREAS, wind energy is being studied by various individuals and organizations for potential development in Accomack County, Virginia, as a way to harness for useful purposes some of the wind energy that passes over the County; and

WHEREAS, wind project developers understand and accept responsibility for securing all necessary wind measurements, property rights, permits, contracts, legal services, engineering, funding and other services, agreements, materials and equipment (including wind turbines, towers and related infrastructure) that are necessary for the proper development, construction, operation and maintenance of wind projects,

NOW, THEREFORE BE IT RESOLVED, that the Accomack County Board of Supervisors hereby indicates its support for the development of wind energy in the County, subject to its authority to grant or deny any application for a permit or a license for any wind energy project as may be provided by state statute or local ordinances, rules or regulations.

By consensus, the Board agreed to direct staff to send a letter of endorsement and a copy of the Resolution of Support of Wind Energy Development in Accomack County, Virginia to the Virginia Secretary of Natural Resources, L. Preston Bryant, Jr.

PCI Contract to Expand Revenue Billing System

County Director of Finance Michael Mason reviewed the Proposed Sole Source Contract with PCI, LLC for the expansion of the revenue billing system software that will give the County the capability to value taxable personal property and bill both personal and real estate taxes within one application, and responded to comments and questions from the Board.

Mr. McCaleb made a motion to award of a sole source contract to PCI for the expansion of the revenue billing system software, and to authorize the County Administrator to execute the contract. Mr. Wolff seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Economic Development Authority - Amendment to Lease Revenue Refunding Bonds Resolution

County Director of Finance Michael Mason explained that the Board had adopted 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 on June 17, 2009, but failed to vote by roll call as required by the Code of Virginia.

COUNTY OF ACCOMACK, VIRGINIA
BOARD OF SUPERVISORS

Date: July 1, 2009

On motion of Mr. Wolff, seconded by Mr. McCaleb, the following Resolution was adopted by a majority of the members of the Board of Supervisors present by a roll call vote, the votes being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Steve D. Mallette	Aye
Laura Belle Gordy	Absent
Wanda J. Thornton	Nay
Ron S. Wolff	Aye
Grayson C. Chesser	Aye
John Charles "Jack" Gray	Aye
Sandra Hart Mears	Aye
Donald L. Hart, Jr.	Absent
E. Philip McCaleb	Aye

**A RESOLUTION AMENDING AND RATIFYING
A PRIOR 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**

On June 17, 2009, the Board of Supervisors (the "Board") of the County of Accomack, Virginia (the "County") adopted a resolution (the "Prior Resolution") requesting 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, which were issued by the Authority to assist the County in financing the acquisition, construction and equipping of a new County social services building and (ii) to refinance of a portion of the outstanding amounts payable under the Financing Lease dated as of December 1, 2006, between the County and the Virginia Resources Authority, 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 Board now desires to amend and ratify the Prior Resolution.

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

1. Amendment. The text of Paragraph 4 of the Prior Resolution is deleted and replaced with the following:

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 6.00%, (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 98% 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 December 31, 2030. The approval of such officers shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement.

2. Ratification. The Prior Resolution, as amended hereby, and all actions taken pursuant to the authority of the Prior Resolution, are approved, ratified, and confirmed by a roll call vote of the members of the Board, the ayes and nays being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Steve D. Mallette	Aye
Laura Belle Gordy	Absent
Wanda J. Thornton	Nay
Ron S. Wolff	Aye
Grayson C. Chesser	Aye
John Charles "Jack" Gray	Aye
Sandra Hart Mears	Aye
Donald L. Hart, Jr.	Absent
E. Philip McCaleb	Aye

Adopted this 1st day of July, 2009.

Clerk, Board of Supervisors of the
County of Accomack, Virginia

Mr. Mason presented the Proposed Amendment to 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, changing the "Not to Exceed" clause from 5 percent to 6 percent.

On motion of Mr. McCaleb, seconded by Mr. Wolff, the following Resolution was adopted by a majority of the members of the Board of Supervisors present by a roll call vote, the votes being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Steve D. Mallette	Aye
Laura Belle Gordy	Absent
Wanda J. Thornton	Nay
Ron S. Wolff	Aye
Grayson C. Chesser	Aye
John Charles "Jack" Gray	Aye
Sandra Hart Mears	Aye
Donald L. Hart, Jr.	Absent
E. Philip McCaleb	Aye

**A RESOLUTION RATIFYING A PRIOR RESOLUTION
OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF ACCOMACK, VIRGINIA
AUTHORIZING THE ISSUANCE AND SALE OF ITS
GENERAL OBLIGATION BONDS**

On June 17, 2009, the Board of Supervisors (the "Board") of the County of Accomack, Virginia (the "County") adopted a resolution (the "Prior Resolution") authorizing the issuance of general obligation refunding bonds to refund the County's outstanding General Obligation Bonds, Series 1996, prior to their maturities.

The Board now desires to ratify the Prior Resolution.

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

1. Ratification. The Prior Resolution and all actions taken pursuant to the authority of the Prior Resolution are approved, ratified, and confirmed by a roll call vote of the members of the Board, the ayes and nays being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Steve D. Mallette	Aye
Laura Belle Gordy	Absent
Wanda J. Thornton	Nay
Ron S. Wolff	Aye
Grayson C. Chesser	Aye
John Charles "Jack" Gray	Aye
Sandra Hart Mears	Aye
Donald L. Hart, Jr.	Absent
E. Philip McCaleb	Aye

Vehicle License Fee Ordinance

County Director of Finance Michael Mason addressed the Board concerning the Boat and Utility Trailer Decal and Vehicle Gross Weight issues that complicate the preparation of a Vehicle License Fee Ordinance to replace the current Motor Vehicle Decal Fee, and responded to comments and questions from the Board.

The Board requested that Mr. Mason research the impacts of Vehicle Gross Weight variables on the software programming, and present it to the Board at the next fiscal year budget cycle.

Mr. Wolff made a motion to authorize elimination of the \$8 Boat and Utility Trailer Vehicle License Fee. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Land Use Taxation for Tidal and Non-Tidal Wetlands

Mrs. Thornton presented her objection to the Land Use Taxation methods for tidal and non-tidal wetlands.

Discussion followed, with County Attorney Mark Taylor providing information from the Code of Virginia.

Mrs. Thornton requested that the Land Use Taxation for Tidal and Non-Tidal Wetlands be placed on the Agenda for the Regular Meeting on July 15, 2009.

Board of Supervisors Comment Period

Mr. Chesser commented on the Star Transit statement that a central location for bus storage was an anti-terrorism measure.

Mrs. Mears requested that the County Administrator provide information concerning the Transportation Enhancement Assistance (TEA-21) Grant from the Virginia Department of Transportation for town signage, including the level of interest from the towns.

Adjournment

Mr. McCaleb made a motion to adjourn the meeting at 6:30PM. Mr. Wolff seconded the motion.

Chair