

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board of Supervisors Chamber in Accomac, Virginia on the 16th day of September, A.D., 2015 at 5:00 p.m..

Members Present: C. Reneta Major, Chair
Ron S. Wolff, Vice Chair
Wanda J. Thornton
Grayson Chesser
John Charles "Jack" Gray
Kay W. Lewis
Robert D. Crockett
Donald L. Hart, Jr.

Members Absent: Laura Belle Gordy

Others Present: Steven B. Miner, County Administrator
Michael Mason, Finance Director
Shelia West, Administrative Assistant

Call to Order

The meeting was called to order by the Chair and opened with a prayer by Rev. Dr. Charles Kellam, Pastor, New Mount Zion Baptist Church, Painter, VA after which, the Pledge of Allegiance to the Flag was recited.

Adoption of the Agenda

Mr. Wolff made a motion to adopt the Agenda with the addition under Old Business (8.4), discussion concerning the Western Hemisphere Shorebird Reserve Network. Mr. Crockett seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Public Comment

The Chair read the rules governing conduct during the public comment period. Comments were offered by:

Pat Parish, Turkey Run Road, Bloxom VA, offered comments concerning the poultry houses near homes

Jay Ford, Belle Haven VA, Executive Director of Virginia Eastern Shorekeeper, offered comments on the poultry houses and asked the Board of Supervisors to consider a working group committee

Minutes

Mr. Hart made a motion to approve the Minutes of the August 5, 12, and 19, 2015 meetings. Mr. Crockett seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Consent Agenda

Mr. Wolff made a motion to approve the following items under the Consent Agenda. Mr. Hart seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

5.2 The following Proclamation Proclaiming September 13-19, 2015 as Constitution Week,

PROCLAMATION
Proclaiming September 13 – 19, 2015
as
Constitution Week

WHEREAS, We the People did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

WHEREAS, it is important that all citizens fully understand the provisions, principles, and meaning of the Constitution so they can support, preserve, and defend it against encroachment; and

WHEREAS, the Bicentennial of the Constitution provides a historic opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and

WHEREAS, the President and the Congress of the United States have designated the week of September 13 – 19, 2015, as Constitution Week; and

WHEREAS, the people of the County of Accomack do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it:

NOW THEREFORE BE IT PROCLAIMED, that the County of Accomack in cooperation with the Commission on the Bicentennial of the United States Constitution, do hereby proclaim the week of September 13 – 19, 2015, as Constitution Week, and September 17, 2015, as Constitution Day, and invite every citizen and institution to join in the national commemoration.

5.3 To request VDOT prepare a cost estimate for Fooks Lane (Pungoteague) – approved VDOT be requested to perform a detailed qualification review and prepare a cost estimate for Fooks Lane in Pungoteague, VA, in order that it may be considered in the future as a potential Rural Addition,

5.4 To schedule a Public Hearing on October 21, 2015 at 7:30 p.m. in the Board Chambers to afford interested persons the opportunity to be heard or to present written comments concerning Agricultural and Forestal District reviews for Bell Neck, Cashville, Greenbush, New Church and Wattsville,

5.5 Requested staff to submit the Cemetery Road project as first candidate road for HB-2 funding under the application cycle and submit Locustville Road as the second candidate project, if time permits,

5.6 To renew the contract with Arcadis/Malcolm Pirnie for engineering services related to landfill operations of the term of October 17, 2015 through October 16, 2016 in accordance with the terms, conditions, and renewal provisions of RFP 250,

5.7 To renewed the contract with the Eastern Shore News for the provision of legal advertising services for the term of November 1, 2015 through October 31, 2106 in accordance with the terms, conditions, and renewal provisions of provision of RFP 260, and

5.8 To authorize the Chair, Vice-Chair, or County Administrator to be the Voting Delegate for the Virginia Association of Counties Annual Business meeting.

Accomack County Public Schools

Dr. Kregg Cuellar, Division Superintendent, Accomack County Public Schools, gave a presentation of where the Accomack County School systems were at in performance today. Dr. Cuellar gave a breakdown of the number of students enrolled in Accomack County and demographics. He identified student statistics as follows:

- 33% African-American,
- 39% white Caucasian,
- 21% Hispanic,
- 1% American Indian and
- 2% unclassified
- English and reading scores up 4%
- Math scores up 2%
- Three schools (Arcadia Middle School, Pungoteague Elementary, and Metompkin Elementary) remain unaccredited
- Advanced diplomas up from 49% to 56%.
- Dropout rate increased from 4.7% in 2014 to 5.5% in 2015

Dr. Cuellar responded to questions.

Proposed Financing Vehicle for County and School Board Capital Projects

Courtney Rogers of Davenport and Company presented the \$4.3 million financing plans to the Board with the two options from BB&T and SunTrust Banks and explained same to the Board. He noted that the BB&T's proposal was a fixed rate of 2.67% for a 15 year term.

Following a brief discussion, he responded to questions.

Mr. Crockett made a motion to accept the recommendations from staff and Davenport to accept the 2.67% rate option financing with BB&T. Mr. Wolff seconded the motion.

A discussion ensued.

The motion, as stated, passed unanimously with Mrs. Gordy absent.

A Resolution of the Board of Supervisors of the County of Accomack, Virginia, Approving the Issuance by Economic Development Authority of Accomack County, Virginia, of Its Lease Revenue Bond

Mr. Crockett made a motion to adopt the following resolution by a roll call vote and Mr. Wolff seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF ACCOMACK, VIRGINIA,
APPROVING THE ISSUANCE BY ECONOMIC
DEVELOPMENT AUTHORITY OF ACCOMACK
COUNTY, VIRGINIA, OF ITS LEASE REVENUE BOND**

WHEREAS, the Board of Supervisors (the "Board") of the County of Accomack, Virginia (the "County") has determined that it is advisable to finance all or a portion of the costs (or to reimburse the County for payment of such costs) of various capital improvements, including, but not limited to, the acquisition and construction of and the equipping of improvements to (i) facilities for the County's Health Department and Public Works Department and the Commonwealth's Attorney, (ii) capital projects for public school purposes primarily including, but not limited to, the renewal and renovation of Kegotank Elementary School, Arcadia High School and Accomack Primary School and (iii) renovations to various governmental administration buildings (collectively, the "Project");

WHEREAS, the County proposes to undertake the financing of the Project by obtaining a loan (the "Loan"), which Loan will be evidenced by a lease revenue bond (the "Bond"), issued by the Economic Development Authority of Accomack County, Virginia (the "Authority");

WHEREAS, the Bond will be issued pursuant to the following documents: (i) Prime Lease from the County and the School Board of Accomack County, Virginia (the "School Board") to the Authority; (ii) Lease Agreement (the "Lease") between the Authority, the School Board and the County; (iii) Leasehold Deed of Trust and Security Agreement from the Authority to the deed of trust trustees named therein; and (iv) Assignment of Rents and Leases between the Authority and Branch Banking and Trust Company, as the maker of the Loan (the "Lender"). All of the documents listed above, except the Bond, are referred to in this Resolution as the "Basic Documents;" and

WHEREAS, the Bond will be payable solely from the revenues derived from the Lease pursuant to which the County will agree to make rental payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Bond.

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

1. **Issuance of the Bond.** The County requests the Authority to issue its Bond as may be requested by the County's Chairman of the Board of Supervisors, the County Administrator or the Director of Finance (each, an "Authorized Representative") for the purpose of financing the Project and financing costs of issuing the Bond. The Bond shall be dated the date of its issuance and delivery and shall, except as otherwise agreed to by the Lender and the County, be issued and sold to the Lender on the terms and conditions set forth in the term sheet dated September 9, 2015 (the "Term Sheet"), which Term Sheet is approved, and may contain such additional terms as may be approved by an Authorized Representative, such approval to be evidenced by the execution and delivery of the Bond.

2. **Authorization of Basic Documents.** The execution and delivery of and performance by the County of its obligations under the Basic Documents, to which the County is a party, are hereby authorized. The Basic Documents and the Bond shall be in such form and contain such provisions as the County Administrator, or his designee, shall approve, such approval to be evidenced conclusively by the execution and delivery of the Basic Documents, to which the County is a party.

3. **Execution of Basic Documents.** The County Administrator, or his designee, is hereby authorized to execute on behalf of the County the Basic Documents, to which the County is a party, and, if required, to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. The County Administrator, or his designee, is hereby authorized to execute and deliver and record, if appropriate, on behalf of the County such leases, agreements, instruments, documents or certificates, and to do and perform such things and acts, as the County Administrator, or his designee, 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. The County Administrator, or his designee, is hereby authorized to determine the final form of the Basic Documents; provided such documents are consistent with the terms and conditions in the Term Sheet and otherwise consistent with the intent of this Resolution.

4. **Essentiality of the Project and Real Estate.** The Project and the real estate and the improvements leased under the Basic Documents are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Project and such real estate and improvements will continue to be essential to the operation of the County during the term of the Loan.

5. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make payments under the Basic Documents beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease amount sufficient to pay the amounts due under the Basic Documents during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the payments required under the Basic Documents, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

6. **Rental Payments Subject to Appropriation.** The County's obligation to make the payments pursuant to the Basic Documents is hereby specifically stated to be subject to annual appropriation therefor by the Board, and nothing in this Resolution or the Basic Documents shall constitute a pledge of the full faith and credit nor taxing power of the County or compel the Board to make any such appropriation.

7. **Designation for Purchase by Financial Institutions.** The Bond is hereby designated as a "qualified tax-exempt obligation" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b) (3) of the Internal Revenue Code of 1986, as amended (the "Code") (to the extent that it is not deemed to be eligible for such exception pursuant to the provisions of such Section 265(b) (3)). The County does not reasonably anticipate that the County, the County's subordinate entities, and the entities which issue obligations on the County's behalf will issue, in the aggregate, more than \$10,000,000 in tax-exempt obligations during calendar year 2015 (not including any refunding obligations that are not required to be counted against such \$10,000,000 limit pursuant to Section 265(b)(3) of the Code), and the County will not designate more than \$10,000,000 of qualified tax-exempt obligations in calendar year 2015.

8. **Costs and Expenses.** All costs and expenses in connection with the financing of the Project and the issuance of the Bond, including the Authority's fees and expenses and the fees and expenses of bond counsel and counsel for the Authority, shall be paid from the proceeds of the Bond, or other legally available funds of the County. If for any reason the Bond is not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

9. **Tax Covenants.** The Director of Finance, or his designee, is hereby authorized and directed to execute and deliver simultaneously with the issuance of the Bond the interest on which is intended to be excludable from gross income for federal income tax purposes a tax certificate or agreement, or both (collectively, the "Tax Agreement") setting forth the expected use and investment of the proceeds of the Bond and containing such covenants as may be necessary in order to comply with the provisions of the Code, including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The proceeds from the issuance and

sale of the Bond will be invested and expended as set forth in the Tax Agreement and that the County will comply with the other covenants and representations contained in it.

10. Further Actions. (a) The County Administrator, or his designee, and the Director of Finance, or her designee, are hereby authorized and directed to take further action as each deems necessary or appropriate regarding the issuance and sale of the Bond and the financing of the Project, including the execution and delivery of such construction and project funding documents as may be required by the Lender.

(b) All actions taken by officers and agents of the County in connection with the issuance and sale of the Bond are hereby ratified and confirmed. The officers and agents of the County are hereby authorized and directed to take such further actions as each deems necessary regarding the issuance and sale of the Bond and all actions taken by such officers and agents in connection with the issuance and sale of the Bond are hereby ratified and confirmed.

11. Exercise of Discretion and Authorizations. Any authorization of an officer of the County under this Resolution entitles such officer to exercise his or her discretion in taking action on behalf of the County, unless expressly provided otherwise. The authorizations granted in this Resolution to the Chairman of the Board of Supervisors may be carried out by the Vice Chairman, in the absence or unavailability of the Chairman. The authorizations granted in this Resolution to the County Administrator may be carried out by any Interim, Acting or Assistant County Administrator, in the absence or unavailability of the County Administrator. The authorizations granted in this Resolution to the Director of Finance may be carried out by any Interim, Acting or Assistant Director of Finance, in the absence or unavailability of the Director of Finance.

12. SNAP Investment Authorization. The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I, and the County has determined to authorize the Treasurer to utilize SNAP in connection with the investment of the proceeds of the lease-leaseback transaction if the Treasurer determines that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

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

Solar Project

Mr. Crockett clarified for the public to let them know the Board was already aware of the decision that Community Energy made deciding to consider their 80 megawatt project and decided to submit the project to the State Corporation Commission for review and assessment for taxation. He stated once the project was assessed for evaluation by the SCC and pursuant to state law taxes would be levied on the plant and equipment at the then current real estate rate as established by the Board of Supervisors for all taxpayers in Accomack County. He continued and stated the County would receive approximately \$8 million in new tax revenue over the expected life of the solar plan.

Western Hemisphere Shorebird Reserve Network

Mrs. Thornton said she had received some information that enlightened her on the subject of the Western Hemisphere Shorebird Reserve Network. She told the Board the Governor was to consider recommendations submitted from the Board of Supervisors of the county in which the Commission is managing. She noted the persons that serve on the Committee were Jill Bievi, Nature Conservancy Director, Jay Davenport, David Vick, Jay Ford, Tom Gallavan, and Curt Smith.

Mrs. Thornton made a motion to send a strong letter to VMRC who would be meeting on September 22, 2015 and direct Mr. Miner to send a copy of the letter that he wrote stating the Boards concern and opposition to every member on VMRC prior to the meeting on September 22, 2015 and ask that they postpone any decision that might be made until the Board could gather additional information and present it to them, and to notify the Board of Supervisors when it would be on their Agenda. Mr. Hart seconded the motion.

A discussion ensued.

The motion, as stated, was unanimously approved with Mrs. Gordy absent.

Mrs. Thornton told the Board that she, members of the Working Watermen's Association of the Eastern Shore, Chincoteague Town Council, Fish and Wildlife and Park Services, met on September 15, 2015 and noted the Park Services was developing a General Management Plan. She said one of the recommendations out of the Washington Office was that there would be no commercial fin-fishing or aquaculture within a half of a mile of the Refuge. She said this would completely close the Tom's Cove area for aquaculture.

Mr. Hart made a motion to send a letter the appropriate state agency requesting an Accomack County Board of Supervisors member be appointed to serve on this Committee with a copy to the Virginia Marine Resources Commission and any other person Dr. Miner felt appropriate. Mr. Crockett seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Board of Trustees of the Eastern Shore Public Library Board (4-year term) - Special District – membership governed by Code of Virginia

Mr. Gray made a motion to appoint Patricia Bloxom to the Board of Trustees of Eastern Shore Public Library to fill the unexpired term of Marcie White for a four -year

term beginning immediately and ending on June 30, 2018. Mr. Crockett seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Parks and Recreation Advisory Commission (4 –year term-by election district)

Mrs. Thornton made a motion to appoint Karen Hipple to the Parks and Recreation Advisory Commission for a four-year term beginning immediately and ending June 30, 2019. Mr. Hart seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Quinby Boat Harbor Committee (4-year term- Special District/By Ordinance)

Mr. Hart made a motion to appoint Lane Farlow to the Quinby Boat Harbor Committee for a four-year term beginning immediately and ending on June 30, 2019. Mrs. Thornton seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

State Police Staffing Levels

Dr. Miner stated the staffing level at the State Police was at the lowest since the 1970's and was a statewide issue; that it was a Public Safety issue and the Board of Supervisors needed to be made aware of the issue. He said it had been discussed to send a letter of encouragement for the State to do better with the staffing.

Mr. Hart made a motion to have staff construct a resolution and send a letter requesting the State do better and increase the levels of staffing and site all the information from a Public Safety standpoint. Mr. Wolff seconded the motion. The motion was unanimously approved.

Board of Supervisors Comments

Mr. Chesser stated he was glad Mrs. Thornton brought up about the situation in Tom's Cove. He stated he could not agree with the Federal Government taking bottomland because that belongs to the State of Virginia and the people of Virginia.

War Memorial - Parksley

Mrs. Lewis talked about the War Memorial that would be located in the Town of Parksley. She said after the meeting last month she was made aware by a Board member and Finance Director Michael Mason of money that had been left in a War Memorial account in the amount of \$3,044 which had been there for over 30 years. She asked for the money to be contributed toward the War Memorial Fund.

Finance Director Michael Mason told the Board that in 1982 money had been put aside in a trust for a War Memorial.

Mr. Hart stated he was on the Board at that time and he felt he was a good idea for the money that was set aside to be given to the War Memorial Fund that would be held in the Town of Parksley.

Mrs. Lewis made a motion that the 30 year funds of \$3,044 that was set aside in 1982 would go toward the War Memorial that would be housed in the Town of Parksley. Mr. Hart seconded the motion.

A discussion ensued.

The motion, as stated, was unanimously approved with Mrs. Gordy absent.

Mr. Wolff stated the 4 lightning rectors that had been destroyed when the rocket exploded had been put back in place and the launch pad was almost completed.

Infestation of Pine Bark Beetle at Chincoteague

Mrs. Thornton talked about the Pine Bark Beetles and showed pictures of the devastation of the Pine Bark Beetles. She talked the about the Arbor Jet injection to the trees and talked about the fire hazard of the dead trees.

Mrs. Thornton made a motion to write a letter to the Department of Forestry and send a copy to Senator Lynwood Lewis and Delegate Rob Bloxom about trying to find ways to help from the fire hazard the Pine Bark Beetles have created. Mr. Hart seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Mrs. Thornton told the Board she was going to purchase a book that was on the market about unfunded mandates in the State of Virginia and feels the Board should also purchase the book as well.

Mrs. Thornton told the Board a lot of property on Chincoteague had been taken out of the flood plain and the ones that had been put in the flood plain on the Bayside have to pay the additional insurance to get flood insurance if they have a loan on their property. She felt this needed to be rectified because the premiums for flood insurance are very costly. Mr. Miner stated he would begin with contacting VACo and their staff. Mrs. Thornton made a motion to ask VACo for guidance and get involved with the flood issue. Mr. Crockett seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Ms. Major said she had received a thank you card from Eastern Shore Area Agency on Aging Community Action Group. Ms. Major appointed Mr. Crockett, Mr. Wolff and herself to the Personnel Negotiating Committee. She stated a meeting needed to be scheduled in the very near future.

Budget and Appropriation Items

Mr. Hart a motion to approve the following Budget and Appropriation Resolution.

Mr. Wolff seconded the motion. The motion was unanimously approved with Mrs.

Gordy absent.

**RESOLUTION TO AMEND THE FISCAL YEAR 2016
ACCOMACK COUNTY BUDGET**

WHEREAS, it is the responsibility of the Accomack County Board of Supervisors to approve and maintain the budget for Accomack County; and

WHEREAS, on March 31, 2015, the Board of Supervisors adopted the Accomack County Fiscal Year 2016 Budget; and

WHEREAS, during the course of the fiscal year certain unanticipated events occur that compel amendments to the budget be made; and

WHEREAS, staff has reviewed the following budget amendments and recommends that they be approved; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2016 County budget be amended by the amounts listed below and the same amounts appropriated for the purposes indicated.

Requesting Department	Fund/Function	Purpose	Funding Source	Amount
Commonwealth Attorney	General Fund/Judicial Admin.	The Commonwealth's Attorney's office currently does not have access to any IT support. They manage their own computer equipment and do not receive any IT assistance from the state. While working with the Victim Witness Advocate, who resides in the same office building, IT received a request from the Commonwealth's Attorney's office to be placed under the County IT service umbrella. If this request is granted, the Commonwealth's Attorney's Office will receive the same level of support as other County end users. IT supports this request.	Contingencies	Year 1=\$8200 Average annual cost per year expected to be \$4000
Total				\$ 8,200

Payables

Upon certification by the County Administrator, Mrs. Lewis made a motion to approve the payables. Mr. Wolff seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Adjournment

Mr. Crockett made a motion to adjourn to September 23, 2015 at 5:00p.m. at the Sage Restaurant in Onley, VA to conduct a joint meeting with the Accomack County School Board. Mrs. Lewis seconded the motion. The motion was unanimously approved with Mrs. Gordy absent. The meeting adjourned at 7:00p.m.

C. Reneta Major, Chair

Date