

At the Regular Meeting of the Accomack County Board of Supervisors, held on the 19th day of May 2021, in the cafetorium at Metompkin Elementary School, located at 24501 Parksley Rd., Parksley, VA 23421 at 5:00 p.m.

1. Opening of Meeting

MEMBERS PRESENT AND ABSENT

Board of Supervisors Present:

Ron S. Wolff, Chair
William J. “Billy” Tarr, Vice-Chair
Donald L. Hart, Jr.
C. Reneta Major
Robert D. Crockett
Vanessa Kay Johnson
H. Jackie Phillips (J. Phillips)
Paul E. J. Muhly
Harrison W. Phillips, III (H. Phillips)

Board of Supervisors Absent:

None

Others Present:

Mr. Michael T. Mason, County Administrator
Ms. Jan Proctor, County Attorney
Ms. Nikesha Corbin, Administrative Assistant

There being a quorum, Mr. Wolff called the meeting to order at 5:00 p.m.

1.1. Pledge of Allegiance

1.2. Invocation

The invocation was given by Mr. Tarr.

1.3 Adoption of the Agenda

On a motion made by Mr. H. Phillips and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to adopt the agenda as presented.

2. Public Comment

2.1 Public Comment Rules

No one signed up or wished to speak.

3. Consideration of Minutes

On a motion made by Mr. Hart and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to approve the March 22, 2021 Budget and Tax Rates Public Hearing minutes and April 21, 2021 meeting minutes as presented.

4. Recognitions

There were no recognitions.

5. Consent Agenda

5.1 Approval of Consent Agenda

On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors voted to approve the Consent Agenda:

- 5.2 Receive conformance review from Planning Commission per Virginia Code Section 15.2-2232 for Hacks Neck Landing Parking.
- 5.3 Receive conformance review from Planning Commission per Virginia Code Section 15.2-2232 for roads in Eagles Sound Subdivision, Oyster Cove Lane & Sandpiper Lane, to become part of the VDOT system.
- 5.4 Consider scheduling a public hearing for June 16, 2021 for REZ-000094-2020, to conditionally rezone a portion of Tax Map # 27-A-162 from Agricultural to General Business.
- 5.5 Consider referring proposed rezoning of Tax Map # 56-2-4A from Agricultural to Industrial to the Planning Commission for review.
- 5.6 Recommend Award RFP #309- Financial Auditing Services.
- 5.7 Consider scheduling a public hearing to receive comment on a proposed \$2.6M amendment to the School Division's FY22 budget to recognize State funding.
- 5.8 Consider scheduling a public hearing on the issuance of a solid waste system revenue bond on June 16, 2021, in accordance with the requirements of Code of Virginia Section 15.2-2606.
- 5.9 Consider Resolution Authorizing Application to State Board of Elections for Waiver to Administer Split Precincts for 2021 Elections.

6. Items Removed from Consent Agenda

No items were removed from the Consent Agenda.

7. Report of Public Officials

There were no reports of public officials.

8. Committee Reports

- 8.1 Personnel Committee's recommendation for a One time Action related to Accrued Vacation Leave Allowable Carryover Limits.

Ms. Kathy Carmody, Chief Human Resources Officer, presented the Committee's recommendation that a six month extension for carryover of annual leave be approved by the BOS.

On a motion made by Mr. Crockett and seconded by Ms. Major, the Accomack County Board of Supervisors voted to approve the Personnel Committee's recommendation for a one-time action related to Accrued Vacation Leave Allowable Carryover Limits which will extend the deadline for another six months, and suspend any automatic reduction of allowable carryover limits for the calendar year of 2020. The current policy language, Annual Leave Policy 501, pertaining to allowable carryover limits would be enforced December 31, 2021.

9. Old Business

- 9.1 Briefing on CDBG Urgent Needs Grant Program Scope and Status and Consider Authorizing the County Administrator to execute the Urgent Needs CDBG agreement and all other grant related documents and advertisements necessary to implement the program. Ms. Elaine Meil, Executive Director Accomack-Northampton Planning District Commission, presented to the Board the scope of services to be provided by the grant. Various community benefits include rent/mortgage relief, reopening expenses for approximately thirty-three small businesses and meals and/or PPE for 4,170 low-and moderate-income residents. The County will be forming partnerships with various entities

including ANPDC, ESAAA/CAA, ESCSB, Eastern Shore Foundation and Boys & Girls Club.

On a motion made by Mr. Crockett and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to authorize the County Administrator to execute the CDBG Urgent Needs Grant Agreement with DHCD in addition to schedule a public hearing on the associated FY21 budget amendment.

9.2 Consider proposal from R.H. Contracting, Inc. related to steel roof decking for Eastern Shore Regional Library.

On a motion made by Mr. Crockett and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to approve a Change Order not to exceed \$130,000 with R.H. Contracting, Inc. related to steel roof decking for the Eastern Shore Regional Library.

10. Appointments

10.1 May Appointments

A. Eastern Shore Resource Conservation & Development Council – on hold

B. Workforce Investment Board:

On a motion made by Ms. Major and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to appoint/nominate Ms. Beverly Davis to the Workforce Investment Board as a Business representative. The term will commence on July 1, 2021 and expire on June 30, 2025.

C. Eastern Shore Community College Board:

On a motion made by Mr. Crockett and seconded by Mr. Muhly, the Accomack County Board of Supervisors voted to appoint, Mr. Nick Chuquin, to the Eastern Shore Community College Advisory Board as an Election District 6 representative, to fill the expired term of Mr. Ted Lewis. This term commences July 1, 2021 and will expire on June 30, 2025.

10.2 Attendance Reports

Distributed in the Boards packet; no discussion.

11. Public Hearing (6:30 PM)

11.1 Public Hearing Rules

Mrs. Proctor read the Public Hearing rules.

11.2 Public hearing on proposed revisions to Chapter 82 of Accomack County Code, entitled "Taxation", to reflect current provisions of State Law and County practices.

Mr. Michael Mason, CPA County Administrator, along with the County Attorney, has completed an update of Accomack County Code Chapter 82 entitled *Taxation* in order to bring this code section in alignment with state law and to clarify or codify existing County practices.

A summary of the principal amendments to Chapter 82 are as follows:

- Clarifies when penalty and interest may be assessed on delinquent tax
- Obligates the County to pay interest on overpayments of tax at the same rate as is assessed against the taxpayer (10%), as required by state law.
- Incorporates mandatory due date extensions for members of armed forces deployed outside of the United States.
- Authorizes the Board of Supervisors to provide for reasonable extension of due dates of real estate, personal property and business license tax for good cause.

- Provides that notice mailed to the last known address on the county's records shall be deemed sufficient.
- Allows the Treasurer to issue refunds of erroneous tax up to \$5,000.00, provided the Commissioner of the Revenue certifies the amount of erroneous tax and the County Attorney consents to such certification.
- Provides due dates for personal property tax (June 5 and December 5)
- Incorporates statutory exemptions from personal property tax.
- Provides for an alternative method of filing personal property tax returns for motor vehicles, boat trailers, and boats.
- Updates the Personal Property Tax Relief Act of 1998.
- Updates the rules for proration of personal property tax assessed on automobiles, boat trailers, and semi-trailers.
- Clarifies that personal property tax on boats is not subject to proration.
- Incorporates the newly adopted constitutional exemption from personal property tax on one motor vehicle owned by or for disabled veterans of the U.S. Armed Forces and the Virginia National Guard and their spouses.
- Authorizes the Treasurer to invalidate a real estate tax invoice in the event a property transfer occurs after January 1 and to issue a new real estate tax invoice in the name of the new owner.
- Incorporates new state law provisions governing the senior citizen and disabled exemption from real estate tax.
- Incorporates new state law provisions governing special assessments for the preservation of real estate devoted to agricultural, horticultural and forest uses.
- Updates procedures and standard of review for the Board of Equalization.
- Incorporates statutory provisions implementing the constitutional real estate tax exemption for disabled veterans and their surviving spouses.
- Incorporates the constitutional real estate tax exemption or surviving spouse of members of the U.S. Armed Forces killed in action.
- Incorporates state law requirements for the use of transient occupancy tax in excess of 2%.
- Deletes consumer utility taxes on telephone service, enhanced emergency telephone service, and mobile telephone service, all of which were replaced with the state-wide communications tax in 2007.

Mr. Wolff opened and closed the public hearing as no one signed up or wished to speak.

On a motion made by Mr. Crockett and seconded by Mr. Hart, the Accomack County Board of Supervisors voted, by roll call vote with all in favor, to approve the requested amendments to Accomack County Code Chapter 82 as presented.

11.3 Public Hearing for Ordinance and Guidelines pertaining to Lighting Regulations.

Rich Morrison, Deputy County Administrator of Building, Planning, and Economic Development, discussed updates made to Lighting Regulations.

Mr. Wolff opened and closed the public hearing as no one signed up or wished to speak.

On a motion made by Mr. Crockett and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted, by roll call vote with all in favor, to approve the

amendments pertaining to lighting regulations as recommended by the Planning Commission.

AN ORDINANCE AMENDING CHAPTER 106 OF THE ACCOMACK COUNTY CODE, ENTITLED "ZONING," ARTICLE X THEREOF, ADDING SECTION 106-241 TO REQUIRE THAT INDUSTRIAL AND BUSINESS USES AUTHORIZED BY SPECIAL USE PERMIT OR CONDITIONAL USE PERMIT COMPLY WITH EXISTING LIGHTING REGULATIONS, AND ADDING SECTION 106-242 TO REQUIRE THAT ALL OUTDOOR LIGHTING BE DESIGNED, LOCATED, AIMED AND MAINTAINED TO PREVENT EXCESSIVE LIGHT SPILLAGE.

WHEREAS, on March 10, 2021, the Accomack County Planning Commission ("Planning Commission") held a duly advertised public hearing to consider proposed amendments to Chapter 106 of the Accomack County Zoning Ordinance to add Sections 106-241 and 106-242 to enhance lighting regulations; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments; and

WHEREAS, the Accomack County Board of Supervisors held a duly advertised public hearing on May 19, 2021, to consider the proposed amendments and found that public necessity, convenience, general welfare, and good zoning practices require the addition of Section 106-241 and Section 106-242 to enhance lighting regulations.

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors for the County of Accomack, Virginia that Chapter 106, Article X of the Accomack County Code be, and is hereby, amended and reordained to add Section 106-241 and Section 106-242 as follows:

ARTICLE X. - GENERAL PROVISIONS

Sec. 106-241 – Lighting related to Special Use and Conditional Use Permits

For Special Use Permits and Conditional Use Permits that are industrial in nature, they must comply with the lighting requirements contained in Section 106-139. For Special Use Permits and Conditional Use Permits that are business in nature, they must comply with the lighting requirements contained in Section 106-412.

Sec. 106-242 – Outdoor Lighting – General

All outdoor lighting shall be designed, located, aimed, and maintained in a manner that prevents excessive light spillage and glare on adjacent properties, neighboring areas, or motorists. This section shall apply to all properties, residential and non-residential, with the exception of outdoor lighting for civic uses; roadways, airports, temporary entertainment events, construction, and agricultural activities. In addition, this section shall not apply to emergency lighting or lighting activated by motion sensor devices. Nothing herein shall exempt any person or entity from complying with more stringent or specific lighting standards set out in other sections of this chapter.

- 11.4 Public Hearing to allow the County to conditionally accept dedication of two streets in Eagles Sound Subdivision, Sandpiper Lane and Oyster Cove Lane, and to request VDOT accept these streets into their Secondary System of State Highways.

Mr. Wolff opened and closed the public hearing as no one signed up or wished to speak.

On a motion made by Mr. Wolff and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted, by roll call vote with all in favor, to authorize the County Administrator to conditionally accept the dedication of Oyster Cove Lane and Sandpiper Lane with acceptance predicated on both roads becoming part of State Secondary System of State Highways and authorize the County Administrator to request VDOT add these two streets to their secondary system.



**RESOLUTION OF THE BOARD OF SUPERVISORS
OF ACCOMACK COUNTY, VIRGINIA,
REQUESTING THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE TWO OF THE STREETS
IN THE EAGLES SOUND SUBDIVISION INTO THE SECONDARY
SYSTEM OF STATE HIGHWAYS**

WHEREAS, the following streets, which are shown on a plat recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, have been constructed to standards equal to the Virginia Department of Transportation's Secondary Street Acceptance Requirements as a requisite for acceptance for maintenance as part of the Second System of State Highways; and

WHEREAS, the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the Accomack County Board of Supervisors does hereby guarantee unencumbered rights-of-way, as described on the following Form AM-4.3.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Accomack this _____ day of _____, 2021, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets identified on the attached AM-4.3 Form as part of the Secondary System of State Highways, pursuant to Virginia Code Sections 33.2-334 and 33.2-705, 1950, as amended, and the regulatory requirements of the Virginia Department of Transportation.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the developer of Eagles Sound and to the Virginia Department of Transportation.

The foregoing Resolution was adopted by the Board of Supervisors of Accomack County, Virginia, at its regular meeting held on the _____ day of _____, 2021 in Accomack, Virginia.

*VOTING AYE:
ABSTAINING:*

*VOTING NAY:
ABSENT:*

Witness the following signatures and seals.

BOARD OF SUPERVISORS OF
ACCOMACK COUNTY, VIRGINIA

By: _____
Ron S. Wolff, Chairman

ATTEST:

Michael Mason, Clerk to the Board

In Accomack County

37508648

by Resolution of the governing body adopted

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Nocks Landing

Addition - New subdivision street §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
1053	Oyster Cove Lane	702	Dead End	0.16	2	Plat Book 90 Page 52	50
1054	Sandpiper Lane	702	Dead End	0.14	2	Plat Book 90 Page 172	50

12. New Business

12.1 Receive the 2021 Accomack County Secondary Six-Year Plan (SSYP) 2022-2027 from VDOT.

County Administrator Mike Mason presented an overview of the SSYP. He pointed out the funding was actually less than the previous year and did not rise to a level that required a public hearing as was the customary practice.

SSYP Program Overview

- The programs active project list has been reduced to list only each locality's top priority projects that can realistically achieve funding and be constructed.
- Each locality should maintain a list of prioritized shelf projects that can be considered for inclusion in their SSYP when projects are completed or priorities change.
- Over the next year a new project(s) will need to be discussed.
- Projected Telecom funding over the next 6 years is \$91,700 per year or \$550,200 total.
- Projected District Grant Unpaved Roads over the next 6 years is \$96,406 total.

On a motion made by Mr. Hart and seconded by Ms. Johnson, the Accomack County Board of Supervisors voted to receive SSYP presentation and approve resolution approving proposed VDOT 2022-2027 SSYP.

**RESOLUTION APPROVING THE 2022-2027 SIX-YEAR PLAN FOR
SECONDARY ROAD SYSTEM CONSTRUCTION IN ACCOMACK
COUNTY, VIRGINIA**

WHEREAS, Section 33.2-364 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation (VDOT) in developing a Six-Year Plan for Secondary Roads; and

WHEREAS, the Board of Supervisors had previously agreed to assist in the preparation of this Plan, in accordance with VDOT policies and procedures; and

WHEREAS, Mr. Chris Isdell, Accomack Residency Administrator with VDOT, appeared before the Board on May 19, 2021, and recommended approval of the Six-Year Plan for Secondary Roads (2021/2022 through 2026/2027); and

WHEREAS, there has been no change in priority projects from the prior year or the County's shelf; and

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, requires a public hearing to be conducted prior to the Board of Supervisors adopting the Plan only if the proposed new funding allocation is greater than \$100,000; and

WHEREAS, Accomack County is estimated to receive only \$91,700 in new funding per year negating the need to hold a public hearing under Section 33.2-331; and

NOW, THEREFORE, BE IT RESOLVED, on this 19th day of May 2021, the Accomack County Board of Supervisors hereby approves the attached Six-Year Plan for Secondary Roads (2021/2022 through 2026/2027) for Accomack County.

NOW, THEREFORE, BE IT FURTHER RESOLVED, on this 19th day of May 2021, that the Accomack County Board of Supervisors, for reference purposes only, continues to consider Route 609-Redwood Road and Route 789-Locustville Road, to be the County's top priorities for Shelf Projects for inclusion in a future Secondary Six-Year should state funding become available; and

ALSO, THEREFORE, BE IT FURTHER RESOLVED, that the Accomack County Board of Supervisors continues to designate Lee St (Rt 602) and Matchotank Rd (Rt 635) as top priorities as VDOT has acquired funding for each project.

ALSO, THEREFORE, BE IT FURTHER RESOLVED, that the Accomack County Board of Supervisors is appreciative of the work VDOT has performed to remediate flooding issues along Bells Neck Road in Painter, Virginia.

ADOPTED this 19th day of May 2021.

A COPY ATTEST _____
Michael T. Mason
Clerk to the Board

12.2 Receive County Quarterly Financial Report - Third Quarter fiscal year 2021
Ms. Margaret Lindsey, CPA, Director of Finance, presented a PowerPoint slide to discuss the third quarter FY21 financial report.

Executive Summary

- **Revenues:**

- **Quarter Performance:**

- The County's major revenues are **up** \$ 2,335,262 or 7.5% through the 3rd qtr of fiscal year 2021. If you recall, 1st quarter revenues were **less** than same time in FY 20 by 5.4% and 2nd quarter revenues were **more** than same time FY 20 by 4% (or \$ 1,016,519) thus we have more than doubled our year over year increase through the end of the third reporting period.
 - Recall the FY 21 budget was rebalanced with several revenue adjustments at the November Board meeting. Those changes are incorporated herein.
 - **As always**, we will monitor performances revenue items with emphasis in seeing if there are underlying issues that can be altered so as to mitigate any underperformance. We will continue to update the Board as warranted.

Executive Summary

- **Expenditures:**

- **Year To Date Notes:**

- As you review the Summary Financial Report (Expenditure Section) the far right column indicates the % of the annual budget used as of the end of March, 2021, note those departments with a % in excess of 75:
 - Often, there are timing issues (such as Risk Management) where expenditures do not incur ratably over the course of the year.
 - Finance monitors for spending that doesn't follow either prior year as that is often a good predictor OR is running hot without timing or other mitigating factors and discusses with the Department manager when needed.

12.3 Consider Resolution Initially Authorizing Bond Issue through Virginia Resource Authority Resolution for Summer Bond Pool (Public Hearing to be Held in June)

On a motion made by Mr. Crockett and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to approve attached Resolution.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA, PROVIDING INITIAL APPROVAL FOR THE ISSUANCE, SALE AND AWARD OF ITS SOLID WASTE SYSTEM REVENUE BOND, AND SETTING FORTH THE FORM, DETAILS AND PROVISIONS FOR THE PAYMENT THEREOF

WHEREAS, Accomack County, Virginia (the "County") owns and operates the Northern Landfill (the "Landfill") in the County that serves the residents of the County;

WHEREAS, the Board of Supervisors has determined to finance costs associated with the construction of Cell 7 at the Landfill (the "Project");

WHEREAS, the County has applied to the Virginia Resources Authority ("VRA") for the financing of the Project, and VRA has indicated its willingness to provide financing for the Project by purchasing a solid waste system revenue bond (the "Bond") of the County from the proceeds of its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program) (as more particularly defined in the below-defined Financing Agreement, the "VRA Bonds"), in accordance with the terms of a Local Bond Sale and Financing Agreement, between VRA and the County (the "Financing Agreement");

WHEREAS, the Financing Agreement shall indicate that the County requested the sum of \$4,140,000 (or such other amount as may be requested in writing by the County and approved by VRA prior to the sale of the VRA Bonds) plus amounts sufficient to pay costs of issuance and to fund required reserves plus any amounts to account for any original issue discount (the "Proceeds Requested") from VRA;

WHEREAS, VRA's objective is to pay the County a purchase price for the Bond which, in VRA's judgment, reflects its market value (the "VRA Purchase Price Objective") taking into consideration the Proceeds Requested and such factors as the purchase price received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA (collectively, the "VRA Costs")), and other market conditions relating to the sale of the VRA Bonds;

WHEREAS, VRA has advised the County that the sale of the VRA Bonds is tentatively scheduled for July 21, 2021, but, subject to market conditions, may occur prior to or after such date, and, in the event the Bond is not purchased by VRA on the scheduled sale date, the Bond may be sold to VRA under substantially the same terms and conditions on such other date from any such future series of VRA Bonds;

WHEREAS, such factors are expected to result in the County receiving a purchase price other than the par amount of the Bond and consequently (i) the aggregate principal amount of the Bond may be greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bond set forth in paragraph 3 of this Resolution does not exceed the Proceeds Requested by at least the amount of the VRA Costs and any original issue discount, the amount to be paid to the County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested;

WHEREAS, the Financing Agreement will provide that the terms of the Bond may not exceed the parameters set forth below in paragraph 3;

WHEREAS, Board of Supervisors anticipates holding a public hearing on the issuance of the Bond on June 16, 2021, in accordance with the requirements of Section 15.2-2606 of the Code of Virginia of 1950, as amended (the "Virginia Code");

WHEREAS, the Bond shall not be issued until the Board of Supervisors adopts a final resolution authorizing the issuance of the Bond following a public hearing.

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

1. Initial Authorization of the Bond. It is advisable, necessary and in the best interest of the public health, safety and welfare of the residents of the County to cause the County to contract a debt and to issue the Bond in an aggregate principal amount not to exceed \$4,500,000. The Bond shall be designated as the County of Accomack, Virginia, Solid Waste System Revenue Bond, Series 2021. The issuance and sale of the Bond under the terms of this Resolution is authorized, subject to paragraph 20. The proceeds from the issuance and sale of the Bond shall be used, along with other available County funds, if any, to (i) finance the Project, and (ii) pay the costs of issuing the Bond.

2. Award and Sale to the Virginia Resources Authority. The award and sale of the Bond to or at the direction of VRA is authorized. The Bond shall be delivered to or upon the order of VRA upon VRA's payment of the purchase price to be set forth in the Financing Agreement.

3. Details of Bond. The Bond shall be issued as a single fully registered bond. The Board of Supervisors authorizes the issuance and sale of the Bond on terms as shall be determined by VRA subject to VRA's Purchase Price Objective and market conditions described above; provided, however, the Bond (i) shall be in an aggregate principal amount of the Bond not to exceed the amount specified in paragraph 1, (ii) shall have a true interest cost not to exceed 5.00% (exclusive of Supplemental Interest (as defined in the Financing Agreement)), (iii) shall have a final maturity not later than eight years from the date of issuance, and (iv) shall be subject to prepayment upon the terms set forth in the Financing Agreement. Subject to the preceding terms, the Board of Supervisors further authorizes the County Administrator to accept the final terms presented by VRA, including (a) the final principal amount of the Bond and (b) the amortization schedule (including the principal installment dates and amounts) for the Bond.

If the limitation on the maximum aggregate principal amount of the Bond set forth in this paragraph 3 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Purchase Price Objective and market conditions, the County Administrator is authorized to accept a purchase price for the Bond at an amount less than the Proceeds Requested.

As set forth in the Financing Agreement, the County agrees to pay such "supplemental interest" and other charges as provided therein, including such amounts as may be necessary to maintain or replenish a VRA Reserve. The principal amount of and premium, if any, and interest on the Bond shall be payable in lawful money of the United States of America.

4. **Payments under Financing Agreement.** The County agrees to pay all amounts required by Section 6.1 of the Financing Agreement, including any "Supplemental Interest," as provided in such section.

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

6. **Pledge of Revenues; Other Security Provisions.** Principal of, premium, if any, and interest on the Bond shall be payable as provided in the Bond and in the Financing Agreement in lawful money of the United States of America, but solely from the revenues pledged therefor under the Financing Agreement (the "Revenues"), except to the extent such payment shall be made from the proceeds of the Bond, certain escrow trust funds that may be established with respect to the Bond, the income, if any, derived from the investment thereof or the sources provided below. The Revenues are hereby pledged upon the terms and conditions set forth in the Financing Agreement to secure the payment of the principal of and premium, if any, and interest on the Bond and the payment and performance of the County's obligations under the Financing Agreement.

Nothing in the Bond, the Financing Agreement or this Resolution shall be deemed to constitute a pledge of the faith and credit of the Commonwealth of Virginia (the "Commonwealth") or any of its political subdivisions, including the County. The issuance of the Bond shall not directly, indirectly or contingently obligate the Commonwealth or any of its political subdivisions, including the County, to pledge its faith and credit or levy any taxes for the payment of the principal of or premium, if any, and interest on the Bond or other costs incident to them or make any appropriation for their payment except from the revenues and other funds pledged for such purpose under the provisions of the Bond, the Financing Agreement and this Resolution.

Hereby specifically approved for inclusion in the Financing Agreement is the provision providing that VRA may take action to the extent permitted by law pursuant to Sections 15.2-2659 and 62.1-216.1 of the Virginia Code, commonly referred to as the "state-aid intercept."

7. **Approval of Financing Agreement.** The County Administrator and the Chairman of the Board of Supervisors, either of whom may act, are hereby authorized and directed to determine the final form of the Financing Agreement, whose approval shall be evidenced conclusively by the execution and delivery of the Financing Agreement on the County's behalf. The Chairman and the County Administrator, either of whom may act, are authorized to execute and deliver the Financing Agreement and such other documents and certificates as such officer may consider necessary in connection therewith.

8. **Form of Bond.** The County Administrator and the Chairman of the Board of Supervisors, either of whom may act, are hereby authorized and directed to determine the form of the Bond, with such variations, insertions, or deletions as may be approved by the Chairman and the County Administrator, either of whom may act. There may be endorsed on the Bond such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

9. **Evidence of Approval.** The actions of the Chairman and the County Administrator in determining the final terms and conditions of the Financing Agreement and the Bond shall be conclusive, and no further action shall be necessary on the part of the Board of Supervisors.

10. **Execution and Delivery of the Bond.** The Chairman and the County Administrator are authorized and directed to execute the Bond and the Clerk of the Board of Supervisors (the "Clerk") is authorized and directed to affix the seal of the County thereon and to attest such seal. Such officers are further authorized and directed to deliver the Bond to or at the direction of VRA upon payment of the purchase price set forth in the Financing Agreement.

11. **Registration, Transfer and Exchange.** The Clerk is hereby appointed as the County's registrar and transfer agent to keep books for the registration and transfer of the Bond and to make such registrations and transfers under such reasonable regulations as the Board of Supervisors may prescribe.

Upon surrender for transfer or exchange of the Bond at the office of the Clerk, the County shall execute and deliver in the name of the transferee or transferees a new Bond in a principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate or rates as the Bond surrendered, subject in each case to such reasonable regulations as the Board of Supervisors may prescribe. If presented for transfer, exchange, redemption or payment, the Bond shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the Clerk, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

A new Bond delivered upon any transfer or exchange shall be a valid limited obligation of the County, evidencing the same debt as the Bond surrendered and shall be secured by and entitled to all of the security and benefits of this Resolution and the Financing Agreement to the same extent as the Bond surrendered.

12. **Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of a Bond, but the Clerk may require payment by the registered owner of the Bond of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto.

13. **Mutilated, Lost, Stolen or Destroyed Bond.** If a Bond has been mutilated, lost, stolen or destroyed, the County shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon delivery to the Clerk and cancellation of, such mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond; provided, however, that the County shall execute, authenticate and deliver a new Bond only if the registered owner thereof has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost, stolen or destroyed Bond (i) has filed with the Clerk evidence satisfactory to him or her that such Bond was lost, stolen or destroyed and that the holder of the Bond was the registered owner thereof and (ii) has furnished to the County indemnity satisfactory to the Clerk. If the Bond has matured, instead of issuing a new Bond, the County may pay the same without surrender thereof upon receipt of the aforesaid evidence and indemnity.

14. Disclosure Documents. The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds, a portion of the proceeds of which will be used to purchase the Bond. If appropriate, such disclosure documents shall be distributed in such manner and at such times as any of them shall determine. The County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

15. Tax Documents. The County Administrator and the Director of Finance, either of whom may act, are authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the Bond and containing such covenants as may be necessary in order for the VRA Bonds to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds from the issuance and sale of the Bond will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Bond and that the County shall comply with the other covenants and representations contained therein.

16. 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 ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the County has determined to authorize the Chief Financial Officer and the Treasurer to utilize SNAP in connection with the investment of the proceeds of the Bond, if the Chief Financial Officer or the Treasurer, either of whom may act, determines that the utilization of SNAP is in the best interest of the County. The County acknowledges the Treasury Board of the Commonwealth is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.

17. Further Actions; Authorized Representations. All officers and agents of the Board of Supervisors and the County are authorized and directed to take such further actions in conformity with the purpose and intent of this Resolution as may be necessary or appropriate in connection with the issuance and sale of the Bond, and the execution, delivery and performance of the Financing Agreement, including the execution and delivery on behalf of the County of such instruments, documents or certificates as necessary or appropriate to carry out the transactions contemplated by this Resolution. All actions previously taken by such officers and agents in connection with the issuance and sale of the Bond are ratified and confirmed. The County Administrator is designated the County's Authorized Representative for purposes of the Financing Agreement.

18. Filing of Resolution. The County Attorney is authorized and directed to file a certified copy of this Resolution with the Circuit Court of Accomack County pursuant to Sections 15.2-2607 and 15.2-2627 of the Virginia Code.

19. Repeal of Conflicting Resolutions. All resolutions are repealed to the extent they are inconsistent with this Resolution.

20. **No Issuance of the Bond Without a Public Hearing.** The Bond shall not be sold until the Board of Supervisors holds a public hearing in accordance with 15.2-2606 of the Virginia Code and adopts a final resolution authorizing the issuance of the Bond.

21. **Effective Date.** This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of Accomack County, Virginia, certifies that the foregoing constitutes a true, complete and correct copy of the Resolution adopted at a regular meeting of the Board of Supervisors of Accomack County, Virginia, held on May 19, 2021.

Clerk of the Board of Supervisors,
Accomack County, Virginia

13. County Administrator's Report

Mr. Mason reported on the following items:

13.1 Overview of the US Treasury Interim Final Rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act of 2021

Mr. Mike Mason provided a PowerPoint presentation on the American Rescue Plan Act of 2021.

13.2 Announcement: Eastern Shore 9-1-1 Radio Communication Project chosen by Congresswoman Luria as one of the 10 projects she will propose to subcommittee for federal Community Project.

Mr. Mike Mason stated the Eastern Shore 9-1-1 Radio Communication Project was chosen by Congresswoman Luria as one of the 10 projects she will propose to subcommittee for federal Community Project.

13.3 Receive Update on multiple DHCD and VDEM grants (Makemie Park Urgent Needs, MNS Cultural Center Pre-Planning, Gospel Temple & Adams Crossing CDBG and HMGP Home Elevation Grant)

- **Gospel Temple/Adams Crossing Community Development Block Grant:** Construction of two residential homes is close to completion. Construction of a third house is awaiting issuance of a zoning variance before work can commence. Homes four and five are out on bid.
- **Makemie Park Community Improvement Grant:** The first Project Management Team was held on May 10, 2021. A RFQ has been issued for Authorized Onsite Soil Evaluator (AOSE) services.
- **2020 HMGP Elevation Program Grant:** Project engineer services have been competitively procured for the elevation of up to 8 residential homes. Contract negotiations with the selected vendor are currently taking place.

- **Mary N. Smith Cultural Center Pre-Planning Grant** - The grant period has been extended to June 30, 2021.

13.4 FCC Emergency Broadband Benefit (EBB) Program is active.

Mr. Mason discussed the FCC EBB program benefits and encouraged citizens to visit their internet providers websites to learn more about how to enroll in the program.

13.5 Reminder: Town Hall Style Meeting Scheduled for June 2nd beginning 6pm at Metompkin Elementary School

13.6 Other Items

None

14. County Attorney's Report

Ms. Jan Proctor did not have an oral report. A written report was submitted to the Board and there were no further discussions at this time.

15. Board of Supervisors Comment Period

A. Hart – No comment.

B. Muhly – No comment.

C. Major – No comment.

D. Vice-Chairman Tarr - No comment.

E. Crockett - No comment.

F. J. Phillips – Commented on a citizen’s comment published recently in a local newspaper regarding funds for the County’s Boating Facilities Parking Permit project. Supervisor Phillips commented that the County is not implementing the parking permit to deter out of state residents from using our facilities, but to offset costs to our facilities.

G. Chairman Wolff – Commented that the NASA launch that was scheduled and postponed numerous times, lifted off the last possible night that it could and the experiment performed was visible from his residence. The next major launch is set for June 15, 2021.

H. Johnson – No comment.

I. H. Phillips – Commented that as a liaison of the BOS to the EDA, provided a summary of recent EDA accomplishments and recommended the BOS increase the county’s yearly funding to the EDA from \$7,500 to \$50,000. Supervisor Phillips requested no immediate action but stated that he would like this request on a future agenda for consideration.

16. Budget and Appropriation Items

16.1 Consider Approving Resolution to Amend the FY21 Budget

On a motion made by Mr. Hart and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to approve the following resolution to amend the FY21 Budget:

RESOLUTION TO AMEND THE FISCAL YEAR 2021 ACCOMACK COUNTY GOVERNMENT 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 April 6, 2020, the Board of Supervisors finalized the Accomack County Fiscal Year 2021 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 requested budget amendment and recommends that it be approved; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2021 County budget be amended by the amount listed below and the amount appropriated for the purpose indicated.

Fiscal Year	Requesting Department	Fund/ Function	Purpose	Funding Source	Total
FY21	Finance	General Fund/ Contributions	To appropriate funds received from the sale of animal friendly automobile license plates and a spay and neuter distribution to the SPCA.	State Funds	\$ 146
FY21	County Administrator	Capital Projects Fund/Public Safety	To recognize award of funds from the USDA for purchase of 911 radio communications software.	Federal Funds	\$ 75,000
Total					\$ 75,146

 Ronald S. Wolff
 Chairman, Board of Supervisors

ATTEST:

 Michael T. Mason, CPA
 County Administrator

Adopted by the Board of Supervisors of Accomack County, Virginia, this 19th day of May 2021.

17. Payables

17.1 Consider May Payables

Mr. Mason certified the May payables.

On a motion made by Mr. J. Phillips and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to certify Mr. Mason to pay the May payables. On a roll call vote, of the full nine-member Board, the motion carried 9-0:

Aye: Hart, Tarr, Wolff, Johnson, Major, J. Phillips,

Crockett, H. Phillips, Muhly
Nay: None
Absent/Abstaining: None

18. Closed Meeting

18.1 Closed Meeting

On a motion made by Mr. Tarr and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to enter into Closed Meeting for the following:

18.2 Closed Meeting pursuant to Virginia Code Section 2.2.3711 A.1 Code of Virginia for personnel matters pertaining to the performance review of the County Administrator.

18.3 Certification of Closed Meeting

On a motion made by Mr. H. Phillips and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors moved that the Board certified that to the best of each Board Members' knowledge (1) only public business lawfully exempted from open meeting requirements was discussed and (2) only matters identified in the convening motion were discussed. By roll call vote:

Ayes: H. Phillips, Johnson, Muhly, Wolff, Major, J. Phillips, Tarr, Crockett, Hart

Nays: None

Absent: None

Abstain: None

19. Adjournment

19.1 Adjournment

On a motion made by Mr. Tarr and seconded by Mr. Hart , the Accomack County Board of Supervisors voted to adjourn at 6:30 p.m.