

VIRGINIA: At an Adjourned Meeting of the Board of Supervisors for the County of Accomack held in the Board of Supervisors' Chambers in Accomac, Virginia on the 5th day of December A.D., 2013.

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

Others Present: Steven B. Miner, County Administrator
Mark B. Taylor, County Attorney
Shelia Goodman, Administrative Assistant

Call to Order

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

SPRINT Update/Request

Jeff Terwilliger, Public Safety Director gave an update on the improved EMS response service in the northern end of the County. He showed a display of the thirty five calls a month outside of the benchmark in October 2012 as compared to only five in 2013 and explained same. He explained to the Board the cost for this new program. A discussion ensued concerning the cost and he explained the one cent per hundred dollars tax increase for next year's budget and an additional one cent tax increase the following year and responded to questions. He recommended seeking permanent funding for SPRINT in the future.

Mr. Wolff made a motion that permanent funding be implemented for the 3 FTE's for SPRINT based on the information presented by Mr. Terwilliger and emails from Captains Cove/Greenbackville area where most of the problems were causing hardships on citizens in that area. Mr. Gray seconded the motion.

A discussion ensued.

The motion, as stated, was unanimously approved.

Mr. Crockett said he supported the Sprint 100% and it showed what happens when a professional is allowed to work the problem out. He commended the citizens in the Greenbackville area for working with the Department of Public Safety to dissolve the issue and did an extremely good job. Mr. Crockett explained to the library constituents who were in the audience that was why he fought so hard for priority needs to be set. He

continued and said the Board of Supervisors did not have funds and the EMS Services was a good example of what should be first in line and would be more acceptable with the two cents increase versus having to raise the tax rate four cents per \$100 for both projects.

Mrs. Gordy commented and stated her number one priority was to build a new office complex at the newly acquired Jones property saving the County \$70,000 per year in rental cost.

Rural Addition

Ms. Major apprised the Board on the development in her district; that representatives would like to come before the Board to do a presentation and felt they should have an opportunity to come to the December 18, 2013 Board meeting.

Mrs. Thornton commented on the priority list and felt they should be included in the list because she felt it unfair to give the citizens hope if it was nothing the Board could do for them. She continued and stated it was going to be very difficult to set a priority list because of so many needs. Ms. Major said if they were not put on the Agenda, they have a right to speak under public comment.

A discussion took place concerning having a Work Session which would show the public their needs are great, but that there was no money for anything.

Recess

It was the consensus of the Board to recess to read the Resolutions.

Call to Order

The Chair called the meeting back to order.

RFP to Refinance Some of County's Outstanding Debt

Courtney Rogers, Financial Advisor from Davenport & Company, appeared before the Board and gave a presentation on bids that had been received for Series 2013 Tax Exempt Bank Qualified Lease Revenue Bonds.

Mrs. Lewis made a motion to adopt the following Resolution. Mr. Wolff seconded the Resolution. The motion was unanimously approved.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ACCOMACK, VIRGINIA REQUESTING THE ECONOMIC DEVELOPMENT AUTHORITY OF ACCOMACK COUNTY, VIRGINIA TO ISSUE A LEASE REVENUE REFUNDING BOND TO REFUND CERTAIN FINANCINGS FOR SCHOOL PROJECTS

WHEREAS, the County of Accomack, Virginia (the "County") and the School Board of the County (the "School Board") undertook and completed certain capital improvements for public schools through the issuance of certain notes under the Virginia Literary Fund Loan program (the "Prior Obligations");

WHEREAS, the Board of Supervisors of the County (the "Board") proposes to provide for the issuance by the Economic Development Authority of Accomack County, Virginia (the "Authority") of a lease revenue refunding bond (the "Bond") to refund the Prior Obligations;

WHEREAS, the School Board will lease certain school property to the Authority pursuant to a Prime Lease and the Authority will lease such property back to the School Board pursuant to a Lease Agreement (the "Lease") in order to secure the Bond;

WHEREAS, the Bond will be payable solely from revenues derived by the Authority from the Lease; and

WHEREAS, the Bond will be issued pursuant to the following documents: (i) the Prime Lease; (ii) Lease; (iii) Assignment of Rents and Leases between the Authority and the purchaser of the Bond (the "Bond Purchaser"); and (iv) a Financing Agreement between the County and the Authority. All of the documents listed above 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 Bond. The Board requests the Authority to issue the Bond in the maximum principal amount of \$2,857,000 to be paid from revenues derived from payments made by the County pursuant to the Financing Agreement.

2. Authorization of Basic Documents. The execution and delivery of and performance by the County of its obligations under the Basic Documents to which it is a party are authorized. The Basic Documents and the Bond shall be in such form and contain such provisions as the County Administrator and the Chairman of the Board, or either of them, shall approve, such approval to be evidenced conclusively by the execution and delivery of the Financing Agreement, provided that the aggregate principal

amount payable under the Financing Agreement shall not exceed \$2,857,000 and the maturity of the Bond shall not be later than approximately seven years from its date.

3. Execution of Documents. The Chairman of the Board and the County Administrator, or either of them, are 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. 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, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents, including without limitation to enter into an escrow agreement to provide for the refunding and redemption of the Prior Obligations; 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. Acceptance of Proposal. The proposal for the purchase of the Bond from Branch Banking & Trust Company, dated November 26, 2013, is accepted with such changes as the County Administrator may approve, subject to the maximum principal amount set forth in paragraph 2, such approval to be conclusively evidenced by execution and delivery of the Financing Agreement.

5. Nature of Obligations. Nothing in this Resolution, the Bond or the Basic Documents shall constitute a debt of the County, and the Authority shall not be obligated to make any payments under the Bond or the Basic Documents except from payments made by or on behalf of the County under the Lease. The County's obligations to make payments pursuant to the Lease shall be subject to and dependent upon annual appropriations being made from time to time by the Board for such purpose. Nothing in this Resolution, the Bond or the Basic Documents shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations.

6. Bank Qualification. The Board of Supervisors requests the Authority to designate the Bond as a "qualified tax-exempt obligation" pursuant to Section 265(b) (3) of the Internal Revenue Code of 1986, as amended. The County will not designate more than \$10,000,000 of qualified tax-exempt obligations in calendar year 2013 and represents that the County, its subordinate entities, and entities which issue obligations on the County's behalf will not issue more than \$10,000,000 in tax-exempt bonds (not

including certain private activity bonds and certain refunding bonds) in calendar year 2013.

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

Mr. Wolff made a motion to adopt the following Resolution. Ms. Major seconded the motion. The motion was unanimously approved.

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF ACCOMACK, VIRGINIA
REQUESTING THE ECONOMIC DEVELOPMENT
AUTHORITY OF ACCOMACK COUNTY, VIRGINIA TO
ISSUE A LEASE REVENUE REFUNDING BOND TO
REFUND THE ECONOMIC DEVELOPMENT
AUTHORITY'S LEASE REVENUE BOND, SERIES 2009**

WHEREAS, the County of Accomack, Virginia (the "County") undertook and completed certain capital improvements, including the acquisition, construction and equipping of a social services building (the "Leased Project") through the issuance by the Economic Development Authority of Accomack County, Virginia (the "Authority") of its Lease Revenue Refunding Bond (County of Accomack, Virginia Projects) Series 2009, as amended by the First Amendment to Lease Revenue Refunding Bond, dated as of December 1, 2011 (the "Prior Obligation");

WHEREAS, the Board of Supervisors of the County (the "Board") proposes to provide for the issuance by the Authority of a lease revenue refunding bond (the "Bond") to refund the Prior Obligation;

WHEREAS, the County will lease the Leased Project to the Authority pursuant to a lease (the "Prime Lease") and the Authority will lease the Leased Project back to the County pursuant to a Lease Agreement (the "Lease") and the Bond will be payable solely from revenues derived by the Authority from the Lease; and

WHEREAS, the Bond will be issued pursuant to the following documents: (i) Prime Lease; (ii) Lease; and (iii) Assignment of Rents and Leases between the Authority and the purchaser of the Bond (the "Bond Purchaser"). All of the documents listed above 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 Bond. The Board requests the Authority to issue the Bond in the maximum principal amount of \$4,053,000 to be paid from revenues derived from payments made by the County pursuant to the Lease.

2. Authorization of Basic Documents. The execution and delivery of and performance by the County of its obligations under the Basic Documents to which it is a party are authorized. The Basic Documents and the Bond shall be in such form and contain such provisions as the County Administrator and the Chairman of the Board, or either of them, shall approve, such approval to be evidenced conclusively by the execution and delivery of the Lease, provided that the aggregate principal components payable under the Lease shall not exceed \$4,053,000 and the stated term of the Lease will not be longer than approximately 15 years from its date.

3. Execution of Documents. The Chairman of the Board and the County Administrator, or either of them, are 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. 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, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents, including without limitation to enter into an escrow agreement to provide for the refunding and redemption of the Prior Obligation; 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.

6. Acceptance of Proposal. The proposal for the purchase of the Bond from Branch Banking & Trust Company, dated November 26, 2013, is accepted with such changes as the County Administrator may approve, subject to the maximum principal amount set forth in paragraph 2, such approval to be conclusively evidenced by execution and delivery of the Lease.

7. Nature of Obligations. Nothing in this Resolution, the Bond or the Basic Documents shall constitute a debt of the County, and the Authority shall not be obligated to make any payments under the Bond or the Basic Documents except from payments made by or on behalf of the County under the Lease. The County's obligations to make payments pursuant to the Lease shall be subject to and dependent upon annual appropriations being made from time to time by the Board for such purpose. Nothing in this Resolution, the Bond or the Basic Documents shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations.

6. Bank Qualification. The Board of Supervisors requests the Authority to designate the Bond and/or deem the Bond designated as a "qualified tax-exempt obligation" pursuant to Section 265(b) (3) of the Internal Revenue Code of 1986, as amended. The County will not designate more than \$10,000,000 of qualified tax-exempt obligations in calendar year 2013 and represents that the County, its subordinate entities, and entities which issue obligations on the County's behalf will not issue more than \$10,000,000 in tax-exempt bonds (not including certain private activity bonds and certain refunding bonds) in calendar year 2013.

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

Mr. Crockett made a motion to adopt the following Resolution. Ms. Major seconded the motion. The motion was unanimously approved.

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF ACCOMACK, VIRGINIA
CONFIRMING THE NAME OF THE ECONOMIC
DEVELOPMENT AUTHORITY OF ACCOMACK
COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors of the County of Accomack, Virginia adopted a Resolution on March 19, 2008 changing the name of the Industrial Development Authority of Accomack County (the "Authority") in accordance with Virginia Code Section 15.2-4903C and the Board of Supervisors desires to confirm the legal name of the Authority.

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

In accordance with Virginia Code Section 15.2-4903C the Board of Supervisors confirms that the legal name of the Authority is the "Economic Development Authority of Accomack County, Virginia".

This Resolution shall take effect immediately.

Sewer Treatment for Central Accomack Service District

Mr. Ken Baybutt, PE and Ms. Jessica Kwiatkowski, PE of Bowman Consulting presented their proposal for a Central Accomack Wastewater Treatment System. He handed out to the Board members copies of his proposal and gave a brief overview of the gallons per day and what the annual savings would be. Mr. Baybutt told the Board the new capacity of the new system was to be approximately 100,000 gallons per day and when this capacity of treatment was in place \$272,655 would be saved annually.

Ms. Jessica Kwiatkowski said the project was designed for the 100,000 gallons per day at the County's Industrial Park and use subsurface disposal at the County Fire Training area with a design pump station to serve the development near Onley to include Riverside Hospital, using the existing force main in reverse and would be designed for expansion of a waste water treatment plant and drain field system.

Mr. Baybutt gave total annual costs of three options and responded to questions from the Board of Supervisors. Mr. Crockett asked for clarification that the County could get a permit from the Virginia Department of Health in Richmond. After a discussion on the permitting process Mr. Baybutt stated because it was an in-ground system DEQ would not be involved and it would be a short permitting time frame. Mr. Crockett continued and stated there were two issues, water and wastewater, and he felt the County should move forward and start working on the water issue with the Town of Onancock to work out an agreement if possible because of the hospital. Mr. Crockett stated the waste water issue would take a longer time frame. Mr. Crockett stated the County had to do its due diligence and investigate all options.

Mrs. Thornton explained the cost of overboard discharge systems such as the one in Onancock and stated it was going to continue to increase because of the new state and federal regulations. She stated the in-ground system proposed by Bowman was far less expensive.

It was the consensus of the Board to authorize County staff to proceed with discussions with the Town of Onancock officials relative to a water purchase agreement allowing the County to purchase treated potable water so that it might be resold to customers within the County.

Mrs. Thornton made a motion to have Mr. Hall and Mr. Baybutt to continue moving forward with the permitting phase concerning the wastewater. Mr. Crockett seconded the motion. The motion was unanimously approved.

Adjournment

Ms. Major made a motion to adjourn the meeting. Mrs. Thornton seconded the motion. The motion was unanimously approved. The meeting adjourned at 6:20 p.m.

Donald L. Hart, Jr., Chair

Date