RICHMOND COUNTY BOARD OF SUPERVISORS
June 13, 2019

MINUTES

At a regular meeting of the Board of Supervisors for Richmond County, Virginia, held on the 13th day of June, 2019, thereof in the Public Meeting Room of the County Office Building.

Present:
   F. Lee Sanders, Chairman
   Richard E. Thomas, Vice-Chairman
   Robert B. Pemberton, Member
   J. David Parr, Member

Absent:
   William C. Herbert, II, Member

Also Present:
   R. Morgan Quicke, County Administrator
   Liz Hylan, Admin. Asst.
   Dr. Smith, Richmond County Public Schools
   Hope D. Mothershead, Planning/Zoning
   Steve McKeever, VDOT
   Stephan B. Smith, Sheriff
   Mitch Pauletta, Chief of Emergency Services
   Kristie Brann, Treasurer
   Jennifer Delano, Commissioner of the Revenue
   David Thomas, Asst. Chief RCVFD
   Approximately 16 others

CALL TO ORDER

Chairman Sanders gave the invocation, and led in the Pledge of Allegiance.

SPECIAL RECOGNITION

Chairman Sanders recognized Northern Neck Technical Students from Rappahannock High School.

"On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye; to adopt the following resolution."

1
RESOLUTION RECOGNIZING NORTHERN NECK TECHNICAL CENTER STUDENTS FROM RAPPAHANNOCK HIGH SCHOOL

WHEREAS, students from the Northern Neck Technical Center recently participated in the Skills USA and HOSA 2019 District Competitions;

WHEREAS, select students from the Northern Neck Technical Center participated in the State Skills USA competition;

WHEREAS, students were successful in many of the competitions;

WHEREAS, the Board acknowledges the fact that vocational education equips students with practical experience and technical skills in a specific type of field;

WHEREAS, the Board wishes to congratulate the following students for their accomplishments:

Skills USA – District Competition
Joseph Hillman – Construction Wiring / 3rd place

HOSA – District Competition
Summer Fols – Home Health Aide / 3rd place

State Skills USA participants:
Carter Bunch – Engineering / 3rd place
Curtis Gordon – Engineering / 3rd place
Lawrence Reed – Engineering
Joshua McAllister – Marine Trades / 1st place

NOW, BE IT RESOLVED by the Richmond County Board of Supervisors that we express our congratulations, admiration and pride to the vocational education students of Rappahannock High School for their exceptional accomplishments at the district and state competitions;

BE IT FURTHER RESOLVED, that a copy of this resolution is made a part of the minutes of the June 13, 2019 meeting of the Board of Supervisors of Richmond County, Virginia.

F. Lee Sanders, Chairman
Richmond County Board of Supervisors

MONTHLY STAFF REPORTS

RICHMOND COUNTY PUBLIC SCHOOLS

Dr. Smith mentioned Northern Neck Technical Center is a successful facility and has around 400 students from the surrounding six localities.
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Dr. Smith noted the 2019 school year ends Friday June 14th. Dr. Smith also noted it has been an excellent school year.

Dr. Smith mentioned there has been growth and improvements in areas of attention with Math and Reading Fluency.

Dr. Smith reported the 2019 sport season was very successful with two teams going to State Competition. Dr. Smith also noted both teams played exceptionally hard but did not bring home any state champions, but did have a number of successes in district and regional play.

Dr. Smith noted the Class of 2019 graduates Saturday June 15th with approximately 96 graduates and $2.68 million dollars in instructional, institutional aide, and scholarships.

**VDOT**

Mr. McKeever reported normal maintenance is currently being done, and primary mowing has been completed.

Mr. McKeever introduced VDOT’s new superintendent Mike Parker, effective after Ronnie Crabbe’s retirement January 2019.

Mr. Thomas reported some road and site issues throughout the County.

Mr. Quicke reported a road issue on Route 3 near Richmond County Intermediate School.

**SHERIFF**

Sheriff Smith reported for May 2019: 916 calls for service; 471 civil papers; 32 arrests with 46 warrants served; and 106 traffic summons.

Sheriff Smith noted that as to the animal control division, there were 36 calls for service in May 2019, with 2 dogs transported to the Westmoreland Animal Shelter.

Sheriff Smith mentioned the Sheriff’s Office has been doing road checks in different areas to help try to slow down traffic and make them aware of the Amish and Mennonites population in the area.

Sheriff Smith mentioned the Animal Shelter BBQ Fundraiser went well; over $1,500 was raised after all expenses paid. Sheriff Smith thanked Company 3 for all their help. Sheriff Smith reported to date $2,059.80 and another estimated $2,500 worth of food and cleaning materials that has been donated to the Animal Shelter.

**TREASURER**

Kristie Brann, Treasurer, shared trial balances with the Board members and noted that the uncollected real estate tax amount for 2018 was $272,441.20.
COMMISSIONER OF REVENUE

Mrs. Delano reported the new construction figures for 2019 have come back and the figures have increased roughly by 6.2 million in value.

Mrs. Delano noted 163 new construction notices were mailed out with assessment changes.

Mrs. Delano thanked Chief Paulette and the Board of Supervisors for the County Luncheon.

PLANNING/ZONING/LAND USE/BUILDING

Mrs. Mothershead reported 29 new Building projects beginning in May 2019, with $3,625.23 fees collected and total construction cost of $ 550,583.01.

Mrs. Mothershead reported for the month of May 2019, 3 Land Disturbing Permits were issued, and 8 Zoning permits were issued.

Mrs. Mothershead noted Tire Amnesty Day was held on May 18th at the Indianfield Convenience Center. Mrs. Mothershead also noted approximately 25 deliveries were accepted during the day. Mrs. Mothershead thanked Northern Neck Soil and Water and all other volunteers who helped with the tire collections.

Mrs. Mothershead mentioned the Anti- Litter Committee met on June 11th with discussion on some fall events. Mrs. Mothershead noted the Anti- Litter Committee discussed a library program as well as some education programs to get into the School.

Mrs. Mothershead noted the Planning Commission held a public hearing on June 10th and unanimously voted to recommend the proposed changes to the Solar Facility Ordinance. Mrs. Mothershead asked the Board to schedule a public hearing for the Board’s consideration in July.

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye; to schedule a public hearing on July 11th at 7 p.m. to discuss proposed amendments to the Solar Facility Ordinance.”

EMERGENCY SERVICES

Chief Paulette addressed the Board and gave the following report for the month of May 2019: Richmond County Department of Emergency Services ran 123 calls for service with 73 transports in May. Total collected revenue recovery for the month was $ 27,132.11.

Chief Paulette noted May was a busy month as the weather has started to cooperate. Chief Paulette also noted with all the events being hosted in the County, May is the start of public relation outreach program.
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Chief Paulette mentioned on May 4th the on-duty crews attended the Healthy Kids Day held at the Richmond County Little League Complex.

Chief Paulette noted on Friday, May 10th, the crews attended both the nurses pinning ceremony and graduation ceremonies at RCC.

Chief Paulette mentioned on May 18th the crew of Medic 1 attended the Glow Run at the Town Park and served as a chase vehicle for the field.

Chief Paulette noted on May 20th Medic 1-2 crew and myself, along with Lt. Conkle of the Sheriff's Office did a yearly safety tour of Camp 17. Chief Paulette also noted they were able to speak with the Warden and the Major about safety concerns and accessibility to possible patients.

Chief Paulette mentioned on May 25th the on-duty crews attended the flag retirement ceremony at VFW in Warsaw.

Chief Paulette noted on May 30th we had the honor of hosting the 1st annual Richmond County employee luncheon. Chief Paulette also noted the event was a great success and thanked the Board and Administrator Quicke on behalf of the employees of Richmond County Department of Emergency Services.

SURPLUS REQUEST- STRETCHER- DEPT. OF EMERGENCY SERVICES

Chief Paulette requested that an old stretcher that is no longer in service at EMS be donated to the Rappahannock General Hospital. Chief Paulette noted the stretcher is past its service of life for a front line unit.

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye; to surplus an old stretcher to Rappahannock General Hospital.”

RICHMOND COUNTY VOLUNTEER FIRE DEPARTMENT

Asst. Chief Thomas reported May 2019: Richmond County Fire Department ran 24 calls for service with Company 1 (Warsaw) ran 20 calls with 0 EMS assist, Company 2 (Farnham) ran 2 calls with 0 EMS assist, and Company 3 (Newland) ran 6 calls with 1 EMS assist.

Asst. Chief Thomas noted the Newtown beanfield races on June 29th will hold a fundraiser and a portion of the gate proceeds will go to the Richmond County Volunteer Fire Department.

PUBLIC COMMENT

Mr. Frank Johnson recommended a few road and bridge upgrades to accommodate the Amish and Mennonite Community and EMS traffic crossing the bridge.
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Mr. Johnson suggested with the wonderful report on the School’s and education doubling the school budget-funding request next year.

OLD BUSINESS

FY20 REVENUE ANTICIPATION NOTE

Mr. Quicke mentioned an RFP was released in May through Davenport and Company, and five banks have responded with rates and terms.

Mr. Taylor representing Davenport and Company went over the bank RFP results.

Mr. Taylor noted Davenport recommends pursuing the 2019 RAN financing with First Citizens under 12 month maturity option at a 2.36% fixed rate, and a final maturity on June 30, 2020.

"On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye; to adopt a resolution (attached hereto as Exhibit I) and authorize Mr. Quicke and Chairman Sanders to execute any documents associated with the RAN financing."

2019 LEASE/REVENUE BOND

Mr. Taylor with Davenport and Company discussed the results from the Lease/Revenue Bond RFP.

Mr. Taylor noted three proposals were submitted under the deadline of May 30th.

Mr. Taylor noted Davenport’s recommendation for Lease/Bond is to go with Atlantic Union Bank for 10 years, at 3.05%.

Mr. Taylor mentioned the reasons for recommendation AUB at a higher rate than BB&T, directly relates to options for pre-payment, in whole or part.

"On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye; to adopt a resolution (attached hereto as Exhibit II) and authorize Mr. Quicke and Chairman Sanders to execute any documents associated with the Lease/Revenue Bond."

ON-CALL ENGINEERING SERVICES- RFP RECOMMENDATION

Mr. Quicke noted proposals for engineering services were due back to the County on May 24th, and four proposals were received.

Mr. Quicke mentioned after reviewing the proposals, he is recommending to the Board entering into a contract with Resource International out of Ashland, VA.
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Mr. Quicke noted Resource International did work for the County when the County was building the Community Park Road and expanding the water and sewer at the commerce park, so there is familiarity with the County and upcoming projects.

Mr. Quicke mentioned the priorities with the new contract would include; design and build help of new concrete pads at three convenience centers, environmental studies for land acquisition and feasibility studies for further infrastructure investment at the commerce park.

"On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye; to approve the On- Call Engineering Contract with Resource International."

YMCA LAND ACQUISITION

Mr. Quicke mentioned he met with VDOT regarding the land in front of the YMCA that is being offered for sale by VDOT. Mr. Quicke noted VDOT agreed to remove the land from sealed bid, giving the County the opportunity to purchase the property for the YMCA. Mr. Quicke mentioned the sale price at the time is still $46,000 and getting little traction with the price being lowered. Mr. Quicke also mentioned he has reached out to Senator McDougle and Delegate Ransone and they have contacted VDOT on our behalf as well.

Mr. Quicke mentioned the YMCA feels very confident that they need this piece of land for their future plans on site; however, the details have not been worked out to this point on how the repayment of property will take place.

Mr. Quicke noted the YMCA has asked to be on the July agenda to present to the Board their new capital construction plans and fundraising updates.

BUILDING CODE OF APPEALS- AGREEMENT WITH LANCASTER COUNTY

Mr. Quicke noted at the April meeting, it was discussed the need to either establish a Board of Building Code Appeals or contract with another locality that already has a BCOA established through a MOU, per Section 36-105 (A) of the Code of Virginia.

Mr. Quicke mentioned there was a possible appeal from a contractor regarding building related decisions. Mr. Quicke noted the County Attorney has been contacted, and has determined that in the interest of the time requirement set out by code, the best choice at this time is to contract with another locality’s BCOA to hear the appeal.

Mr. Quicke noted Lancaster County has tentatively agreed to allow their BCOA to hear the appeal, pending a decision later this month by their Board of Supervisors.

"On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye; to accept the MOU agreement with Lancaster County Building Code of Appeals."
NEW BUSINESS

2019 FIREWORKS REQUEST

Mr. Quicke read the request received by Hillary Kent, Richmond County Fourth-of-July Chairman, asking the County for a continued contribution to the firework display, Saturday, July 6.

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye; to donate $700 to the Fourth of July Fireworks Celebration.”

CENSUS 2020- COMPLETE COUNT

Mr. Quicke noted Mrs. Mothershead along with himself met with a representative from the U.S. Census Bureau about creating a Complete Count Committee (CCC). Mr. Quicke mentioned this committee would serve to increase awareness and motivate residents to respond to the 2020 Census.

Mr. Quicke mentioned this Complete Count Committee is being pushed this year for localities to create. Mr. Quicke noted this Committee is made of community leaders from all different segments of the population such as churches, community organizations, businesses, etc. to encourage people to respond to the census.

Mrs. Mothershead noted the Census does not manage the CCC, therefore, the committee will look different in each locality.

Vanessa Livingstone, Director of Richmond County Social Services, mentioned her department would be more than happy to help citizens come in and fill out the Census.

RATIFY PHONE POLL- WEDNESDAY, MAY 29, 2019.

Mr. Quicke mentioned a phone poll took place Wednesday, May 29th polling Board Members on the advertisement for Public Hearing of the potential sale of 41 +/- acres, for 1:00 p.m. on Thursday, June 13th.

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye; to accept the following Resolution.”

RESOLUTION RATIFYING PHONE POLL TAKEN WEDNESDAY, MAY 29, 2019, REGARDING THE ADVERTISEMENT OF A PUBLIC HEARING FOR JUNE 13, 2019
WHEREAS, on Wednesday, May 29, 2019, County Administrator Morgan Quicke contacted members of the Richmond County Board of Supervisors to authorize the advertisement of a Public Hearing at 1:00 P.M. on June 13, 2019 for the purpose of receiving Public Comment on the possible sale of 41 +/- acres of County owned property; and

WHEREAS, all five members of the Board of Supervisors were contacted, and all five members of the Board of Supervisors agreed to advertise for said Public Hearing,

THEREFORE BE IT RESOLVED, that the Richmond County Board of Supervisors ratify that vote in open session of the Richmond County Board of Supervisors on June 13, 2019.

F. Lee Sanders, Chairman
Richmond County Board of Supervisors

Date: June 13, 2019

ONGOING PROJECTS

CONSTRUCTION UPDATE- ANIMAL SHELTER

Mr. Quicke reported the Animal Shelter continues to progress well, with a new completion date of June 27th. Mr. Quicke mentioned he believes the building will be complete but some site work will still need to be worked on and in compliance.

Mr. Quicke noted he has spoken with Westmoreland County, and they have agreed to give a few weeks past the first of July, which gives a little room until operations begin.

Mr. Quicke mentioned he has been working with Northern Neck Generator on proposals and quotes on a generator at the County Administrators Office and possibly getting a generator for the Animal Shelter.

Mr. Quicke noted the possibility of a ribbon cutting for the new Animal Shelter, in July.

RADIO SYSTEM UPDATE

Mr. Quicke noted the consoles in Dispatch have been installed and are working properly on the fiber line through Atlantic Broadband.

Mr. Quicke mentioned the delay is the installation of the microwave network, which is scheduled for the last week of June.

BOARD APPOINTMENTS

There are no Board Appointments for the Month of July 2019.
MONTHLY APPROPRIATIONS - RICHMOND COUNTY DEPARTMENT OF SOCIAL SERVICES

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye: To approve the July 2019 appropriation of Richmond County Department of Social Services for $85,000.00.”

MONTHLY APPROPRIATIONS - RICHMOND COUNTY SCHOOL BOARD

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye: To approve the July 2019 appropriation of Richmond County School Board for $1,410,178.00.”

MONTHLY SUPPLEMENTAL APPROPRIATIONS

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Robert B. Pemberton – aye; J. David Parr - aye: to appropriate $14,112 for the professional services from the designated fund for assessment.”

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Robert B. Pemberton – aye; J. David Parr - aye: to appropriate $111,974.83 for Richmond County School Board, Title I- Improving Basic Programs and Medicaid.”

APPROVAL OF MINUTES – May 9, 2019 & May 23, 2019 (CONTINUED)

“On a motion made by Robert B. Pemberton the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye: to approve the minutes from the May 9, 2019 and May 23, 2019 (Continued) meeting as presented.”

OTHER BUSINESS

Mr. Thomas wished everyone a Happy Father’s Day. Mr. Thomas also wished the Class of 2019 best wishes on their upcoming graduation.

Mr. Parr congratulated Dr. Smith and the school for all their accomplishments.

Mr. Quicke mentioned the Board of Supervisors received an invite from the Ruritan Club on their upcoming Ribbon Cutting Ceremony on Tuesday, June 18th at 5:30 p.m. at the Richmond County Little League park commemorating 80 years of service to the community by dedicating the pavilion for the use of the families of Richmond County.

Mr. Quicke thanked the Board for doing the employee lunch. Mr. Quicke noted he has received great feedback, and hopes to make it a yearly event, for all employees to get together.

Mr. Quicke noted there is a Resolution that confirms an agreement between the Richmond County Board of Supervisors and the Richmond County Commonwealths Attorney regarding the
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Part time position, for the purpose of adhering to the Code of Virginia. Mr. Quicke mentioned this is an agreement that needs to be signed by the County and the Commonwealth’s Attorney per the Comp Board. Mr. Quicke noted this is a legislation, which resulted in the body worn camera issue. Mr. Quicke mentioned an agreement has been worked up with the Commonwealth’s Attorney, Mrs. Trible, for a $20,000 budget, part time employee for her office managed at her discretion.

“On a motion made by Robert B. Pemberton the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye: to adopt the Resolution confirming agreement between the Richmond County Board of Supervisors and the Richmond County Commonwealth’s Attorney regarding part time position for the purpose of adhering to the Code of Virginia, effective for one year.”

Mr. Quicke mentioned there has been some issues with the pavement at the new EMS facility. Mr. Quicke noted he is currently working with the Engineer to figure out what needs to be done.

RECESS

Chairman Sanders recessed the meeting until 1:00 p.m. Public Hearing.

PUBLIC HEARING

Present: F. Lee Sanders, Chairman
Richard E. Thomas, Vice-Chairman
Robert B. Pemberton, Member
J. David Parr, Member

Absent: William C. Herbert, II, Member

Also Present: R. Morgan Quicke, County Administrator
Liz Hylan, Admin. Assistant
Hope D. Mothershead, Planning/Zoning
Jason Patton, Bay River Realty
Cynthia Balderson, Northern Neck Food Bank
Todd Holtzman, Owner, Holtzman Propane
Approximately 2 others

Chairman Sanders called the meeting back to order.

Mr. Quicke read the following Public Hearing Notice:

In accordance with Section 15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to Section 15.2-1800 of the Code of Virginia, 1950 as amended, the Richmond County Board of Supervisors hereby gives notice that a Public Hearing will be held starting at 1:00 p.m., Thursday, June 13, 2019 in the Richmond County Public Meeting Room, 101 Court Circle,
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Warsaw, VA 22572. The purpose of the Public Hearing is to consider the proposed sale of Tax Map No. 17(3)2A, consisting of 3.010 acres, to Holtzman Propane, LLC.

Mr. Quicke mentioned he has been working with Bay River Realtor, Mr. Patton, and Mr. Holtzman, Owner, of Holtzman Propane, to work out an agreement with the property at Commerce Park.

Mr. Holtzman noted his family has been in the gasoline, petroleum, propane heating, and oil business since the late 70’s, and the propane operation started in the late 90’s. Mr. Holtzman mentioned they cover about a third of the State of Virginia.

Mr. Holtzman stated he recognized this being a great opportunity to move his business to the area. Mr. Holtzman noted with Revere Gas recently being sold, they have hired several of their former employees for full service to the customers working inside and outside of the home, and performing repairs.

Mr. Holtzman mentioned they have about 16,000 active propane customers and distribute about 20 million gallons a year.

Mr. Holtzman noted he hopes Holtzman Propane becomes a great member of the local community.

Mr. Holtzman mentioned they would be concentrating only on propane.

Mr. Pemberton asked if they had any plans to expand into fuel. Mr. Holtzman noted one part of their company that is growing rapidly is they develop real estate and construct gas stations, with a partner such as a 7-11. Mr. Holtzman mentioned there are no immediate plans for that.

Mr. Holtzman noted they do not plan long term and when opportunities come up, they try and make things happen.

Mr. Holtzman noted the site is basic, with a flat piece of property that will be fenced. Mr. Holtzman mentioned there will be up to three (3) 30,000 gallon storage tanks, that will be surrounded by barriers to protect from impact.

Mr. Holtzman mentioned they will sell, install, and service, space heaters, fireplaces, and water heaters.

Chairman Sanders opened the floor to public comment.

Ms. Balderson, with the Northern Neck Food Bank, asked where the locations of the tanks would be located, and the plans for the barriers.

Mr. Holtzman mentioned the locations of the tanks will be parallel to the intersection to Route 3 and Commerce Parkway, in the upper left corner of the parcel.
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Mr. Holtzman noted the Town and County has requirements that will be met.

Chairman Sanders closed the Public Comment.

"On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye: to authorize the sale of property to Holtzman Propane, LLC and allow the County Administrator and Chairman to execute contract and any other necessary documents."

Mr. Quicke read the following public hearing notice:

In accordance with Section 15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to Section 15.2-1800 of the Code of Virginia, 1950 as amended, the Richmond County Board of Supervisors hereby gives notice that a Public Hearing will be held starting at 1:00 p.m., Thursday, June 13, 2019 in Richmond County Public Meeting Room, 101 Court Circle, Warsaw, VA 22572. The purpose of the Public Hearing is to consider the proposed sale of a portion of Tax Map No. 17-33D, consisting of 41 acres, more or less.

Mr. Quicke noted a contract has been done with Peel Dillard to do the plat for this parcel. Mr. Quicke mentioned this parcel will be 21 acres, more or less, in open space and 21 acres in wooded space.

Mr. Quicke mentioned the property was offered to Mr. Lamb at $160,000, and Mr. Lamb has verbally accepted.

Chairman Sanders opened the floor to public comment.

Chairman Sanders closed the public comment.

"On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; J. David Parr – aye; Robert B. Pemberton – aye: to approve the offer for purchase of 41 acres +/- at $160,000 to Mr. Charles Lamb of Belle Ville, LLC, and authorizing the County Administrator and Chairman to execute the contract and any other necessary documents."

**ADJOURNMENT**

After no further business, Chairman Sanders adjourned the meeting.

Chairman Sanders, Chairman
Richmond County Board of Supervisors
COUNTY OF RICHMOND, VIRGINIA

A RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO $2,750,000 PRINCIPAL AMOUNT OF A REVENUE ANTICIPATION NOTE OF THE COUNTY OF RICHMOND, VIRGINIA, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

Adopted June 13, 2019
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Be it Resolved by the Board of County Supervisors of the County of Richmond, Virginia:

Section 1 - Definitions  Unless the context shall clearly indicate some other meaning, the following words and terms shall for all purposes of the Resolution and of any certificate, resolution or other instrument amendatory thereof or supplemental thereto for all purposes of any opinion or instrument or other documents therein or herein mentioned, have the following messages:

“Act” shall mean the Public Finance Act, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended.

“Board” shall mean the County Board of Supervisors.

“Bond Counsel” shall mean Sands Anderson PC or another attorney or firm of attorneys nationally recognized on the subject of municipal bonds selected by the County.

“Business Day” shall mean any Monday, Tuesday, Wednesday, Thursday or Friday on which commercial banks generally are open for business in the Commonwealth of Virginia.

“Chairman” or “Chair” shall mean the Chairman or Vice Chairman of the Board.

“Clerk” shall mean the Clerk of the Board.

“Closing Date” shall mean the date on which the Note is issued and delivered to the Noteholder.

“Code” shall mean the Internal Revenue Code of 1986, as amended, and applicable regulations, procedures and rulings thereunder.

“Commonwealth” shall mean the Commonwealth of Virginia.

“County” shall mean the County of Richmond, Virginia.

“Interest Account” shall mean the Interest Account in the Note Fund established by Section 6.

“Interest Payment Date” shall mean January 1, 2020 and June 30, 2020, the Maturity Date.

“Maturity Date” shall mean June 30, 2020.

“Note Fund” shall mean the Note Fund established by Section 6.

“Note or Notes” shall mean the revenue anticipation note of the County, Series 2019, in the aggregate principal amount of up to $2,750,000 authorized to be issued hereunder.

“Note Period” shall mean the period beginning on the Closing Date and ending on the 30th day of June, 2020.
“Noteholder” or “Holder” shall mean First-Citizens Bank & Trust Company, as registered owner of the Note.

“Outstanding” when used in reference to the Note shall mean, as of a particular date, the Note authenticated and delivered under this Resolution except:

(i) any Note cancelled by the County at or before such date;

(ii) any Note for the payment of which cash equal to the principal amount thereof, with interest to the date of maturity, shall have been deposited with the Paying Agent prior to maturity;

(iii) any Note for the redemption or purchase of which cash or noncallable direct obligations of the United States of America, equal to the redemption or purchase price thereof to the redemption or purchase date, shall have been deposited with the Paying Agent, for which notice of redemption or purchase shall have been given in accordance with the Resolution;

(iv) any Note in lieu of, or in substitution for, which another Note shall have been authenticated and delivered pursuant to this Resolution; and

(v) any Note deemed paid under the provisions of Section 9, except that any such Note shall be considered Outstanding until the maturity or redemption date thereof only for the purposes of actually being paid.

“Paying Agent” shall mean the County Treasurer acting as Paying Agent hereunder as designated and authorized under Section 3 or its successors or assigns serving as such hereunder.

“Principal Account” shall mean the Principal Account in the Note Fund established by Section 6.

“Proceeds Fund” shall mean the Proceeds Fund established by Section 4.

“Registrar” shall mean the Paying Agent, or its successors or assigns serving as such hereunder.

Section 2 - Findings and Determinations

The Board hereby finds and determines that (i) the County is in need of funds to meet appropriations made for the current fiscal year which begins on July 1, 2019 in anticipation of the collection of tax and other revenues during the same fiscal year, to be paid for by such revenues (ii) the obtaining of such funds will be for the welfare of citizens of the County for purposes which will serve the County and its citizens, (iii) the most effective and efficient manner in which to provide such funds to the County is by a revenue anticipation note issued by the County to be sold to the Noteholder and (iv) the issuance of the Note is in the best interests of the County and its citizens.
Section 3 - Authorization, Form and Details of the Note

There is hereby authorized to be issued a revenue anticipation note of the County in the aggregate principal amount of up to $2,750,000. The Note authorized herein shall be designated “Revenue Anticipation Note, Series 2019,” shall be issuable as a fully registered note, without coupons, in denominations of $5,000 or any whole multiple thereof, shall be dated the Closing Date, shall be numbered R-1 upwards, shall bear interest payable on each Interest Payment Date and on the Maturity Date at a rate per annum not to exceed 2.36% and the Note shall mature on the Maturity Date. The Note may be prepaid, without penalty, in whole at any time or in part on an Interest Payment Date upon 10 days notice to the Noteholder.

The Note is hereby authorized to be issued under the Act. The Note shall bear interest from the date on which it is authenticated. Interest on the Note shall be computed on an accrual basis of actual days elapsed over a 30-day month/360-day year.

Principal of, premium, if any, and interest on, the Note shall be payable in lawful money of the United States of America. Interest on the Note shall be payable on an Interest Payment Date by check or draft from the County to the Holder of the Note at its address as it appears on the registration books kept by the Registrar as of the 10th day of the month immediately preceding an Interest Payment Date and on the Maturity Date. Principal of the Note shall be payable at the principal office of the Paying Agent upon presentation and surrender of the Note on the Maturity Date. Upon written request in form satisfactory to the County and the Registrar, signature guaranteed, by the registered Holder of at least $500,000 aggregate principal amount of Note and upon receipt of such Note by the County, principal and/or interest shall be payable by wire transfer in immediately available funds.

The Note shall be printed, lithographed or typewritten and shall be substantially in the form hereinbelow set forth, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution, including such variations, insertions and omissions as shall be necessary to issue the Note under a system of book-entry for recording the ownership and transfer of ownership of rights to receive payments of principal of and interest on the Note and may have endorsed thereon such legends 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.

If any principal of, or interest on, the Note is not paid when due (whether at maturity, by acceleration or call for redemption, or otherwise), then, to the extent permitted by law, the overdue installments of principal shall bear interest until paid at the same rate as set forth in such Note.

The Note shall be signed by the facsimile or manual signature of the Chairman. The facsimile of the County seal shall be printed thereon or manually impressed thereon and attested by the facsimile or manual signature of the Clerk. In case any officer whose signature or facsimile of whose signature shall appear on any Note shall cease to be such officer before delivery of the Note, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he remained in office until such delivery.

The Note shall bear a certificate of authentication, in the form set forth below, duly executed by the Registrar. The Registrar shall authenticate each Note with the signature of an authorized officer of the Registrar, but it shall not be necessary for the same officer to authenticate
all of the Notes. Only such authenticated Note shall be entitled to any right or benefit under this Resolution, and such certificate on any Note issued hereunder shall be conclusive evidence that the Note has been duly issued and is secured by the provisions hereof.

The Paying Agent shall act as Registrar and shall maintain Registration Books for the registration and the registration of transfer of the Note. The County Treasurer is hereby designated and authorized to act as Paying Agent and Registrar hereunder. The transfer of any Note may be registered only on the books kept for the registration and registration of transfer of the Note upon surrender thereof to the Registrar together with an assignment duly executed by the registered holder in person or by his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar. Upon any such transfer, the County shall execute and the Registrar shall authenticate and deliver, in exchange of such Note, a new registered Note registered in the name of the transferee of the same series, maturity and interest rate as the Note so exchanged in any denomination or denominations authorized by this Resolution.

The Registrar shall not be required to make any such registration or registration of transfer during the ten (10) days immediately preceding an Interest Payment Date, the Maturity Date or a redemption date. Prior to due presentment for registration of transfer for any Note, the Registrar shall treat the registered holder as the person exclusively entitled to payment of principal of, premium, if any, and interest on, such Note and the exercise of all other rights and powers of the Holder.

If any Note has been mutilated, lost or destroyed, the County shall execute and the Registrar shall authenticate and deliver a new Note of like date and tenor in exchange or substitution for, and upon cancellation of, such mutilated Note or in lieu of and in substitution for such lost or destroyed Note; provided, however, that the County and the Registrar shall execute, authenticate and deliver such Note only if the Holder has paid the reasonable expenses and charges of the County and the Registrar in connection therewith and, in the case of a lost or destroyed Note, has furnished to the County and the Registrar (a) evidence satisfactory to them that such Note was lost or destroyed and the Holder was the Owner thereof and (b) indemnity satisfactory to them. If any Note has matured, instead of issuing a new Note, the Registrar may pay the same without surrender thereof upon receipt of the aforesaid evidence and indemnity.

Any Note which has been paid (whether at maturity, by acceleration or otherwise) or delivered to the Paying Agent for cancellation shall not be reissued and the Registrar shall, unless otherwise directed by the County, cremate, shred or otherwise dispose of such Note. The Registrar shall deliver to the County a certificate of any such cremation, shredding or other disposition of any Note.

CUSIP identification numbers may be printed on the Note, but such numbers shall not be deemed to be a part of the Note or a part of the contract evidenced thereby and no liability shall hereafter attach to the County or any of the officers or agents thereof because or on account of said CUSIP numbers.

The Note, the Certificate of Authentication and the provision for the assignment to be inserted in the Note shall be substantially in the following forms, to-wit:
“FORM OF NOTE”

No. N-1

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA, COUNTY OF RICHMOND

REVENUE ANTICIPATION NOTE, SERIES 2019

Dated: July __, 2019
Maturity Date: June 30, 2020

Registered Holder: First-Citizens Bank & Trust Company

Principal Sum: UP TO TWO MILLION SEVEN HUNDRED FIFTY THOUSAND AND
00/100 DOLLARS ($2,750,000)

Interest Rate: 2.36%

KNOW ALL MEN BY THESE PRESENTS, that the County of Richmond, Virginia
(hereinafter sometimes referred to as the “County”), a county of the Commonwealth of
Virginia, for value received hereby promises to pay to the registered holder (named above), or
assigns, on the Maturity Date (specified above), subject to prior redemption as hereinafter provided
the Principal Sum advanced hereunder (specified above) upon presentation and surrender of this
Note at the principal corporate office of the Richmond County Treasurer, Warsaw, Virginia, (the
“Paying Agent”), and to pay interest on said Principal Sum, from the date of authentication hereof
on the Interest Payment Dates (January 1, 2020 and June 30, 2020) and on the Maturity Date, at the
rate per annum (specified above).

Both principal of, premium, if any, and interest on, this Note are payable in any coin or
currency of the United States of America which at the time of payment is legal tender for public and
private debts.

No registration, transfer or exchange of this Note shall be permitted within ten (10) days of
an Interest Payment Date, the Maturity Date or the date of redemption of this Note.

This Note is an authorized series in the aggregate principal amount of up to $2,750,000 of
like date and tenor herewith, except for number and denomination and is issued under and pursuant
to and in compliance with the Constitution and laws of the Commonwealth of Virginia, including
Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended, the same being the Public
Finance Act, and the resolution duly adopted under said Chapter by the Board of Supervisors of the
County on June 13, 2019 (the “Resolution”).

This Note shall bear interest from the date on which this Note is authenticated. Interest on
this Note shall be computed on an accrual basis of actual days elapsed over a 30-day month/360-
day year. This Note may be prepaid, without penalty, in whole at any time, or in part, on any
Interest Payment Date upon 10 days notice to the Noteholder.
This Note is transferable only upon the registration books kept at the office of the Registrar by the registered holder hereof, or by his duly authorized attorney, upon surrender of this Note (together with a written instrument of transfer, satisfactory in form to the Registrar, duly executed by the registered holder or his duly authorized attorney, which may be the form endorsed hereon) and subject to the limitations and upon payment of the charges, if any, as provided in the Resolution, and thereupon as provided in the Resolution a new Note or Notes, in the aggregate principal amount and in the authorized denominations and of the same series, interest rate and maturity as the Note surrendered, shall be issued in exchange therefor. The County and the Registrar shall deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon and for all other purposes whatsoever.

THIS NOTE AND THE ISSUE OF WHICH THIS IS ONE IS A GENERAL OBLIGATION OF THE COUNTY FOR THE PAYMENT OF WHICH THE COUNTY’S FULL FAITH AND CREDIT ARE IRREVOCABLY PLEDGED. THE COUNTY BOARD OF SUPERVISORS IS AUTHORIZED AND REQUIRED TO LEVY AND COLLECT ANNUALLY AT THE SAME TIME AND IN THE SAME MANNER AS OTHER TAXES OF THE COUNTY ARE ASSESSED, LEVIED AND COLLECTED, A TAX UPON ALL TAXABLE PROPERTY WITHIN THE COUNTY, OVER AND ABOVE ALL OTHER TAXES AUTHORIZED OR LIMITED BY LAW AND WITHOUT LIMITATION AS TO RATE OR AMOUNT, SUFFICIENT TO PAY WHEN DUE THE PRINCIPAL OF AND PREMIUM, IF ANY, AND INTEREST ON THE NOTE, TO THE EXTENT OTHER FUNDS OF THE COUNTY ARE NOT LAWFULLY AVAILABLE AND APPROPRIATED FOR SUCH PURPOSE.

Reference is hereby made to the Resolution and to all of the provisions thereof to which any holder of this Note by his acceptance hereof hereby assents, for definitions of terms; the description of and nature and extent of the security for the Note; the conditions upon which the Resolution may be amended or supplemented without the consent of the holder of any Note and upon which it may be amended only with the consent of the holder of the Note affected thereby; the rights and remedies of the holder hereof with respect hereto; the rights, duties and obligations of the County; the provisions discharging the Resolution as to this Note and for the other terms and provisions of the Resolution.

This Note shall not be valid or obligatory for any purpose unless the certificate of authentication hereon has been duly executed by the Registrar and the date of authentication inserted hereon.

It is hereby certified, recited and declared that all acts, conditions and things required to have happened, to exist and to have been performed precedent to and in the issuance of this Note and the series of which it is a part, do exist, have happened and have been performed in regular and due time, form and manner as required by law; that the series of which this Note is a part does not exceed any constitutional, statutory or charter limitation of indebtedness; and that provision has been made for the payment of the principal of, and interest on, this Note and the series of which it is a part, as provided in the Resolution.
IN WITNESS WHEREOF, the County of Richmond, Virginia, by its Board of Supervisors has caused this Note to be signed by the Chairman and attested by the Clerk of said Board, by their manual or facsimile signatures, and its seal to be impressed or imprinted hereon, and this Note to be dated as set forth above.

(SEAL)

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

Chairman of the Board of Supervisors of the County of Richmond, Virginia

CERTIFICATE OF AUTHENTICATION

This Note is the Note described in the within-mentioned Resolution.

REGISTRAR - RICHMOND COUNTY TREASURER

By: ______________________________
Richmond County Treasurer

DATE OF AUTHENTICATION:

July __, 2019
[FORM OF ASSIGNMENT]

For value received, the undersigned hereby sells, assigns, and transfers unto

__________________________________________

Please insert social security number or other tax identification number of assignee:
[__________________________]

Name and address of assignee, including zip code: __________________________ the within
mentioned Note and hereby irrevocably constitutes and appoints ______________________ attorney-in-
fact, to transfer the same on the registration books thereof maintained in the office of the within-
mentioned Registrar with the full power of substitution in the premises.

DATED: __________________________

NOTE: The signature to this assignment must correspond with the name of the registered holder
that is written on the face of the within Note in every particular, without alteration or enlargement
or any change whatsoever.

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed by a member
firm of the New York Stock Exchange or a commercial
bank or trust company.

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Section 4 - Creation of Proceeds Fund

There is hereby established a trust fund to be designated the “Proceeds Fund - Richmond County Revenue Anticipation Note, Series 2019.”

Section 5 - Payments into Proceeds Fund

All funds received from the proceeds of the sale of the Note less costs of issuance shall be deposited into the Proceeds Fund to be used in the manner provided in Section 2.

Section 6 - Creation of Note Fund

There is hereby established a trust fund to be designated the “Note Fund - Richmond County Revenue Anticipation Note, Series 2019” in which Note Fund there is hereby established an Interest Account and a Principal Account. As and when received, monies shall be deposited into the Note Fund, and payments from the Note Fund shall be made as follows:

(a) to the Interest Account in the Note Fund subject to credit, if any, for proceeds of the Note deposited therein on, on each Interest Payment Date and the 30th day of June, 2020, an amount equal to the amount of interest that will become due on the Note on the Interest Payment Date and the Maturity Date; and

(b) to the Principal Account in the Note Fund on the 30th day of June, 2020, an amount equal to the principal that is required to be deposited into the Principal Account in order to pay the principal due on the Note on the Maturity Date.

Section 7 - Accounts Within Funds

Any fund or account created by this Resolution may contain such accounts or subaccounts as may be necessary for the orderly administration thereof.

Section 8 - Investment of Funds

(a) The County shall separately invest and reinvest any monies held in the funds established by this Resolution in investments which would mature in amounts and at times so that the principal of, premium, if any, and interest on, the Note can be paid when due.

(b) Permissible investments include investments in securities that are legal investments under Chapter 45 of Title 2.2 of the Code of Virginia of 1950, as amended (Section 2.2-4500 et seq.) and which are otherwise in compliance with Section 15.2-2625 of the Act.

Section 9 - Defeasance

The obligations of the County under this Resolution and covenants of the County provided for herein shall be fully discharged and satisfied as to any Note and such Note shall no longer be deemed to be Outstanding thereunder when such Note shall have been purchased by the County and cancelled or destroyed, when the payment of principal of such Note, plus interest on such principal to the due date thereof either (a) shall have been made or (b) shall have been provided for by irrevocably depositing with the Paying Agent for such Note, money sufficient to make such payment, or direct and general obligations of, or obligations the principal of, and interest on, which
are guaranteed by, the United States of America, maturing in such amounts and at such times as will insure the availability of sufficient monies to make such payment.

Section 10 - General Obligation

The Board, in accordance with Section 15.2-2624 of the Act, is hereafter authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the County are assessed, levied and collected, a tax upon all taxable property within the County, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any and interest on the Note, to the extent other funds of the County are not lawfully available and appropriated for such purpose.

Section 11 - Event of Default

Each of the following shall constitute an event of default hereunder:

(a) The failure to pay the principal of, and premium, if any, on, the Note when due;

(b) Failure to pay interest on the Note when due;

(c) Failure of the County to perform any other covenant or agreement contained in this Resolution, which failure shall have continued for 60 days after the notice thereof from the Holders of not less than twenty percent (20%) of the Note Outstanding; provided, however, that if any such failure shall be such that it cannot be cured or corrected within a 60-day period but is, in fact, susceptible of cure or correction, it shall not constitute an Event of Default if curative or corrective action is instituted within said period and diligently pursued until the failure of performance is cured or corrected;

(d) The instituting of any proceeding with the consent of the County for the purpose of effecting composition between the County and its creditors or for the purpose of adjusting the claims of creditors pursuant to any federal or state statute; or

(e) If the County for any reason shall be rendered incapable of fulfilling its obligations under this Resolution.

Upon the occurrence of an Event of Default, the Holders of not less than twenty-five percent (25%) in principal amount of the Note then Outstanding may declare the principal of all of the Outstanding Note and all accrued and unpaid interest thereon to be due and payable immediately. This provision is subject to the condition that if, at any time after such declaration and before any such further action has been taken, all arrears of interest on, and principal of, the Note shall have been paid and all other Events of Default, if any, which shall have occurred have been remedied, then the Holders of such majority in principal amount of the Outstanding Note may waive such default and annul such declaration.

If an Event of Default shall have occurred and be continuing, then the Holders of not less than twenty-five percent (25%) in principal amount of the Note then Outstanding may call a meeting of the Holders of the Note for the purpose of selecting a Noteholders’ committee (the “Noteholders Committee”). At such meeting the Holders of not less than a majority in principal
amount of the Outstanding Note must be present in person or by proxy in order to constitute a quorum for the transaction of business. A quorum being present at such meeting, the Noteholders present may, by a majority of the votes cast, elect one or more persons who may or may not be Noteholders to the Noteholders’ Committee. The Noteholders’ Committee is empowered to exercise, as trustee for the Noteholders, all the rights and powers conferred on any Noteholder in the Resolution.

In case an Event of Default shall occur, subject to the provisions referred to in the preceding paragraph, the Holder of any Outstanding Note shall have the right for the benefit of all Holders of the Note, to protect the rights vested in such Holders by the Resolution by such appropriate judicial proceeding as such Holders shall determine either by suit in equity or by action at law.

Section 12 - Enforcement by Noteholder

Any Holder of a Note may by mandamus or other appropriate proceeding at law or in equity in any court of competent jurisdiction, enforce and compel performance of this Resolution and every provision and covenant thereof, including without limiting the generality of the foregoing, the enforcement of the performance of all obligations and duties and requirements to be done or performed by the County by the Resolution by the applicable laws of the Commonwealth.

Section 13 - Modification of Note Resolution

The County may without the consent of any Noteholder make any modification or amendment of this Resolution required to cure any ambiguity or error herein contained or to make any amendments hereto or to grant to the Noteholders additional rights.

The Holders of not less than sixty-six and two-thirds percent (66-2/3%) in principal amount of the Outstanding Note shall have the power to authorize any modifications to this Resolution proposed by the County other than as permitted above; provided that without the consent of the Holder of each Note affected thereby, no modifications shall be made which will (a) extend the time of payment of principal of, or interest on, any Note or reduce the principal amount thereof or the rate of interest thereon; (b) give to any Note any preference over any other Note secured equally and ratably therewith; (c) deprive any Noteholder of the security afforded by this Resolution, or (d) reduce the percentage in principal amount of the Note required to authorize any modification to the Resolution.

Section 14 - Application of Proceeds; Sale of Note

Proceeds derived from the sale of the Note together with other monies available therefor shall be used to pay the costs of issuance and other expenses of the County relating to the issuance of the Note and thereafter any remaining funds to be deposited in the Proceeds Fund shall be used for the purposes specified in Section 2 of this Resolution, and otherwise used in accordance with the provisions of this Resolution.

Section 15 - No Arbitrage Covenant and Covenant as to the Code

The County hereby covenants that it will not use or invest, or permit the use or investment of any proceeds of the Note, in a manner that would cause the Note to be subjected to treatment under Section 148 of the Code and the regulations adopted thereunder as an “arbitrage bond,” and to that end the County shall comply with applicable regulations adopted under said Section 148 of
the Code.

The County covenants to comply with the Code provisions requiring that any issuance of "governmental bonds," as defined therein, be subject to certain requirements as to rebate and timing and type of payments to be paid for from the proceeds of such Note, as well as other additional requirements. In order to assure compliance with such Code provisions, the County has entered into a Compliance Certificate, to comply with such requirements and covenants therein that it will not breach the terms thereof. The Board intends for the Note to be treated as complying with the provisions of Section 148(f)(4)(D) of the Code and Section 1.148-8 of the U.S. Treasury Regulations thereunder, which provides an exception from the "rebate requirement," since this Note issue (1) is issued by the County which is a governmental unit with general taxing powers, (2) no Note which is a part of this issue is a private activity bond, (3) 95% or more of the net proceeds of this issue are to be used for local governmental activities of the County, and (4) the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the County during the calendar year 2019 (and bonds issued by any subordinate entity of the County) is not reasonably expected to exceed $5,000,000 increased by the lesser of $10,000,000 or so much as are attributable to the financing of the construction of public school facilities within the meaning of Section 148(f)(D)(vii) of the Code.

The Board of Supervisors, on behalf of the County, hereby designates the Note as a "qualified tax-exempt obligation" as defined in Section 265(b)(3)(B) of the Code and certifies by this Resolution that it does not reasonably anticipate the issuance by it or its subordinate entities of more than $10 million in "qualified tax-exempt obligations" during the calendar year 2019 and will not designate, or permit the designation by any of its subordinate entities of, any of its bonds (or those of its subordinate entities) during the calendar year 2019 which would cause the $10 million limitation of Section 265(b)(3)(D) of the Code to be violated.

Section 16 - General Covenants

The County agrees to make all payments of principal and interest on the Note in a timely manner.

Section 17 - Further Actions Authorized

The Chairman and Clerk of the Board and the County Treasurer and all other officers and employees of the County are hereby authorized and directed to take any and all such further action as shall be deemed necessary or desirable in order to effectuate delivery of, and payment for, the Note, including, but not limited to modifications in the dates of payment of interest and maturity, the final interest rate, redemption terms and related issues.

Section 18 - Invalidity of Sections

If any section, paragraph, clause or provision of this Resolution shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this Resolution.

Section 19 - Headings of Sections, Table of Contents

The headings of the sections of this Resolution and the Table of Contents appended hereto or to copies hereof shall be solely for convenience of reference and shall not affect the meaning,
construction, interpretation or effect of such sections of this Resolution.

**Section 20 - Effectiveness and Filing of Resolution**

This resolution shall become effective upon its passage. A certified copy of this Resolution shall be filed by the Clerk with the Clerk of the Circuit Court of the County of Richmond, Virginia in accordance with Section 15.2-2607 of the Act.
The Members of the Board voted at its regular meeting on June 13th, 2019 during an open meeting as follows:

**Ayes**

**Nays**

**Absent:**

**Abstentions**

A Copy Teste:

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Clerk, Board of Supervisors of the County of Richmond, Virginia
RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF RICHMOND, VIRGINIA

WHEREAS, the Board of Supervisors (the “Board of Supervisors”) of the County of Richmond, Virginia (the “County”) directed Davenport & Company LLC (the “Financial Advisor”) to prepare a Request for Proposals (the “RFP”) to obtain financing proposals to finance a portion of the costs of the acquisition and improvement of real estate by the County for economic development purposes (the “Project”) to be located in the County;

WHEREAS, the Financial Advisor reviewed responses to the RFP for the financing of the Project and along with the County’s Bond Counsel, Sands Anderson PC, Richmond, Virginia (“Bond Counsel”) and the County Administrator recommends to the Board of Supervisors acceptance of the proposal (the “Proposal”) from UBT Municipal Finance, Inc., a wholly owned subsidiary of Atlantic Union Bank (the “Lender”) for such financing with a fixed interest rate of not to exceed 3.05%, with an amortization of approximately 10 years from the date of issuance and subject to such other terms as set forth therein;

WHEREAS, the Board of Supervisors now requests the Industrial Development Authority of Richmond County, Virginia (the “Authority”) to issue, offer and sell its lease revenue bond in an amount not to exceed $750,000 (the “Bond”) to (a) provide for the financing of a portion of the cost of the Project, including cost of issuing the Bond, (b) lease the County animal shelter property (the “Leased Property”) from the County for an approximately fifteen year term under a ground lease, and in turn, lease the Leased Property to the County for a term not to exceed the term of the Bond under a lease agreement with the Authority and, (c) secure the Bond by an assignment of its rights under such lease agreement (except the right to receive indemnification, to receive notices and to give consents and to receive its administrative expenses) and ground lease under an assignment agreement, which is to be acknowledged and consented to by the Lender and the County, all in accordance with a bond purchase agreement;

WHEREAS, there have been presented to this meeting drafts of the following documents (collectively, the “Documents”) in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

a. a Ground Lease, dated as of July 1, 2019, between the County and the Authority conveying to the Authority a leasehold interest in the Leased Property described therein (the “Ground Lease”);

b. a Lease Agreement, dated as of July 1, 2019, between the Authority and the County (the “Lease Agreement”) conveying to the County a leasehold interest in such Leased Property;

c. a Bond Purchase Agreement, dated as of July 1, 2019 among the Authority, the County and the Lender, pursuant to which the Bond is to be issued (the “Bond Purchase Agreement”);

d. an Assignment Agreement, dated as of July 1, 2019 between the Authority and the Lender, assigning to the Lender certain of the Authority’s rights under the Lease Agreement and the Ground Lease, which is to be acknowledged and
consented to by the County (the “Assignment Agreement”);

e. a Specimen Bond.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Richmond, Virginia:

1. All costs and expenses in connection with the undertaking of the cost of the Project, and the issuance of the Bond, including the Authority’s expenses, the fees and expenses of the County, and the fees and expenses of Bond Counsel, the County Attorney, the Financial Advisor and the Lender, and other fees and expenses related thereto, for the sale of the Bond, shall be paid from the proceeds therefrom or other 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 and that the Authority shall have no responsibility therefor.

2. The Board of Supervisors hereby instructs the Financial Advisor and Bond Counsel to take all such action as necessary or appropriate to conclude the purchase of the Bond by the Lender.

3. The following plan for financing a portion of the cost of the Project is approved. The Authority shall use the proceeds from the issuance of the Bond to provide for the financing on behalf of the County of a portion of the cost of the Project and to lease the Leased Property from the County for a lease term of approximately fifteen years and to lease the Leased Property to the County for a lease term not less than the term of the Bond at a rent sufficient to pay when due the interest and principal on the Bond. The obligation of the Authority to pay principal and interest on the Bond will be limited to rent payments received from the County under the Lease Agreement. The obligation of the County to pay rent under the Lease Agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose. The Board of Supervisors on behalf of the County has adopted this resolution as its moral obligation to the repayment of the Bond. The Bond will be secured by an Assignment Agreement to the Lender as the holder thereof. If the Board of Supervisors exercises its right not to appropriate money for rent payments, the Lender may terminate the Lease Agreement or otherwise exclude the County from possession of the Leased Property. The issuance of the Bond on the terms set forth in a Bond Purchase Agreement is hereby approved.

4. The Board of Supervisors hereby approves the Documents and the form of the Bond in the principal amount of up to $750,000, with a fixed interest rate not to exceed 3.05%, for an amortization of approximately 10 years from its date of issuance, subject to other terms as set forth therein with such changes, including but not limited to changes in the amounts, dates, payment dates and rates as may be approved by the officer executing them whose signatures shall be conclusive evidence of his or her approval of the same. The County Administrator or Chairman or Vice Chairman is hereby authorized to determine the final terms of the Bond, including, but not limited to the principal amount, maturity and amortization, payment dates and prepayment provisions, whose determination shall be conclusive, as evidenced by his or her execution of such Bond.
5. The Chairman or Vice Chairman of the Board of Supervisors, or either of them, and the County Administrator and Clerk of the Board of Supervisors are each hereby authorized and directed to execute the Documents and such other instruments and documents as are necessary to create and perfect a complete assignment of the rents and profits due or to become due in favor of the Lender, to issue the Bond, to finance the Project and to lease the Leased Property.

6. The County represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or otherwise cause the interest on the Bond to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the Authority or the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds from the sale of the Bond.

7. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

8. All other acts of the officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Bond and the undertaking of the financing of the Project, are hereby approved and ratified.

9. The County by acceptance of this financing agrees to indemnify, defend and save harmless, to the extent permitted by law, the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the Authority, the issuance of the Bond or the lease of the Leased Property.

10. Nothing in this Resolution, the Bond or any documents executed or delivered in relation thereto shall constitute a debt or a pledge of the faith and credit of the Authority or the County, and the Authority shall not be obligated to make any payments under the Bond or the Documents except from payments made by or on behalf of the County under the Lease Agreement pursuant to annual appropriation thereof in accordance with applicable law.

11. The County hereby designates, and allocates to the Authority in relation to the issuance of the Bond, such designation as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code. The County does not reasonably anticipate (nor do any of its subordinate entities reasonably anticipate) issuing more than $10,000,000 in qualified tax exempt obligations during calendar year 2019 for the benefit of the County and the County (and any of its subordinate entities) will not designate more than $10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code during such calendar year.

12. The Board of Supervisors on behalf of the County hereby designates to the Bond the “small issuer exception” to the rebate requirements of Section 148(f)(2) and (3) of the
Code pursuant to Section 148(f)(D)(vii) of the Code, as the Authority is a subordinate entity of the County under Section 148(f)(4)(D) of the Code and the County is a governmental unit with general taxing powers, no bond which is a part of the Bond will be a private activity bond, 95% or more of the net proceeds of the Bond are to be used for local governmental activities of the County, and the aggregate face amount of all tax-exempt bonds, excluding private activity bonds to be issued by the County and the Authority during the calendar year 2019 is not reasonably expected to exceed $5,000,000 increased by the lesser of $10,000,000 or so much of the aggregate face amount of the Bond as is attributable to financing the construction of public school facilities within the meaning of Section 148(f)(D)(vii). The Board of Supervisors on behalf of the County hereby allocates to the Authority a portion of its small issuer exemption limitation in the amount of the Bond for the calendar year 2019 to the Bond for purposes of Section 148(f)(4)(D) of the Code.

13. The Board of Supervisors hereby consents to Sands Anderson PC, serving as Bond Counsel, Authority Counsel, and as County Attorney and recommends such firm be appointed by the Authority as such.

14. This resolution shall take effect immediately.

ADOPTED THIS 13th DAY OF JUNE, 2019.
CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the Board of Supervisors of the County of Richmond, Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on June 13, 2019, by the Board of Supervisors with the following votes:

Aye:

Absent:

Nay:

Abstentions:

Signed this ___ day of June, 2019.

By: ___________________________
   Clerk, Board of Supervisors