

Agenda
Board of Supervisors
Isle of Wight County
August 3, 2023

1. Call to Order (6:00 P.M.)
2. Approval of Agenda
3. Invocation – Supervisor R. L. Dick Grice
4. Public Hearings
 - A. Nike Park Road Extended
Authorization of Nike Park Road Extension Project
Condemnation
 - B. Heritage Park Non-Exclusive Utility Easement
Consideration of Granting a Non-Exclusive Utility Easement
on County Owned Land at Heritage Park to Cellco
Partnership d/b/a Verizon Wireless
5. County Administrator's Report
 - A. 2023 VOPEX
Update/Presentation re: 2023 Virginia Operations Plan
Exercise
6. Unfinished / Old Business
 - A. Carver Solar Energy Generation Facility Conditional Use
Permit Request
Reconsideration of Carver Solar Energy Generation Facility
Conditional Use Permit Request
 - B. Appointments
Appointment of Individuals to the Board of Zoning Appeals

and Board of Equalization

7. New Business

A. Vehicle Lease Purchase Agreement

Resolution to Execute a Master Lease Purchase Agreement
for the Purchase of New Vehicles

8. Adjournment

ISSUE:

Authorization of Nike Park Road Extension Project Condemnation

BACKGROUND:

The Nike Park Road Extension Project is to construct approximately one (1) mile of new, two laned collector roadway providing a connection between Reynolds Drive and US Route 17 (Carrollton Boulevard) as well as a 10' multiuse path running parallel to the new roadway. This project will create a more direct, safe, and continuous secondary network connection from Smithfield to Route 17, parallel to Brewer's Neck Blvd to support current and future growth in the Town of Smithfield and Newport Development Service District areas.

The project was initiated based on the Brewer's Neck Corridor Study that was done in 2014. The Study recommended additional alternative network connections between Smithfield and Route 17 for safety and congestion mitigation. The County applied for and received a Round 1 SMARTSCALE grant (previously "HB2 grant") in 2017 to move the project forward. The County has continued to collaborate with VDOT's Hampton Roads District Office to move construction of the project forward and ensure that the \$14 million in state grant funds set aside for the project are not de-allocated.

BUDGETARY IMPACT:

Failure to meet the current schedule for right-of-way acquisition could impact the cost and schedule for utility relocations which are to immediately follow property acquisition.

Failure to proceed with the development of this project as a whole will result in the deallocation of approximately \$14M (total) in state grant funds, and the total loss if currently expended funds (approximately \$4M to-date). Project cancellation could also have a negative impact on future State grant applications made by the County through the State's "progress performance measures" program.

RECOMMENDATION:

Following the public hearing, adopt a motion to approve the resolution to authorize initiation of condemnation proceedings and use of "quick take" procedures for acquisition of property and interests in property for the Nike Park Road Extension Project.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	7/19/2023

Resolution to Authorize Initiation of Condemnation Proceedings and Use of “Quick Take” Procedures for Acquisition of Property and Interests in Property for the Nike Park Road Extension Project, State Project Number: 0069-046-682, RW201, Federal Project Number: STP-58B3 (052), Isle of Wight County, UPC: 109314

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia (the “Board”), on November 18, 2021 adopted a resolution to cost share and participate in the design and construction of the Nike Park Road Extension (the “Project”) and directed staff and the County Attorney to begin the process of coordinating the acquisition of all necessary property interests, easements, and rights of way; and

WHEREAS, in order to accomplish the Project, it is necessary for Isle of Wight County to acquire the property and interests in property (the “Property and Easements”) shown and described on the following survey (the “Project Survey”):

Survey entitled “Commonwealth of Virginia, Department of Transportation, Plan and Profile of Proposed State Highway, County of Isle of Wight, Nike Park Road Extension, From: 0.0520 Miles North of Route 665 To: 0.0018 Miles West of Route 17”, a copy of which is attached hereto as Exhibit “A” and is incorporated herein by reference; and

WHEREAS, transportation facilities, including road construction and improvements and related easements and rights-of ways, when undertaken by a locality are inherently public uses as provided in Virginia Code § 15.2-1902 and, in accordance with Virginia Code §§ 15.2-1901 and 15.2-1901.1, Isle of Wight County is authorized to acquire real property and interests in real property for public use by exercise of the power of eminent domain; and

WHEREAS, in accordance with Virginia Code §§ 25.1-303, 25.1-204, and 25.1-417 title examinations of the Property and Easements have been conducted to identify the owners and the nature and extent of their interests; the amount of just compensation to be offered for the Property and Easements has been established by appraisal, or by basic administrative report where appraisal is not required and less than the entire parcel is to be acquired; and the appraisals and basic administrative reports have been approved by the County Administrator, who is the Isle of Wight County official responsible for the acquisition; and

WHEREAS, in accordance with Virginia Code §§ 25.1-303, 25.1-204, and 25.1-417(A)(1), Isle of Wight County has made a bona fide but as yet ineffectual effort to purchase, or consent cannot be obtained, from the owners of the Property and Easements listed on Exhibit “B” attached hereto and incorporated herein by reference (the “Outstanding Interests”); and

WHEREAS, in order to move forward with the Project as expeditiously as possible, it is necessary for Isle of Wight County to enter upon the Property and Easements as soon as practicable; and

WHEREAS, on August 3, 2023, following proper notice published according to law, the Board has held a public hearing pursuant to Va. Code §§ 15.2-1903(B), 15.2-1904(A), and 15.2-1905(C).

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board that:

- (1) All recitals set forth herein above are hereby incorporated as a part of this Resolution.
- (2) The Board declares that the Nike Park Road Extension Project will promote public safety and facilitate the safe movement of traffic and is a public use under Va. Code §§ 1-219.1 and 15.2-1902.
- (3) The Board hereby approves and re-approves the Nike Park Road Extension Project.
- (4) The Board hereby directs the acquisition of the Property and Easements for the Nike Park Road Extension Project by through the exercise of its power of eminent domain, provided, however, that nothing in the Resolution shall be construed as preventing the continued negotiation for the acquisition by purchase or other means of the property before the initiation of any such eminent domain proceedings.
- (5) The Board hereby declares and states that:
 - (i) it intends to enter and take the Outstanding Interests for the purposes of the Nike Park Road Extension Project;
 - (ii) the compensation and damages, if any, for the Outstanding Interests offered each property owner are set forth on Exhibit "B" attached hereto and incorporated herein by reference;
 - (iii) it is necessary to enter upon and take the Outstanding Interests prior to or during the condemnation proceedings for the purposes of the Nike Park Road Extension Project;
- (6) The Board hereby ratifies and approves the written offers of just compensation for purchase of the Property and Easements by Isle of Wight County previously delivered, or attempted to be delivered, to owner(s), including the factual basis for such offers and all exhibits thereto, and confirms that the acquisition of the Property and Easements complies with Virginia Code § 1219.1.
- (7) Randy R. Keaton, County Administrator of Isle of Wight County, Virginia, and Robert W. Jones, Jr., Isle of Wight County Attorney, are hereby authorized and directed to take and authorize the taking of such actions, and to execute such documents, on behalf of Isle of Wight County and/or the Board as may be necessary or appropriate to accomplish the acquisition of the Property and Easements and carry out the provisions of this resolution in accordance with applicable law, which may include but shall not be limited to instituting and conducting condemnation proceedings in the name of the Board in accordance with the "quick take" procedure set forth in Virginia Code § 25.1-300 et seq. and filing appropriate certificates of take in, and making appropriate payments into, the Circuit Court of Isle of Wight County, Virginia.

EXHIBIT B

Project: Nike Park Road Extension Improvements Project

Federal Project No.: STP-5A03(821)

State Project No: 0669-046-682, RW201

UPC: 109314

Parcel No(s): 006

Landowner(s): Wakirk Properties, LLC, a Virginia limited liability company

Property Address: 101.37 acres, more or less, Carrollton Boulevard, Carrollton, VA 23314

Easements to be Acquired

<u>Category</u>	<u>Description</u>	<u>Units</u>	<u>Size</u>	<u>Value</u>
Fee Simple Right of Way	Road	Square Feet	96,137	\$9,614
Permanent Easement	Slope/Drainage	Square Feet	76,666	\$4,983
Permanent Easement	Utility	Square Feet	6,770	\$ 339
Temporary Construction Easement	Construction	Square feet	9,391	\$ 188

As shown on Exhibit A - Plan Sheet No(s): 7, 8, 9, 10, and 11

TOTAL CONSIDERATION: \$15,124.00

Consideration Statement: \$15, 124.00 in full for land, permanent slope and drainage easements, permanent VDOT utility easement (Dominion Energy Virginia, Verizon South, Charter Communications, and Isle of Wight County water and sewer), temporary construction easements, and any and all damages, if any.

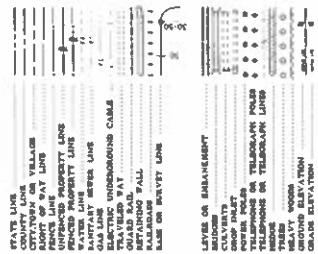
FOR INDEX OF SHEETS SEE SHEET 1B

THIS PROJECT WAS DEVELOPED UTILIZING THE DEPARTMENT'S ENGINEERING DESIGN PACKAGE (OpenRoads/GEOPAK).
OpenRoads/GEOPAK Computer Identification No. 103314.

RW PLANS

THESE PLANS ARE UNFINISHED AND UNAPPROVED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION.

CONVENTIONAL SIGNS



THE COMPLETE ELECTRONIC PDF VERSION OF THIS PROJECT HAS BEEN SEARED AND SAVED USING THE DEPARTMENT'S DIGITAL SIGNATURE AND THE OFFICIAL SEAL OF THE COMMONWEALTH OF VIRGINIA. THE PROJECT IS STORED IN THE VIRGINIA CENTRAL OFFICE PLAN LIBRARY, INCLUDING ALL SUBSEQUENT REVISIONS. WILL BE THE OFFICIAL RECORD OF THE PROJECT. THE PROJECT FILES AND LAYERED PLANS, SEE THE GENERAL NOTES.

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND TO CHANGES AS DEEMED NECESSARY BY THE DEPARTMENT.

THIS PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE DEPARTMENT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2013 EDITION, AND THE 2013 EDITION OF THE VIRGINIA STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2013 EDITION, AND THE 2013 EDITION OF THE VIRGINIA STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2013 EDITION.

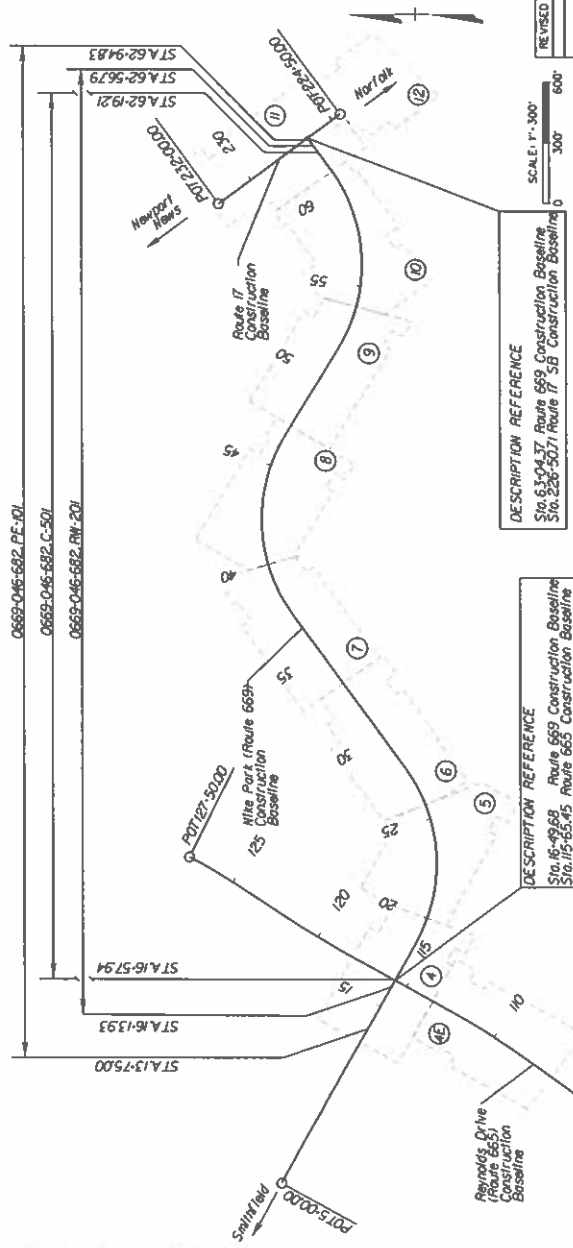
ALL CURVES ARE TO BE SUPERELEVATED, ACCORDANCE WITH STANDARD TC-5.11L, TC-5.11R APPLIES TO RT 665.

THE ORIGINAL APPROVED TITLE SHEETS, INCLUDING ORIGINAL SIGNATURES, ARE FILED IN THE VIRGINIA CENTRAL OFFICE PLAN LIBRARY, ANY MISUSE OF ELECTRONIC FILES, INCLUDING SCANNED SIGNATURES, IS PROHIBITED AND WILL BE CONSIDERED TO BE THE FULL EXTENT OF THE LAW.



PLAN AND PROFILE OF PROPOSED STATE HIGHWAY

COUNTY OF ISLE OF WIGHT
NIKE PARK ROAD EXTENSION
FROM: 0.0520 MILES NORTH OF ROUTE 665
TO: 0.0018 MILES WEST OF ROUTE 17



STATE PROJECT NO.	SECTION	FLORIDA AID PROJECT NO.	TYPE CODE	UPC NO.	EQUALITIES	LENGTH INCLUDING BRIDGES	LENGTH EXCLUDING BRIDGES	TYPE	DESCRIPTION
0669-046-682	PK 01	STP-5403X	023M	023M	498.83	498.83	498.83	PROJ. LIMIT	FROM 0.0520 MILES NORTH OF ROUTE 665
	RM 201	STP-58010620		023M	4642.86	4642.86	4642.86	RIGHT OF WAY	FROM 0.0000 MILES SOUTH OF ROUTE 17
	C-501		000	023M	4541.27	4541.27	4541.27	CONSTRUCTION	FROM 0.0000 MILES SOUTH OF ROUTE 17

Project Lengths are based on Route 665 Construction Baseline.

STATE	FEDERAL AID	PROJECT	STATE	PROJECT
VA	FMHA 534 DATA 45001	STP-5403X (STP-5803X) 669	INFORM 0669-046-682	INFORM 0669-046-682
FUNCTIONAL CLASSIFICATION & TRAFFIC DATA				
RIE 17				
URBAN PRINCIPAL ARTERIAL (GS-5) - LEVEL				
URBAN COLLECTOR (GS-7) - LEVEL				
60 MPH MIN. DESIGN SPEED				
ADT (2019) 49,000				
ADT (2045) 71,000				
ADT (2019) 49,000				
ADT (2045) 71,000				
REYNOLDS DRIVE (RT 665)				
RURAL COLLECTOR (GS-3) - LEVEL				
55 MPH MIN. DESIGN SPEED				
ADT (2019) 5,157				
ADT (2045) 3,000				
ADT (2019) 5,157				
ADT (2045) 3,000				
V (MPH)				
2x				

See plan & profile sheets for horizontal and vertical design sheets.

RECOMMENDED FOR APPROVAL FOR RIGHT OF WAY ACQUISITION	
DOB	7/19/2022
Kim Pryor	Infrastructure Investment Director
Emmett Maltz	7/20/2022
First Location and Area Inspector	
Laura A. Farmer	7/22/2022
Over Inspection Office	
Berlin Thresher	7/22/2022
Over Inspection Office	

APPROVED FOR RIGHT OF WAY ACQUISITION	
Angel Deem	Over or Area
7/23/2022	

RECOMMENDED FOR APPROVAL FOR RIGHT OF WAY ACQUISITION	
Kim Pryor	Infrastructure Investment Director
7/17/2022	
First Location and Area Inspector	
Laura A. Farmer	7/22/2022
Over Inspection Office	
Berlin Thresher	7/22/2022
Over Inspection Office	

APPROVED FOR RIGHT OF WAY ACQUISITION	
Angel Deem	Over or Area
7/23/2022	

RECOMMENDED FOR APPROVAL FOR CONSTRUCTION	
Kim Pryor	Infrastructure Investment Director
7/17/2022	
First Location and Area Inspector	
Laura A. Farmer	7/22/2022
Over Inspection Office	
Berlin Thresher	7/22/2022
Over Inspection Office	

APPROVED FOR CONSTRUCTION	
Angel Deem	Over or Area
7/23/2022	

APPROVED FOR CONSTRUCTION	
Kim Pryor	Infrastructure Investment Director
7/17/2022	
First Location and Area Inspector	
Laura A. Farmer	7/22/2022
Over Inspection Office	
Berlin Thresher	7/22/2022
Over Inspection Office	

Copyright 2018, Commonwealth of Virginia

PROJECT: WASHNET - 100' WASHNET (100' WASHNET) - 100' WASHNET (100' WASHNET)
 SURVEYED BY: DATE: 08/11/2021 (100' WASHNET) - 100' WASHNET (100' WASHNET)
 DESIGNED BY: DATE: 08/11/2021 (100' WASHNET) - 100' WASHNET (100' WASHNET)
 DRAWN BY: DATE: 08/11/2021 (100' WASHNET) - 100' WASHNET (100' WASHNET)

ROUTE	STATE	PROJECT	SHEET NO.
VA	669	0669-046-682 NW 201C-50	6

DESIGN FEATURES RELATE TO CONSTRUCTION
 AND NOT TO THE FINAL PRODUCT.
 ANY BE SUBJECT TO CHANGE AS DEEMED
 NECESSARY BY THE DEPARTMENT

RW PLANS
 THESE PLANS ARE UNFINISHED
 AND UNAPPROVED AND ARE NOT
 TO BE USED FOR ANY TYPE
 OF CONSTRUCTION.

005
 ROBERT P &
 JACQUELINE MADRIGAL
 DB 372 PG 564
 TAX PARCEL 3314-008

004
 AMERICAN TIMBER
 ASSOCIATES II
 DB 372 PG 564
 TAX PARCEL 3314-007

004
 AMERICAN TIMBER
 ASSOCIATES II
 DB 372 PG 564
 TAX PARCEL 3314-005

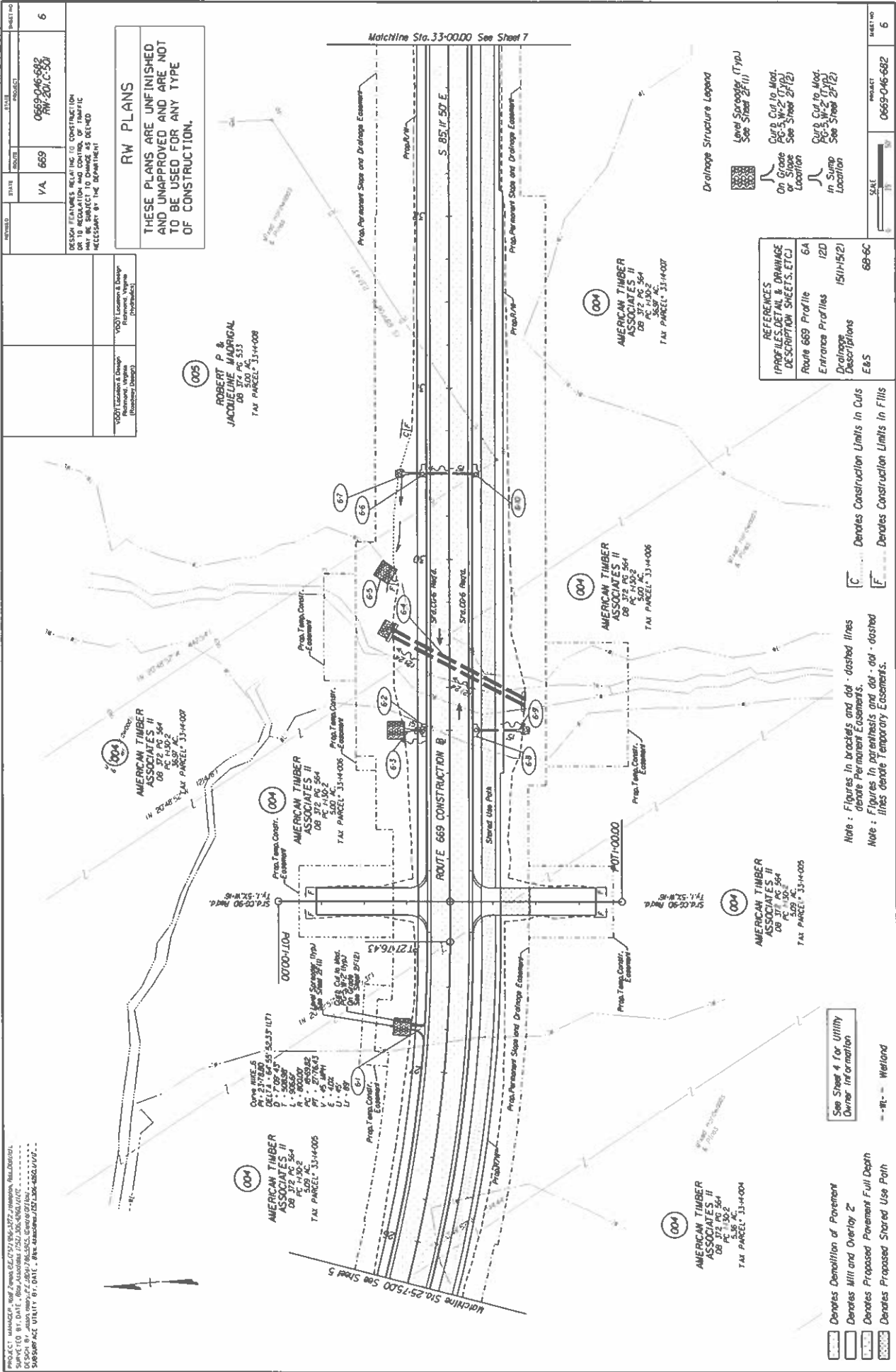
004
 AMERICAN TIMBER
 ASSOCIATES II
 DB 372 PG 564
 TAX PARCEL 3314-006

004
 AMERICAN TIMBER
 ASSOCIATES II
 DB 372 PG 564
 TAX PARCEL 3314-004

004
 AMERICAN TIMBER
 ASSOCIATES II
 DB 372 PG 564
 TAX PARCEL 3314-005

004
 AMERICAN TIMBER
 ASSOCIATES II
 DB 372 PG 564
 TAX PARCEL 3314-006

004
 AMERICAN TIMBER
 ASSOCIATES II
 DB 372 PG 564
 TAX PARCEL 3314-007



Drainage Structure Legend
 Level Spreader (Typical)
 On Grade or Slope Location
 In Slump Location

REFERENCES	PROFILES, DETAIL & DRAINAGE DESCRIPTION SHEETS, ETC.
Route 669 Profile	6A
Entrance Profiles	12D
Drainage Descriptions	1511H1512
E&S	68-6C

Note: Figures in brackets and dot-dashed lines denote Permanent Easements.
 Note: Figures in parentheses and dot-dashed lines denote Temporary Easements.

See Sheet 4 for Utility Owner Information

- Denotes Denial of Permit
- Denotes Mill and Overlay Z
- Denotes Proposed Pavement Full Depth
- Denotes Proposed Stored Use Path

--W-- Wetland

ROUTE	STATE	PROJECT	SHEET NO.
VA	669	0669-046-682	6

STATE	PRODUCT	BUDGET NO.

RW PLANS

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.

VDO? Location & Design Richmond, Virginia (Richmond, Virginia)	VDO? Location & Design Richmond, Virginia (Richmond, Virginia)
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VDO® Location & Design
Richmond, Virginia
(Richmond Division)

AMERICAN TIMBER
ASSOCIATES II
DB 372 PG 564
PC 14302
56.97 AC.
TAY PARCEL 1344007

Curv. Nuke. 9
A - 42-60.03
DELTA - 67 # 49.99 (AT)
D - 7 09 45
T - 5.3/49
I - 9.38.25
A - 800.007
PC - 37-28.54
PT - 46-66.79
V - 45 40PM
E - 40Z
U - 45
J - 09

WAKIRK PROPERTIES
09 325 PG 264
10137 AC.
TAX PARCEL# 34-01-008A

AMERICAN TIMBER
ASSOCIATES II
DB J72 PG 564
PC H30-2
36.97 AC.
TAY PARCEL* JY14-007

AMERICAN I.
ASSOCIATES
DB 372 PG 564
PC 14302
36SP AC
TAY PARCEL* 33-4-000

REFERENCES

Route 669 Profile	7A
Drainage	1511-1512

Note : Figures in brackets and dot - dashed lines denote Permanent Easements.

Note: Figures in parenthesis and dot-dash lines denote Temporary Easements.

See Sheet 4 for Utility
Owner Information

— 74 —
Welt

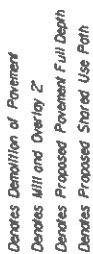
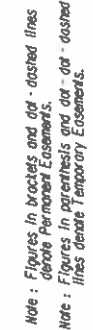
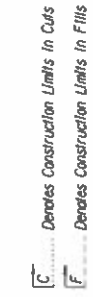
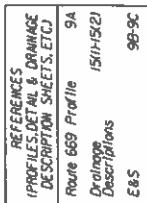
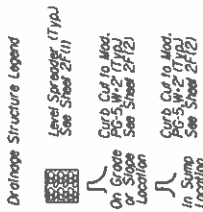
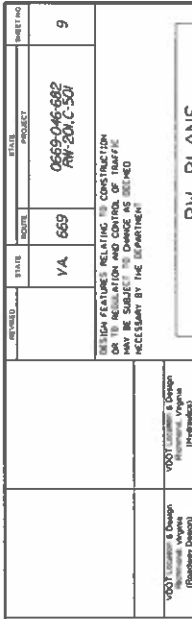
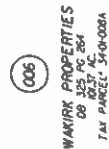
Denotes Demolition of Pavement
Denotes Mill and Overlay 2"
Denotes Proposed Pavement Full Depth
Denotes Proposed Shared Use Path

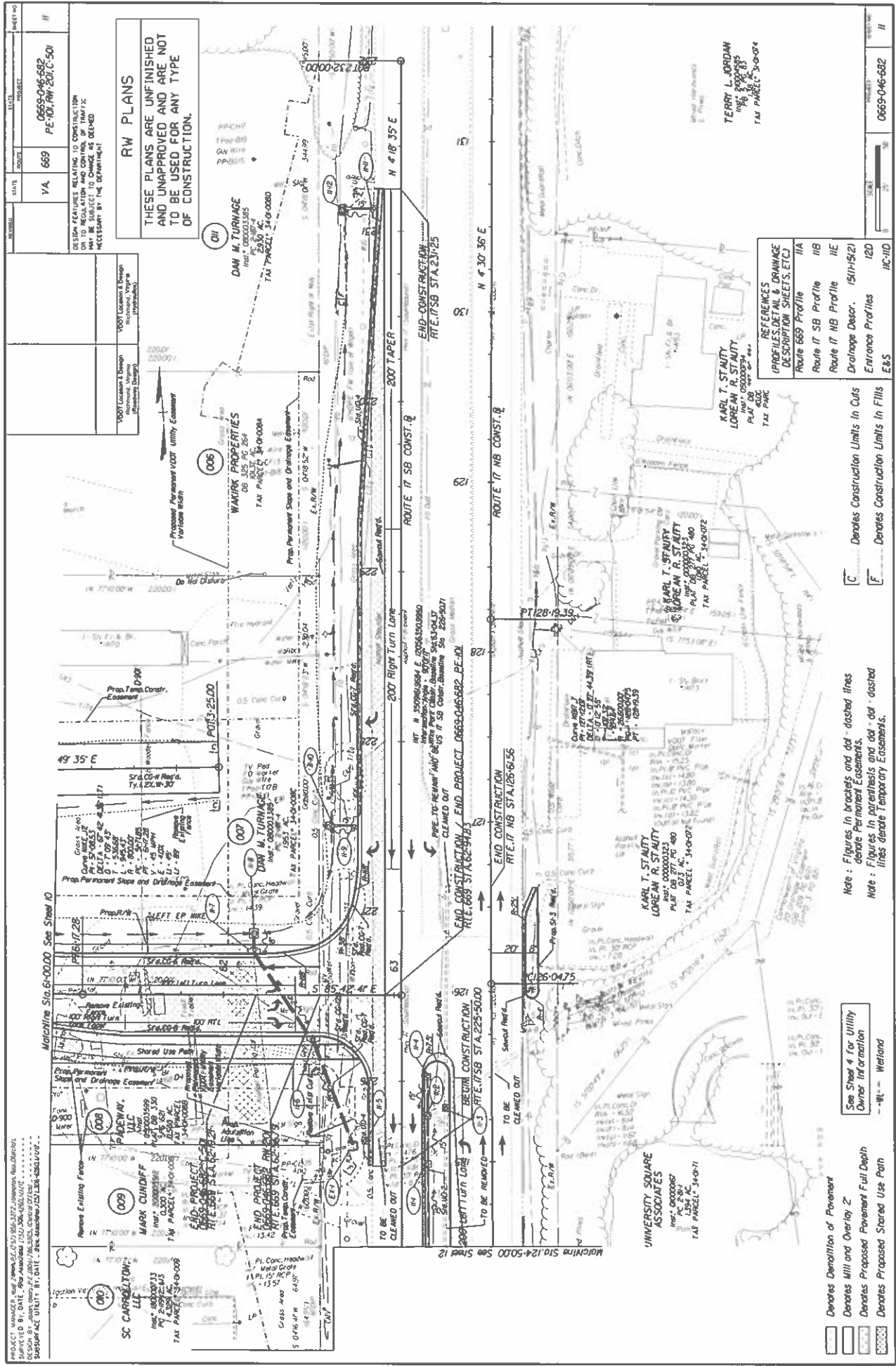
STANDARD	STATE	ROUTE	PROJECT	STATE	DATE
	MA	550	0669-046-682		0

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.

RW PLANS

Q444 NKE 12
PA - 37-0853
DELTA - 67-42 46 36 ULT
O - 7 09 43
Y - 53668
L - 945 43
R - 00000
AC - 5-7185
PT - 6-1728
V - 45 044
E - 402
U - 45
L - 87





ISSUE:

Consideration of Granting a Non-Exclusive Utility Easement on County Owned Land at Heritage Park to Cellco Partnership d/b/a Verizon Wireless

BACKGROUND:

The County has been approached by Cello Partnership d/b/a Verizon Wireless seeking a non-exclusive utility easement for the purpose of laying, constructing, operating and maintaining one or more lines of underground cable for the purpose of transmitting and distributing electric power and/or telephone and data transmission cable over and along the easement. The easement would cross County property located at 21311 Courthouse Highway, Windsor, Virginia, and commonly known as Heritage Park (Tax Parcel Number 46-01-051). The proposed easement will allow for improved wireless service at the Fair Grounds.

The Board is required to hold a public hearing prior to leasing the property.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

After the public hearing, authorize execution of the deed of easement and necessary closing documents.

ISSUE:

Update/Presentation re: 2023 Virginia Operations Plan Exercise

BACKGROUND:

Emergency response personnel from several Virginia agencies, local governments including Isle of Wight County, and Dominion Energy recently held a Biennial Radiological Emergency Preparedness Exercise on July 18, 2023.

County staff and representatives from Dominion Energy will provide information relative to the requirements for and results from the most recent Virginia Operations Plan Exercise for the Surry Power Station.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Reconsideration of Carver Solar Energy Generation Facility Conditional Use Permit Request

BACKGROUND:

At the Board's regular meeting on February 23, 2023, Supervisor Jefferson moved to approve the Conditional Use Permit Application for the Carver Solar Energy Generation Facility with the recommendations of staff and the additional conditions proposed by the applicant. The motion was defeated (3-2) with Supervisors Grice and Jefferson voting in favor of the motion and Supervisors McCarty, Acree and Rosie voting against the motion.

The Board may wish to discuss its desire to reconsider this matter at its regular meeting on August 17, 2023.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion and direction.

ISSUE:

Appointment of Individuals to the Board of Zoning Appeals and Board of Equalization

BACKGROUND:

Board members may wish to consider making appointments of individuals to the Board of Zoning Appeals (District 1) and the Board of Equalization (District 5).

BUDGETARY IMPACT:

None

RECOMMENDATION:

Appoint individuals to serve a term on the Board of Zoning Appeals and the Board of Equalization respectively.

ATTACHMENTS:

Description	Type	Upload Date
Board of Equalization	Cover Memo	6/22/2023

EQUALIZATION BOARD

ONE-YEAR TERM: July 1, 2023-June 30, 2024

	APPOINTED	EXPIRES	NEXT REASSESSMENT
DISTRICT 4			
T. Dale Scott 9 Virginia Avenue Windsor, Vireginia 23487	Apr-23	July 2023-June 2024	Jul-24
DISTRICT 5			
VACANT		July 2023-June 2024	Jul-24
DISTRICT 2			
Thomas E. Finderson, Jr. 24661 Sugar Hill Road Carrollton, Virginia 23314 291-6502	Mar-23	July 2023-June 2024	Jul-24
DISTRICT 1			
David L. Holland 106 Lochview Smithfield, Virginia 23430 757-848-3915	Mar-23	July 2023-June 2024	Jul-24
DISTRICT 3			
Otto Williams 17641 Morgarts Beach Road Smithfield, Virginia 23430	Apr-23	July 2023-July 2024	Jul-24

Send letter of recommendation to the County Attorney & Commissioner of Revenue

NOTE: This mandatory Board recommends individuals to the Circuit Court Judge for a one-year term.

BOARDS/10

ISSUE:

Resolution to Execute a Master Lease Purchase Agreement for the Purchase of New Vehicles

BACKGROUND:

The adopted FY2023-24 Operating Budget included new vehicles to be purchased via a Master Lease Purchase Program. VML/VACo Finance solicited proposals related to the County's Vehicles Financing.

The amount financed shall not exceed \$600,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.840%, and the financing term shall not exceed five years from closing.

BUDGETARY IMPACT:

The FY2023-24 Budget already includes the necessary budget and appropriation to purchase the vehicles upon securing the necessary financing.

RECOMMENDATION:

Adopt a resolution to execute the Lease Purchasing Agreement.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	8/1/2023

**CERTIFICATE OF THE CLERK
OF THE BOARD OF SUPERVISORS
COUNTY OF ISLE OF WIGHT, VIRGINIA**

The undersigned Clerk to the Board of Supervisors of the County of Isle of Wight, Virginia (the "Board"), hereby certifies that:

1. A meeting of the Board was duly called and held on August 3, 2023 (the "Meeting").

2 Attached hereto is a true, correct and complete copy of a resolution (the "Resolution") of the Board entitled "Resolution of the Board of Supervisors of the County of Isle of Wight, Virginia, Approving the Financing of Equipment and the Execution and Delivery of Certain Documents Prepared in Connection Therewith," as recorded in full in the minutes of the Meeting and duly adopted by a majority of the members of the Board present and voting during the Meeting.

3. A summary of the members of the Board present or absent at the Meeting, and the recorded vote with respect to the Resolution, is set forth below:

Member Name	Voting				
	Present	Absent	Yes	No	Abstaining
(Chairman)	_____	_____	_____	_____	_____
(Vice-Chairman)	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____

4. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the County of Isle of Wight, Virginia, dated _____, 2023.

Clerk to the Board of Supervisors
County of Isle of Wight, Virginia

(SEAL)

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF ISLE OF WIGHT, VIRGINIA, APPROVING THE FINANCING OF
EQUIPMENT AND THE EXECUTION AND DELIVERY OF CERTAIN
DOCUMENTS PREPARED IN CONNECTION THEREWITH**

The Board of Supervisors of the County of Isle of Wight, Virginia (the "Board") has determined it is in the best interest of the County of Isle of Wight, a body politic of the Commonwealth of Virginia (the "County") to undertake the financing of various vehicles (the "Project"), and the Finance Director has now presented a proposal for the financing of such Project.

HomeTrust Bank has indicated its willingness to provide financing for the Project in accordance with its proposal dated July 17, 2023. The amount financed shall not exceed \$600,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.840%, and the financing term shall not exceed five years from closing.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE
COUNTY OF ISLE OF WIGHT, VIRGINIA:

1. The recitals above are found and determined to be a part of this resolution.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. The County Administrator and/or Finance Director of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The County Administrator is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The County Administrator is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the County Administrator shall approve, with the County Administrator's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.
5. To the extent necessary, the County intends that the adoption of this resolution will be a declaration of the County's official intent under Treas. Reg. §1.150-2 (the "Reimbursement Regulations") promulgated under the Internal Revenue Code of 1986, as amended, to reimburse

expenditures for the Project. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the Project, for Project costs may be reimbursed from the financing proceeds.

6. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict.

7. The County has not and will not issue more than \$10 Million in debt during the calendar year in which the Lease is written, in order that this transaction be in compliance with the "Small Issuer Exemption" as defined in Section 265(b) of the Internal Revenue Code of 1986, as currently amended.

8. This resolution shall take effect immediately.

Adopted: _____, 2023

Chairman
County of Isle of Wight, Virginia

ATTEST:

Clerk to the Board of Supervisors
County of Isle of Wight, Virginia