

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 16th day of January, A.D., 2013, at 5:00 p.m.

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

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

Call to Order

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

Adoption of the Agenda

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

Public Comments

The County Attorney read the rules governing conduct during the public comment period.

Mr. Rob Leatherbury spoke regarding the possibility of requiring audits for Fire and Rescue Companies and explained what an audit was. He said the sole purpose of an audit was not to find fraud but to give an opinion on a financial statement. He recommended that the Board agree to procedures for audit purposes such as present invoices, copies of checks, the accounts are reconciled, and to provide other accounting records. Mr. Leatherbury also recommended a review be done as part of the audit and procedures are in place to oversee their assets. He responded to questions from the Board.

Ms. Marge Church of Moorestown, New Jersey commented on the Grand Opening of Royal Farms in Onley that would be held on January 18, 2013, and extended an invitation to the Board to attend. She told the Board she had brought some goodies for them when they broke for dinner at 7:00 p.m.

Minutes

Ms. Major made a motion to approve the Minutes of the December 19, 2012 Regular Meeting and the January 9, 2013, Organizational Meeting. Mr. Wolff seconded the motion. The motion was unanimously approved.

Consent Agenda

Ms. Lewis asked that 5.5 be removed from the Consent Agenda so it could be discussed separately. Mrs. Thornton made a motion to approve the Consent Agenda. Ms. Major seconded the motion. The motion was unanimously approved.

5.2 Resolution for Sheriff Vehicle Grant

RESOLUTION OF GOVERNING BODY OF THE COUNTY OF ACCOMACK

The governing body of Accomack County, consisting of nine members, in a duly called meeting held on the 16th day of January, 2013 at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the purchase of police vehicles and equipment to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the County Administrator of Accomack County is authorized to execute on behalf of the Board of Supervisors the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

5.3 Contract Award –IFB 652 Bulkhead Replacement & Backfill Restoration at Saxis to the low bidder (BIC, Inc.) in the amount of \$117,450. County share of \$7,047 was previously allocated.

5.4 Contract Award – IFB 631R Printing Services approved contract renewal to Eastern Shore Printers for printing services for the two-year term of February 1, 2013 to January 31, 2015 as provided for in IFB 631R.

5.6 Consider approval of two Programs of Utilization as part of the property exchange submission to the National Park Service, a program of utilization for both the Wallops property and the replacement property.

5.7 Request made by Ms. Major for Resolution Honoring the Reverend Jesse Thomas the new pastor of her church.

Item Removed from Consent Agenda

5.5 Conformance Review: Jones Lumber Mill Property – approval of the conformity review, with the conditions that the northern portion of the property is appropriate for recreational uses and the southern portion of the property is appropriate for County office (and related) uses.

Ms. Lewis stated the purpose of moving the item was because she was unsure of the recommendation of the Planning Commission; the two areas one at the southern portion of the property for County Offices and related uses and the other area at the northern end for recreational uses. She told the Board she wanted to know if that meant that if at the front of the property something else wanted be put there it could not be done and would it limit the County from doing so. Mr. Morrison told her it would not limit the County.

Mr. Crockett made a motion to approve the conformity review with the conditions that the northern portion of the property was appropriate for recreational uses and the southern portion of the property was appropriate for County office (and related) uses. Mrs. Lewis seconded the motion. The motion was unanimously approved.

Report of Public Officials

Mr. David Schulte, Executive Director of the Eastern Shore Tourism Commission gave a PowerPoint presentation regarding the activities of the Tourism Commission, economic impact of visitor spending in Accomack County, growth of visitor spending in the County, and media relations. Mr. Schulte thanked the Board for their support of the Eastern Shore's Tourism Industry.

Mr. Miner personally, and on behalf of the Board and the staff, thanked C. Ray Pruitt for the tremendous job he had done while he was acting Public Safety Director. Mr. Miner introduced the new Accomack County Department of Public Safety Director, Jeff Terwilliger.

Jeff Terwilliger thanked C. Ray Pruitt for the outstanding job he had done while filling the position of Director of Public Safety on a temporary bases.

Mrs. Thornton made a motion to have a Resolution of Recognition prepared to be placed in Mr. Charles R. Pruitt's "C. Ray" personnel file. Mr. Wolff seconded the motion. The motion was unanimously approved.

Mrs. Beverlyn M. McDonald, Public Affairs, U. S. Small Business Administration Office of Disaster Assistance (SBA), appeared before the Board and gave an update relative to Hurricane Sandy Relief. She asked that local residents be made aware that disaster assistance was still available until February 5, 2013 and loans could be obtained for homeowners as well as renters. She responded to questions and comments.

Old Business

Hurricane Sandy Debris Reduction and Hauling

Stewart Hall, Public Works Director, told the Board Byrd Brothers had been pre-approved by the Commonwealth as a debris management contractor and was already working in the area (Town of Chincoteague). He further stated FEMA/VDEM would reimburse the County 94% of the total cost and he preferred alternative Option 3 which would include loading and hauling the Painter Convenience Center debris to the Southern Transfer Station, grinding all debris, and hauling all chips to the Northern Landfill to be used primarily as road base. He said the chips would also be made available to citizens and landowners for use as mulch. Mr. Hall stated \$167,743 was reimbursable through FEMA/VDEM, and the County would be responsible for the remainder.

Ms. Lewis made a motion to award the contract to Byrd Brothers in the amount of \$178,450 (Option 3, Attachment C) for the reduction and hauling of Hurricane Sandy debris with the County share to be funded from contingencies. Mr. Wolff seconded the motion. The motion was unanimously approved.

Results of Audit Survey of Entities Receiving County Funding

County Finance Director Mike Mason said the Board, at last month's meeting on December 19, 2012, had directed staff to survey all entities receiving County funding to determine whether they were audited by a licensed CPA and, if audited, who performed the audit. He presented a copy of the survey results to the Board.

Mr. Crockett made a motion to direct staff to draft an audit policy for all agencies that receive funds from the County to have a yearly audit, to include in the draft policy an examination of internal control which would be checks and balances to prevent fraud, test for fraud, test all the financial statements for accuracy, have Mr. Mason look into an RFP for the cost of an audit fee and bring it back to the Board at the February 20, 2013 meeting, if possible, so it could be discussed. Mrs. Thornton seconded the motion. A discussion ensued concerning the high cost for an audit fee on the fire companies. The motion was unanimously approved.

New Business

Stormwater Management Regulations Update

Mr. Rich Morrison, Director of Planning and Community Development, and Mr. Norman Pitt, Environmental Planner, gave a Power Point presentation regarding the

stormwater management regulations. Mr. Morrison gave key dates and stated April 1, 2013 was the date to submit a request for a one-year extension to complete the Local Stormwater Management Program.

Mr. Pitt updated the Board on how he believed County would be impacted and responded to questions. He said a Work Session would be held with the Board so he could go into more details at a later date.

County Attorney Mark Taylor gave key points and stated the County's first step was to understand and to move toward implementation of the new requirements. He told the Board there are two Bills in the General Assembly; one of them HB1488 which would move the implementation date to July 1, 2015; the second, HB2048 which would affect the transfer of water quality programs from the Department of Conservation and Recreation to the Department of Environmental Quality.

Mrs. Thornton commented on the complicated process and said it would cost the County lots of money as well as the applicants. Mr. Taylor stated one of the key pieces for the County in the whole stream of regulations would be in the monitoring enforcement not just of the original installation of the stormwater management improvements but the ongoing maintenance and upkeep of them over time.

Mr. Wolff made a motion to contact legislative representatives to let them know the Board of Supervisors was in favor of HB1488. Mr. Crockett seconded the motion. The motion was unanimously approved.

Mrs. Thornton stated the Department of Conservation and Recreation (DCR) is willing to come to a Board meeting along with two (2) other representatives to explain the process and that the Board needed to take advantage of it to enable the Board to know exactly what they were up against.

Mr. Hart asked Mr. Miner to coordinate a Special Meeting Work Session for the Board between now and February 27, 2013.

Department of Conservation and Recreation (DCR) Corrective Action Agreement

County Attorney Mark Taylor told the Board that County Administrator Steven Miner had received a letter from David Johnson concerning a compliance evaluation of the County's Chesapeake Bay Preservation Act program asking that he sign a compliance plan involving small amendments to the County's Chesapeake Bay Ordinance. He said

Mr. Miner did not sign the letter before the Board authorized him to do so. Mr. Taylor asked the Board to give approval for Mr. Miner to sign the document.

Mr. Taylor responded to questions.

Mr. Wolff made a motion to authorize Mr. Miner to sign the DCR Corrective Action Agreement as presented by Mr. Johnson and that County agree to pursue corrective action which is to be completed on or before December 31, 2013.

A discussion ensued.

Mr. Crockett seconded the motion. A discussion ensued. The motion was unanimously approved.

County Attorney's Report

Mark Taylor handed out an Executive Summary from the study to the Board concerning the Senate Joint Resolution 76 which called for the Institute of Marine Science to perform a study of recurrent flooding in Tidewater Virginia.

Board of Supervisors Comments

Mr. Wolff told the Board he had held his 121st monthly meeting and a representative from Orbital Science attended the meeting and gave an update on the upcoming Arteries Launch and how it was progressing. He continued and stated that hopefully testing would be taking place within the week and if all went well it would allow them to do the hot fire engine fire test before the month was finished. He told the Board if all went well with the rocket and the launch pad, the first test launch could take place in February and a launch to the space station could hopefully be done in April.

Mr. Crockett said he would like staff to remove Billye D. Custis' name off the attendance report for the Accomack County Fire and Rescue Commission because it looked as though she was not attending the meetings of the Fire Commission. He said her term was up and she did not wish to continue to serve on the Commission.

Chairman Hart asked Mr. Miner to contact VDOT to see if they had made a decision on Calvin Drive in Texaco Town.

Recess

By consensus, Mr. Hart recessed the meeting for thirty minutes.

Call to Order

Mr. Hart called the meeting back to order.

Public Hearing Rules

County Attorney Mark Taylor read the Public Hearing rules governing conduct during Public Hearings.

Wal-Mart Conditional Use Permit Amendment

Economic and Community Development Director Rich Morrison told the Board this Public Hearing was to receive public comment for a small sign on the Wal-Mart store located in Onley which required a Conditional Use Permit Amendment and the Planning Commission had already held a Public Hearing and had approved it and was asking the Board to do the same.

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comment concerning the application for an amendment to the previously approved Wal-Mart Supercenter Conditional Use Permit #2006-05 which would allow the applicant to place a 19 square foot “Subway” sign on the front of the Wal-Mart Supercenter building to advertise the Subway restaurant located within.

No public comments were offered.

The Chair closed the Public Hearing.

Mr. Crockett made a motion to approve the Amended Conditions of Approval for Wal-Mart Supercenter which would allow the applicant to place a “Subway” sign on the exterior of the Wal-Mart building. Ms. Major seconded the motion. The motion was unanimously approved.

Budget Items

Mr. Wolff made a motion to approve the budget and appropriation items. Ms. Lewis seconded the motion. The motion was unanimously approved.

FISCAL YEAR 2013

Grants

Increase Revenues

Revenue from the Federal Government \$166,250

Revenue from the Commonwealth 5,250

Decrease Reserves

Airport Capital Reserve 3,500

Increase Expenditures

Airport \$175,000

--Additional environmental assessment for obstruction removal

Grant Award from the Department of Aviation

Increase Revenues \$3,850

Revenue from the Commonwealth

Increase Expenditures

Airport \$3,850

--Equipment replacement grant from the Department of Aviation

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| Increase Revenues | \$29,242 |
| Revenue from the Commonwealth | |
| Increase Expenditures | |
| Planning | \$29,242 |
| --State portion of the Sustainable Community Project funded in Part by the Virginia Coastal Management Program | |
| Increase Revenues | \$3,489 |
| Revenue from the Commonwealth | |
| Increase Expenditures | |
| Victim & Witness Assistance | \$3,489 |
| --Difference between original grant revenue estimated and actual amount received | |
| Contingencies (Balance as of 1/4/13=\$263,988) | |
| None | |
| Other | |
| Increase Revenues | |
| Insurance Recoveries | \$181,891 |
| Increase Expenditures | |
| Hurricane Sandy | |
| --Hurricane | |
| Sandy Insurance claim reimbursement | \$181,891 |
| Increase Revenues | |
| Increase Recoveries | \$14,569 |
| Increase Expenditures | |
| Airport | \$7,533 |
| Sheriff | \$7,036 |
| --Property insurance claim reimbursement | |

Payables

Mr. Miner certified the payables.

Ms. Major made a motion to authorize the payment of invoices. Mr. Wolff seconded the motion. The motion was unanimously approved.

Closed Meeting

County Attorney Mark Taylor read the rules for Closed Meeting.

Mr. Wolff made a motion to go into Closed Meeting pursuant §2.2-3711 of the Code of Virginia of 1950, as amended, pursuant to subsection (A) (3) for discussion or consideration the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and 2.2-3711(A) (29) for discussion of the award of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion would adversely affect the bargaining position or negotiating strategy of the public body. The contract to be discussed was concerning public sewer service for Central Accomack County. Ms. Lewis seconded the motion. The motion was unanimously approved.

Open Session

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Wolff made the motion to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3711 (A) (3) and (29) of the Code of Virginia, that to the best of each member’s knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully exempted from Opening Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened. Ms. Lewis seconded the motion. The motion was unanimously approved.

Roll Call

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| Ayes: Mr. Chesser | Mrs. Thornton | Mr. Crockett |
| Mr. Wolff | Ms. Kay W. Lewis | Mrs. Gordy |
| Mr. Hart | Mr. Gray | Ms. Major |

Nays: None

Ms. Lewis made a motion to direct County Attorney Mark Taylor to prepare a contract in consultation with the County Administrator and the Economic and Community Development Director for acquisition of the Jones Lumber Company property located on Joynes Neck Road in Accomac, VA under the terms and conditions discussed in Closed Session and authorize and direct the County Administrator to execute the contract on behalf of Accomack County. Mr. Wolff seconded the motion. The motion was unanimously approved.

Land and Water Conservation Fund Authorizing Resolution

Mr. Miner stated he had forgotten to add an item to the Agenda. He told them it was a resolution authorizing application for Federal funding assistance from the Land and Water Conservation Fund to the Department of Conservation and Recreation. Mrs. Lewis made a motion authorizing the resolution. Mr. Crockett seconded the motion. The motion was unanimously approved.

Land and Water Conservation Fund Authorizing Resolution

A resolution authorizing for Federal funding assistance from the Land and Water Conservation Fund (LWCF) to the Virginia Department of Conservation and Recreation (DCR) as provided in the LWCF Act of 1965, as amended.
WHEREAS, under the provision of LWCF, federal funding assistance is requested to aid in financing the cost of land acquisition and/or facility development; and

WHEREAS, the Accomack County Board of Supervisors considers it in the best public interest to complete the land acquisition and/or development project described in the application;

NOW, THEREFORE, BE IT RESOLVED that:

1. The County Administrator be authorized to make formal application to DCR for funding assistance.
2. Any fund assistance received be used for implementation and completion of the Accomack Parks and Recreation Community Enrichment Facility within the specified time frame.
3. The Board hereby certifies that project funding is currently available and is committed for this project.
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required.
5. We acknowledge that any property acquired and/or developed with financial aid from the Land and Water Conservation Fund must be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land and Water Conservation Fund Act of 1965, as amended;
6. We acknowledge that non-recreational uses may not be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service;
7. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, Executive Orders 11988 and 11990 (Floodplain Management and Wetlands Protection) and all other applicable state and federal laws;
8. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval.
9. This Resolution becomes part of a formal application to the Virginia Department Conservation and Recreation.

This Resolution was adopted by the Accomack County Board of Supervisors during the regular monthly meeting held in the Board Chambers located in Accomack County, Virginia on January 16, 2013.

Adjournment

Ms. Major made a motion to adjourn. Mr. Wolff seconded the motion. The motion was unanimously approved. The meeting adjourned at 9:05 p.m.

Donald L. Hart, Jr., Chair

Date