

At a regular monthly meeting of the Accomack County Board of Supervisors, held on the 17th day of June 2020, in the cafetorium of Metompink Elementary School located at 24501 Parksley Road, Parksley, Virginia at 5:00 p.m.

1. Opening of Meeting

MEMBERS PRESENT AND ABSENT

Board of Supervisors Present:

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

Board of Supervisors Absent:

None

Others Present:

Mr. Michael T. Mason, County Administrator
Mr. Steve Micas, Legal Counsel
Mrs. Jessica Taylor Hargis, Executive Assistant

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

1.1. Invocation

The Invocation was given by Mr. Tarr.

1.2. Pledge of Allegiance

1.3. Adoption of Agenda

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

2. Public Comment

2.1 Public Comment Rules

1. Cara Burton: Discussed the Census, the Library and its virtual summer programs

3. Consideration of Minutes

On a motion made by Mr. Hart and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to approve the minutes of the Board’s May 20, 2020 meeting.

4. Recognitions

There were no recognitions.

5. Consent Agenda

On a motion made by Mr. Wolff and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the Consent Agenda as presented:

5.1 Approval of Consent Agenda

5.2 Consider contract renewals- RFP 295-Engineering Services for Solid Waste

5.3 Consider contract renewal - RFP 291-Engineering & Environmental Services

5.4 Authorize a Resolution of Appreciation for the late Pete Laylor

6. Items Removed from Consent Agenda

No items were removed from the Consent Agenda.

7. Report of Public Officials

There were no reports of Public Officials.

8. Committee Reports

There were no Committee Reports.

9. Old Business

9.1 Resume Board's Rules of Procedure (part of emergency resolution adopted March 20th)

On a motion made by Mr. H. Phillips and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to adopt the following revised ordinance:

**AN AMENDED ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF ACCOMACK, VIRGINIA, CONFIRMING
AND RATIFYING THE DECLARATION OF A LOCAL
EMERGENCY ISSUED BY THE ACCOMACK COUNTY DIRECTOR
OF EMERGENCY SERVICES ON MARCH 2, 2020, MADE
NECESSARY BY COVID-19 AND IMPLEMENTING EMERGENCY
PROCEDURES TO ENSURE CONTINUITY OF COUNTY
GOVERNMENT AS OF
JUNE 17, 2020**

WHEREAS, Section 44-146.21 of the Code of Virginia, 1950, as amended, prescribes necessary actions precedent to a declaration of a local emergency; and

WHEREAS, Section 44-146.21 prescribes two methods for declaring an emergency: the first is accomplished by the local Director of Emergency Management with the consent of the governing body; the second is accomplished by the Director of Emergency Management without the initial consent of the governing body, but such declaration must be confirmed by the governing body at its next regularly scheduled meeting or at a special meeting within 45 days of the declaration, whichever occurs first; and

WHEREAS, it was necessary and proper for the Accomack County Director of Emergency Services, acting in his capacity as Director of Emergency Services, to, on March 19, 2020, declare a local emergency and disaster in Accomack County, Virginia, arising from the Coronavirus Disease 2019 (COVID-19), without first obtaining the consent of the Board of Supervisors of the County of Accomack, Virginia (the “County”), and confirmation by the Board of Supervisors is now required by law; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 12, 2020, Governor Ralph Northam declared a state of emergency in the Commonwealth of Virginia in response to the continued spread of COVID-19, and declared the anticipated effects of COVID-19 to be a disaster as described in Section 44-146.16 of the Code of Virginia, 1950, as amended; and

WHEREAS, on March 15, 2020, Governor Northam announced a ban on all gatherings of one hundred or more people statewide; and

WHEREAS, on March 16, 2020, President Donald Trump urged people to avoid gathering in groups of more than ten people; and

WHEREAS, there has been a confirmed case of COVID-19 in the Eastern Shore region; and

WHEREAS, the Board of Supervisors is satisfied that public health threat posed by COVID-19 constitutes a real and substantial threat to health and safety of persons and property in the Accomack County, Virginia, and that it necessitated a declaration of local emergency; and

WHEREAS, Section 15.2-1413 of the Code of Virginia authorizes any locality to, by ordinance, provide a method to assure continuity in its government in the event of a disaster.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Accomack, Virginia:

1. That it hereby confirms and ratifies the Declaration of Local Emergency made on March 19, 2020, by the Director of Emergency Services.
2. That it understands and confirms that the Declaration of Local Emergency empowers the Director of Emergency Services with special authority and duties, said authority and duties being defined by the laws, rules, regulations and plans of the United States of America, the Commonwealth of Virginia and the County of Accomack.
3. That it understands and confirms that when, in judgment of this Board of Supervisors, all needed emergency actions have been taken, appropriate action to end the declared local emergency will be taken.
4. That the Board of Supervisors and the County Administration will return to normal, pre-

COVID-19 ways of conducting the public's business subject to any limitations contained in the directives of the then current Phase of the Governor's reopening plan for the State that is applicable to Accomack County. In addition, the public is subject to all applicable limitations on behavior set out in the then applicable Phase of reopening including, but not limited to, social distancing, public use of facial masks and limitations on the size of group events.

~~4. That the infectious nature of COVID-19 makes it unsafe to assemble a quorum of this Board in a single location, or to assemble members of the public in a single location, making it difficult or impossible for this Board and the County's boards and commissions to conduct meetings in accordance with normal practices and procedures. In accordance with Section 15.2-1413 of the Code of Virginia, 1950, as amended, notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure continuity of government during the pendency of the emergency and disaster created by COVID-19:~~

~~a. That any process, procedure, or matter which requires the physical presence of the public in a county building that the County Administrator has declared or in the future declares to be closed to the public is hereby suspended.~~

~~b. Meetings of the Council and other city boards and commissions may be held through electronic communication means without a quorum of members physically present in a single location, provided that notice of such meetings is still given in accordance with applicable laws.~~

~~c. All Rules of Procedure adopted by the Board of Supervisors are hereby suspended.~~

~~d. All such county meetings may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of the board or commission members, so long as alternative arrangements for public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.~~

~~e. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter. Public comments may also be solicited and, if so solicited, received, via electronic and/or telephonic means if possible and practical. All such comments will be provided to the members of the body and made a part of the record of such meeting.~~

5. That the provisions in the aforesaid Section 4 shall be in effect until repealed by this Board, for a period not exceeding six months from the declaration of a local emergency. Upon repeal or expiration of the aforesaid Section 4, the matters referenced therein shall resume operation in accordance with normal practices and procedures.

6. That this revised ordinance shall be in effect on and after the date of its adoption,

~~March 20,~~ June 17, 2020.

The undersigned clerk of the Board of Supervisors of the County of Accomack hereby certifies that the resolution set forth above was adopted during a meeting on June 17, 2020, by the Board of Supervisors with the following votes:

C. Reneta Major, Chair	<u>Aye</u>
Ron S. Wolff, Vice- Chair	<u>Aye</u>
Donald L. Hart, Jr.	<u>Aye</u>
Billy Joe Tarr	<u>Aye</u>
Vanessa Kay Johnson	<u>Aye</u>
Paul E.J. Muhly	<u>Aye</u>
Harrison W. Phillips, III	<u>Aye</u>
Robert D. Crockett	<u>Aye</u>
H. "Jackie" Phillips	<u>Aye</u>

Abstentions: None

Absent: None

A COPY TESTE



Clerk to the Board of Supervisors

9.2 Update on County Small Business Assistance Grants and Working Waterman Assistance Grants Deployment

Mr. Morrison reported that the Watermen Grant Application was opened on June 15th at 10:00 a.m. and closed June 17th at 5:00 p.m. 40 applications were received within the first 45 minutes. His staff intends to reach out to all successful applicants no later than June 22.

The Small Business Grant Application would open on July 6, 2020 at 10:00 a.m.

9.3 Update on 2020 Smart Scale Applications

Mr. Morrison informed the Board that information had been delayed; a report will be given at the July meeting.

9.4 Consider a request from Eastern Shore Public Library Foundation for a Change Order to the Library Construction Project for compliance with Davis-Bacon Act making certain future costs eligible for grant reimbursement under an National Endowment

Mr. Mason, Ms. Cara Burton, Director of Eastern Shore Library reported that The Eastern Shore Public Library Foundation applied for and was subsequently notified it is eligible for a National Endowment for the Humanities (NEH) grant which could provide up to \$500,000 towards construction and outfitting of the E.S. Heritage Center. A condition of receiving this grant is that the project has to be compliant with the Davis-Bacon Act. The Davis Bacon Act is a federal law that mandates on-site workers be paid certain wages, benefits, and overtime (also known as “prevailing wage”) on all federal government-funded construction, alteration, and repair projects. The library construction project was intentionally procured without a requirement for the successful bidder to be Davis-Bacon compliant since there was no federal funding included in the original project budget approved by the Board of Supervisors. Without federal assistance, Davis-Bacon Act compliance was not needed and would have needlessly increased the overall cost of the project if pursued.

Mr. Mason stated that County staff was alerted by representatives of the Foundation that in order for the Foundation to capitalize on this recent grant opportunity to bring more funds to the project for the Heritage Center, the County contract with the construction contractor, R.H. Contracting, needed to be subject to Davis-Bacon. On May 6th, County staff took part in a conference call with NEH to learn more about NEH's grant requirements in an attempt to find alternatives that would allow the Foundation to secure the grant without bringing Davis-Bacon into the equation. Unfortunately, what we learned is that the Davis-Bacon requirement is non-negotiable on NEH funded construction projects.

The Foundation's request is for the County to issue a change order to R.H. Contracting that would increase the amount of their contract with the County by \$239,812. This increase will enable R.H. Contracting to compensate its employees and subs at the Davis-Bacon prevailing wage rates for the remaining portion of the contract. The theory is that this action will make future project expenditures associated with the Heritage Center eligible for reimbursement under the NEH grant. The Foundation would then perform the necessary actions to secure up to \$500K in grant funds, repay the County for the increase in contract costs due to the change order leaving up to \$242,949 in new project funds to be used for other Heritage Center initiatives. I use the term "theory" because, as of June 11, the County does not have written confirmation from NEH that they agree that this proposed action and others needed to be taken by the Foundation will leave this grant in good standing. The County Administrator has requested Library/Foundation representatives contact NEH, outline this proposal to them and secure their agreement with this plan in writing before this action is brought before the Board for consideration. It is hoped that this confirmation from NEH will be received prior to June 17. If not, the County Administrator recommends this agenda item be removed from consideration.

In summary, the Board of Supervisors is asked by the Foundation to increase the project construction contract cost by no more than \$239,812 which allows the contractor, in turn, to renegotiate with its contractors/subs to compensate them at Davis-Bacon prevailing rates and makes a portion of the construction costs associated with the Heritage Center reimbursable under the NEH grant. The Contractor has indicated that it needs a decision by June 22 in order to accomplish its part of the deal.

Mr. Mason stated that staff did not recommend any change to the Regional Library/E.S. Heritage Center construction contract be executed unless, at a minimum, the following items are were place prior to the requested action:

1. Receipt of a letter of support for this initiative from the Library Steering Committee (attached);
2. NEH confirmation that the recommended action plan detailed above will result in future construction project costs being eligible for reimbursement under the NEH grant;
3. A legal agreement between the Foundation and County requiring repayment from the Foundation to the County for the increase in the construction contract cost.

Even if these prerequisites are met, there is still a level of risk associated with this proposal the Board may not want to accept. Because the NEH grantee is the Foundation, repayment to the County is predicated on actions of the Foundation to secure the grant funds from NEH which are actions the Board nor its staff can control.

On a motion made by Mr. Crockett and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to authorize the County Administrator to sign a change order increasing the construction contract for the Eastern Shore Public Library and Heritage Center by no more than \$239,812, if the following conditions are met:

- 1. The County received official noted of a National Endowment for the Humanities (NEH) grant award of no less than \$482,761 to the Eastern Shore Public Library Foundation that signifies that the Foundation has satisfied all of the conditions outlined in the NEH offer letter dated March 4, 2020.**
- 2. Execution of a binding written agreement (approved by County Special Legal Counsel, Steve Micas) between the Eastern Shore Public Library Foundation and County that stipulates that the Foundation will reimburse the County for the additional cost associated with the change order by no later than September 30, 2020.**
- 3. Acknowledgement by the Eastern Shore Library Board of Trustees that it understands and accepts that any loss of taxpayer dollars associated with the requested change order will be recovered by future reduction of Eastern Shore Public Library Board of Trustees local funding.**

10. Appointments

10.1 Attendance Reports

Reports were included in the packet.

10.2 June Appointments

- 1. On a motion made by Mr. H. Phillips and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to reappoint Ms. Gwendolyn Turner to the**

Accomack-Northampton Planning District Commission for an additional one-year term to expire on June 30, 2021.

- 2. On a motion made by Mr. J. Phillips and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to reappoint Mr. Rickie Ross to the Accomack-Northampton Planning District Commission for an additional one-year term to expire on June 30, 2021.**
- 3. On a motion made by Mr. Hart and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to reappoint Ms. Athena Pittman to the Board of Trustees of the Eastern Shore Public Library for an additional four-year term to expire on June 30, 2024.**
- 4. On a motion made by Mr. J. Phillips and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to reappoint Mr. Dennis Custis to the Board of Trustees of the Eastern Shore Public Library for an additional four-year term to expire on June 30, 2024.**
- 5. On a motion made by Mr. Muhly and seconded by Mr. Harris, the Accomack County Board of Supervisors voted to reappoint Mr. Tim Valentine to the Board of Trustees of the Eastern Shore Public Library for an additional four-year term to expire on June 30, 2024.**

6. Eastern Shore Resource Conservation & Development Council – Deferred

- 7. On a motion made by Mr. J. Phillips and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to reappoint Mr. Jim Belote to the Eastern Shore of Virginia Ground Water Committee. The motion failed 6-3:**

Ayes: J. Phillips, P. Muhly, H. Phillips

Nays: Johnson, Wolff, Major, Tarr, Crockett, Hart

Absent: n/a

Abstain: n/a

On a motion made by Ms. Johnson and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to appoint Mr. Grayson Chesser to the Eastern Shore of Virginia Ground Water Committee to fill the expired term of Mr. Jim Belote. The three-year term will commence on July 1, 2020 and expire on June 30, 2023. The motion carried 6-2-1:

Ayes: Johnson, Wolff, Major, Tarr, Crockett, Hart

Nay: P. Muhly, H. Phillips

Absent: n/a

Abstain: J. Phillips

- 8. On a motion made by Mr. H. Phillips and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to appoint Mr. Kelvin Pettit to fill the unexpired term of Mr. Pete Lalor (deceased) on the Eastern Shore of Virginia Broadband Authority to commence immediately and expire on June 30, 2023. Northampton County ratified.**

9. On a motion made by Mr. Wolff and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to reappoint Mr. Michael T. Mason to the Eastern Shore of Virginia Broadband Authority for an additional three-year term to expire on June 30, 2023.
10. On a motion made by Mr. Crockett and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to reappoint Ms. Elaine Meil to the Eastern Shore of Virginia Broadband Authority for an additional three-year term to expire on June 20, 2023.
11. On a motion made by Mr. Tarr and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to reappoint Mr. George Bowden to the Eastern Shore Regional Navigable Waterways Committee for an additional three-year term to expire on June 30, 2023.
12. On a motion made by Mr. Tarr and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to reappoint the following members to serve an addition three-year term on the Eastern Shore Regional Navigable Waterways Committee for a term to begin immediately and expire on June 30, 2023:
 - George Bowden
 - John Joeckel
 - John Tavolaro
13. On a motion made by Mr. H. Phillips and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to reappoint Ms. Janice Welch to the Accomack County Parks and Recreation Advisory Commission for an additional four-year term set to expire on June 30, 2024.
14. On a motion made by Mr. J. Phillips and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to reappoint Ms. Sheila West to the Accomack County Parks and Recreation Advisory Commission for an additional four-year term set to expire on June 30, 2024.
15. On a motion made by Mr. Crockett and seconded by Mr. Muhly, the Accomack County Board of Supervisors voted to reappoint Mr. Jeb Wilson to the Accomack County Parks and Recreation Advisory Commission for an additional four-year term set to expire on June 30, 2024.
16. On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to reappoint Mr. Henry Gleim to the Quinby Boat Harbor Committee for an additional four-year term to begin immediately and expire on June 30, 2024.
17. On a motion made by Mr. Wolff and seconded by Mr. Tarr, the Accomack County Board of Supervisors voted to reappoint Mr. Robert Crockett to the Social Services Board for an additional four-year term to begin immediately and expire on June 30, 2024. Mr. Crockett abstained from the vote.
18. On a motion made by Mr. Wolff and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to reappoint Mr. Donald Hart, Jr. to the Social Services Board for an additional four-year term to begin immediately and expire on June 30, 2024.

19. **On a motion made by Mr. H. Phillips and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to reappoint Ms. Elsie Mackie. to the Social Services Board for an additional four-year term to begin immediately and expire on June 30, 2024.**
20. **On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to reappoint Ms. C. Reneta Major. to the Social Services Board for an additional four-year term to begin immediately and expire on June 30, 2024.**
21. **On a motion made by Mr. Tarr and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to appoint Mr. William Henning to the Social Services Board for a four-year term to fill the vacancy left by Mr. John Sparkman who was ineligible for reappointment. Mr. Hennings term begins July 1, 2020 and expire on June 30, 2024.**
22. **On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to reappoint Mr. George Ward, Jr. to the Accomack County Wetlands Board for an additional five-year term to begin immediately and expire on June 30, 2025.**
23. **On a motion made by Ms. Johnson and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to appoint Dr. Lisa Johnson to the Eastern Shore Community College Board to replace the vacancy of Mr. Aaron Kane, for a four-year term to begin on July 1, 2020 and expire on June 30, 2024.**
24. **On a motion made by Mr. Tarr and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to reappoint Mr. Jack Van Dame to the Eastern Shore Community College Board for an additional four-year term to commence immediately and expire on June 30, 2024.** *Following the June Meeting, staff was advised that Mr. Van Dame had already served a second term and was ineligible for reappointment –a new appointment would be made for the August 2020 meeting in which Mrs. Katie O’Shea was appointed.)*
25. **On a motion made by Mr.H. Phillips and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to appoint Sheriff W. Todd Wessells to the Chesapeake Bay Alcohol Safety Program Policy Board for the tenure as Sheriff.**

11. Public Hearing (6:30PM)

11.1 Public Hearing Rules

11.2 Conduct Public Hearing on Wetland's Ordinance Amendment

Mr. Chris Guvernator, Director of Environmental Programs informed the Board that the public hearing for the Wetland’s Ordinance Amendment was due to an inadvertent omission of Code of Virginia, Title 28.2, Chapter 13, Articles 28.2-1316, 1317, 1318, 1319 and 1320, when Accomack County Code Section 102 was create.

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

On a motion made by Mr. Crockett and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to amend Accomack County Code Section 102 to include Code of Virginia, Title 28.2, Chapter 13, Articles 28.2-1316, 1317, 1318, 1319 and 1320 as follows:

**AN ORDINANCE TO AMEND CHAPTER 102, WATERWAYS, ARTICLE III,
USE AND DEVELOPMENT OF WETLANDS, DIVISION 3. ENFORCEMENT,
SEC. 102-401, OF THE ACCOMACK COUNTY CODE**

WHEREAS, the Board of Supervisors of Accomack County, Virginia, hereby recognizes changes were made to Virginia, Virginia Code §§28.2-1316, et seq., which adds enforcement procedures for local governments; and

WHEREAS, the Board of Supervisors of Accomack County, Virginia, wishes to update its Code to conform to Virginia law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED as an Ordinance of Accomack County, that Accomack County Code, Chapter 102, Waterways, Article III, Use and Development of Wetlands, Division 3. Enforcement, Sec. 102-401, of the Accomack County Code is hereby amended as follows:

**CHAPTER 102, WATERWAYS ARTICLE III. USE AND DEVELOPMENT OF
WETLANDS, DIVISION 3. ENFORCEMENT, SEC. 102-401**

Sec. 102-401 Enforcement

1. Investigations and prosecutions: The Board may investigate all projects, whether proposed or ongoing, which alter wetlands located within their jurisdiction. Wetlands boards may prosecute all violations of their orders and any violation of the wetlands ordinance under which they were established.

2. Monitoring, inspections, compliance, and restoration:

A. The Board may require a permittee to implement monitoring and reporting procedures that the Board believes are reasonably necessary to ensure compliance with the provisions of the permit.

B. The Board chair may require such on-site inspections as believed to be reasonably necessary to determine whether the measures required by the permit are being properly performed, or whether the provisions of this chapter are being violated. Prior to conducting any inspection, the Board Chair shall provide notice to the resident owner, occupier, or operator, who shall be given an opportunity to accompany the site inspector. If it is determined that there is a failure to comply with the permit, the Board chair shall serve notice upon the permittee at the address specified in the permit application or by delivery at the site of the permitted activities to the person supervising those activities and designated in the permit to receive the notice. The notice shall describe the measures needed for compliance and the time within which these measures shall be completed. Failure of the person to comply within the specified period is a violation of this section.

C. Upon receipt of a sworn complaint of a substantial violation of this chapter from the designated enforcement officer, the Board chair may, in conjunction with or subsequent to a notice to comply as specified in subsection B of this section, issue an

order requiring all or part of the activities on the site to be stopped until the specified corrective measures have been taken. In the case of an activity not authorized under this chapter or where the alleged permit noncompliance is causing or is in imminent danger of causing, significant harm to the wetlands protected by this chapter, the order may be issued without regard to whether the person has been issued a notice to comply pursuant to subsection B of this section. Otherwise, the order may be issued only after the permittee has failed to comply with the notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority, permittee, resident owner, occupier, or operator for appropriate relief to the circuit court of the jurisdiction where the violation was alleged to have occurred. Upon completion of corrective action, the order shall immediately be lifted.

D. Upon receipt of a sworn complaint of a substantial violation of this chapter from a designated enforcement officer, the Board may order that the affected site be restored to predevelopment conditions if the Board finds that restoration is necessary to recover lost resources or to prevent further damage to resources. The order shall specify the restoration necessary and establish a reasonable time for its completion. The order shall be issued only after a hearing with at least thirty days' notice to the affected person of the hearing's time, place, and 3 purpose, and shall become effective immediately upon issuance by the Board. The Board shall require any scientific monitoring plan they believe necessary to ensure the successful reestablishment of wetlands protected by this chapter and may require that a prepaid contract acceptable to the Board be in effect for the purpose of carrying out the scientific monitoring plan. The Board may also require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it securing to the County compliance with the conditions set forth in the restoration order. The appropriate court, upon petition by the Board, may enforce any such restoration order by injunction, mandamus, or other appropriate remedies. Failure to complete the required restoration is a violation of this chapter.

E. The duties of the Board chair under this section may be delegated to their respective designees; however, these designees shall not be designated enforcement officers.

3. Violations; penalty: Any person who knowingly, intentionally, or negligently violates any order, rule, or regulation of the Wetlands Board, any provision of this chapter, or any provision of a permit granted pursuant to this chapter is guilty of a Class 1 misdemeanor. Following a conviction, every day the violation continues is a separate offense.

4. Injunctions: Upon the petition of the Wetlands Board to the circuit court of Accomack County, where any act is done or threatened which is unlawful under this chapter, the court may enjoin the unlawful act and order the defendant to take any steps necessary to restore, protect, and preserve the wetlands involved.

5. Penalties:

A. Without limiting the remedies which may be obtained under this chapter, any person who violates any provision of this chapter or who violates or fails, neglects, or refuses to obey any Wetlands Board notice, order, rule, regulation, or permit

condition authorized by this chapter shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$25,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of Accomack County for the purpose of abating environmental damage to or restoring wetlands therein, in such a manner as the court may, by order, direct, except that where the violator is the county itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

B. Without limiting the remedies which may be obtained under this chapter, and with the consent of any person who has violated any provision of this chapter or who has violated or failed, neglected, or refused to obey any Wetlands Board order, rule, regulation, or permit condition authorized by this chapter, the Wetlands Board may provide, in an order issued by the Wetlands Board against such person, for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Civil charges shall be in lieu of any appropriate civil penalty which could be imposed under subsection A of this section. Civil charges may be in addition to the cost of any restoration ordered by the Commission or a Wetlands Board.

(State law reference—28.2-1316, et eq.)

11.3 Conduct Public Hearing on 2021-2026 Secondary Six Year Plan

Mr. Mason spoke on behalf of Mr. Chris Isdell, Accomack Residency Administrator.

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

On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the following:

RESOLUTION APPROVING THE 2021-2026 SIX-YEAR PLAN FOR SECONDARY ROAD SYSTEM CONSTRUCTION IN ACCOMACK COUNTY, VIRGINIA

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

WHEREAS, the Board of Supervisors had previously agreed to assist in the preparation of this Plan, in accordance with VDOT policies and procedures, and participated in a public hearing on the proposed Plan as well as the Construction Priority List on June 17, 2020, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, Mr. Chris Isdell, Accomack Residency Administrator with VDOT, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2020/2021 through 2025/2026) and the Construction Priority List (2020/2021) for Accomack County; and

WHEREAS, the Board of Supervisors has carefully weighed the comments of VDOT and Accomack County citizens as to the condition and importance of various secondary roads in the County; and

NOW, THEREFORE, BE IT RESOLVED, on this 20th day of May 2020, that the Accomack County Board of Supervisors hereby approves the attached Six-Year Plan for Secondary Roads (2020/2021 through 2025/2026) and the Construction Priority List (2020/2021) for Accomack County.

NOW, THEREFORE, BE IT FURTHER RESOLVED, on this 20th day of May 2020, that the Accomack County Board of Supervisors, for reference purposes only, continues to consider Route 609-Redwood Road, to be a potential high priority road project for inclusion in a future Secondary Six Year should state funding become available for it; and

ALSO, THEREFORE, BE IT FURTHER RESOLVED, that the Accomack County Board of Supervisors acknowledges the cancellation of two projects associated with Locustville Road (UPC 10604/10605). The Board does, for reference purposes only, continues to consider Locustville Road, to be a potential high priority road project for inclusion in a future Secondary Six Year should state funding become available for it; and

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

ALSO, THEREFORE, BE IT FURTHER RESOLVED, that the Accomack County Board of Supervisors is also aware of and endorses VDOT's plan in place to use existing VDOT funding to remediate the flooding issue along Bells Neck Road in Painter, Virginia.

11.4 Conduct Public Hearing on adjusting the sewer rate for the Central Accomack Service Area from \$22.57 per thousand gallons to \$23.70 per thousand gallons.

Mr. Stewart Hall reminded the Board that in accordance with the agreement with the Town of Onancock, the County is charged the lowest Town rate within the Town's tiered fee structure for wastewater that is conveyed from the County's Central Accomack Sewer System to the Town's system for treatment. The Town of Onancock has proposed a 5% rate increase, effective July 1, 2020, applicable to all wastewater rate tiers meaning the amount the County pays the Town for treatment services may increase. In order to maintain existing service levels, it would be necessary to pass this increase on to end users of the County's Central Accomack Sewer System.

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

On a motion made by Mr. H. Phillips and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to adjusting the sewer rate for the Central Accomack Service Area from \$22.57 per thousand gallons to \$23.70 per thousand gallons (5% increase).

11.5 Conduct Public Hearing for the appropriation of the CARES Act funding for Accomack County in the amount of \$ 2,819,446

The Board heard from Mrs. Margaret Lindsay, Director of Finance.

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

On a motion made by Mr. Wolff and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to amend the Fiscal Year 2020 Budget as follows:

RESOLUTION TO AMEND THE FISCAL YEAR 2020 ACCOMACK COUNTY GOVERNMENT BUDGET

WHEREAS, it is the responsibility of the Accomack County Board of Supervisors to approve and maintain the budgets for Accomack County; and

WHEREAS, on March 20, 2019, the Board of Supervisors finalized the Accomack County Fiscal Year 2020 Budget; and

WHEREAS, during the course of the fiscal year certain unanticipated events occur that compel an amendment to the budget be made; and

WHEREAS, this budget amendment was duly noted to require a public hearing at the Board of Supervisors electronic meeting on May 20, 2020; and

WHEREAS, this public hearing was duly advertised in a newspaper of general circulation on June 5, 2020 and June 12, 2020; and

WHEREAS, the public hearing was held at the Board of Supervisors meeting on June 17, 2020; and

WHEREAS, these funds are federal grant funds passed through the Commonwealth of Virginia and as such have specific restrictions as to use which have been communicated to the County and will be followed; and

WHEREAS, staff has reviewed the following requested budget amendment and recommend that it be approved; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2020 County budget be amended by the amount of \$ 2,819,446 for the Coronavirus Aid, Relief and Economic.

12. New Business

12.1 Consider Policy for the Naming of County-Owned Properties

A brief discussion ensued.

On a motion made by Mr. Crockett and seconded by Mr. Tarr, the Accomack County Board of Supervisors voted to adopt the following policy for the Naming of County-Owned Properties; including Streets, Structures, Facilities, Landscaping Features, Furniture, Buildings, and Interior Spaces Thereof:

A POLICY FOR THE NAMING OF ACCOMACK COUNTY-OWNED PROPERTIES;

**INCLUDING STREETS, STRUCTURES, FACILITIES, LANDSCAPING FEATURES,
FURNITURE, BUILDINGS, AND INTERIOR SPACES THEREOF**

Definitions:

“County-owned properties” means County-owned streets, structures, facilities, landscaping features (e.g. trees, shrubbery, flower beds), furniture (e.g. benches, tables, chairs), buildings and interior spaces thereof.

The County of Accomack has a comprehensive program to safeguard County-owned properties, while satisfying the facilities, economic, recreation, and transportation needs of the community. It is important that suitable names be chosen for County-owned properties. The following guidelines shall serve as policy on this matter.

- 1. Requests to name or rename County-owned properties shall be made in writing to the Office of the County Administrator, whereupon an *APPLICATION* shall be transferred to the individual, organization, and/or corporation.**
- 2. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information (if to be named after a person). Any letters from appropriate organizations and individuals, which provide evidence of substantial local support for the proposal, shall be submitted at that time.**
- 3. All suggestions for the naming of County-owned properties shall be submitted to the County Administrator (or designee) for review and distribution. Furthermore, the County Administrator (or designee) may forward all applications to the director of the department responsible for management/operation of that particular area for review and a recommendation as to acceptance or rejection.**
- 4. Submissions determined to be incomplete will be returned to the requester for action. Complete submissions will be transmitted to the Accomack County Board of Supervisors along with a staff recommendation for approval or denial. The Accomack County Board of Supervisors ultimately decides whether naming suggestions will be approved.**
- 5. As a general guideline, County-owned properties shall be named in accordance with geographical, cultural, historical, or ecological features indigenous to the site or to the immediate vicinity of the site. 4**
- 6. County-owned properties, excluding buildings (but not interior spaces thereof), may be named for an individual or corporation under the following conditions:**
 - Where the individual or corporation has made a significant gift of land or money to the County, or**
 - For an individual, living or deceased, who has made a significant contribution to the County of Accomack, for example:**
 - Has made a significant contribution to the protection and/or enrichment of a natural, cultural, educational, or horticultural resource of Accomack County**

-Has substantially contributed to the advancement of recreational or educational opportunities within Accomack County

-Has made a significant contribution to the betterment of a specific County-owned property, consistent with currently accepted best management practices and standards for the individual property in question

- 7. In support of this policy, nominations for naming of County-owned properties shall be evaluated on the basis of the above criteria and upon appropriate documentation submitted with the application.**
- 8. All costs associated with the naming, including the cost of any recording necessary and the cost of signage, shall be paid by the person(s), organization, and/or corporation submitting the request. This payment may be waived by the Board of Supervisors.**
- 9. As a general guideline, a named property will retain that name as long as the County owns the property. However, if a name is designated for a facility associated with a specific activity and that activity is subsequently changed, the name may be applied to a similarly used facility, if possible, and if not, to another facility.**
- 10. Denial of an application may be appropriate if the proposed naming might tend to bring disrepute upon the community for any reason or would not be looked upon favorably by a majority of County residents.**
- 11. The Accomack County Board of Supervisors shall have the right to make decisions that support the best interests of Accomack County and may approve or reject a naming request or may name or re-name any County-owned property at any time.**

12.2 Request from Accomack County Fire and Rescue Commission Regarding Extension

On a motion made by Mr. Crockett and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to approved the extension request from the Accomack County Fire and Rescue Commission to allow each fire department until September 15, 2020 to conduct fire apparatus pump tests due to COVID-19 safety concerns of the personnel conducting the testing. The submittal deadline would still remain September 30, 2020.

13. County Administrator's Report

Mr. Mason reported on the following items:

- 13.1 Defense Community Infrastructure Program Grant Application Update
- 13.2 HRSD court hearing dates deferred, date still unknown
- 13.3 School Reopening Phase Guidance Issued, Superintendent Holland plans present to the Board later in the summer.
- 13.4 Update on Active County CDBG Programs (Gospel Temple/Adams Crossing & MNSAA)
- 13.5 County business operations recovery plan status
- 13.6 Other Items
 - A. The County Administrator's Building reopened to the public by appointment only.

- B. Sawmill Park reopens on June 18; the playground itself will remain closed due to COVID-19 restrictions.
- C. All County boards/commissions will resume in-person meetings. In order to meet social distancing requirements, most meetings will be held at Metompkin Elementary.

On a motion made by Ms. Johnson and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to request that the Commissioner of the Virginia Department of Transportation, or his representatives, to assess the need for Deer Crossing signs on Route 709 Horntown, Virginia to ensure the safety of its citizens.

14. County Attorney's Report

No Report.

15. Board of Supervisors Comment Period

- A. Ms. Major** – gave a brief history and recognition of Juneteenth, the County’s Summer Program, and reminded the community to pray.
- B. Mr. Wolff** - stated that it was great to see everyone masked.
- C. Mr. H. Phillips** - Great to be back to in-person meetings, reminded the community to pray.

16. Budget and Appropriation Items

16.1 Consider Approving Resolution to Amend the FY20 Budget

On a motion made by Mr. Wolff and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to approve the following resolution to amend the Fiscal Year 2020 Budget:

RESOLUTION TO AMEND THE FISCAL YEAR 2020 ACCOMACK COUNTY GOVERNMENT BUDGET

WHEREAS, it is the responsibility of the Accomack County Board of Supervisors to approve and maintain the budget for Accomack County; and

WHEREAS, on March 20, 2019, the Board of Supervisors finalized the Accomack County Fiscal Year 2020 Budget; and

WHEREAS, during the course of the fiscal year certain unanticipated events occur that compel amendments to the budget be made; and

WHEREAS, staff has reviewed the following requested budget amendments and recommends that they be approved; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2020 County budget be amended by the amounts listed below and the amounts appropriated for the purposes indicated.

Fiscal Year	Requesting Department	Fund/Function	Purpose	Funding Source	Total
FY20	Social Services	Welfare Fund	To recognize various State and Federal budget adjustments. Approval of these adjustments is needed to bring the local Social Services' department budget in line with the State's approved budget.	State Funds =(\$45,299); Federal Funds =(\$66,798)	\$ (112,097)
FY20	Airport	Airport Fund	To appropriate the CARES Act funds for the Airport as awarded by the FAA	Federal	\$ 30,000
FY20	Public Works	General Fund/Docks and Ramps	Accounting reclassification to move funds from Folley Creek capital project to the Docks and Ramps general projects.	From Folley Creek capital project	\$ 15,000
FY20	Public Works	Capital Projects Fund/Docks and Ramps	Accounting reclassification to move funds from Folley Creek capital project to the Docks and Ramps general projects.	To Docks and Ramps construction	\$ (15,000)
Total					\$ (82,097)


 C. Reneta Major
 Chairman, Board of Supervisors

ATTEST:


 Michael T. Mason, CPA
 County Administrator

Adopted by the Board of Supervisors of Accomack County, Virginia, this 17th day of June 2020.

17. Payables

17.1 Consider June Payables

Mr. Mason certified the June payables.

On a motion made by Mr. Crockett and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to certify Mr. Mason to pay the June payables.

Discussion ensued in regards to the Quinby Dredging project and dredging of Parker's Creek through a program administered by the Accomack-Northampton Planning District Commission (A-NPDC)

On a motion made by Mr. Crockett and seconded by Mr. Muhly, the Accomack County Board of Supervisors voted to include Parker's Creek in the Waterway Maintenance Program, administered by the A-NPDC.

18. Closed Meeting

On a motion made by Mr. Tarr and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to enter into Closed meeting pursuant to Sec. 2.2-3711 A.1 Code of Virginia for consideration of prospective candidates for employment as a specific appointee of the Board as County Attorney. The Board shall receive and review applicant responses to County Attorney position and determine a date for interviews to be conducted that is convenient for the members of the board and conducive for travel for prospective candidates.

18.1 Closed Meeting pursuant to Virginia Code Section 2.2.3711 A.1 Code of Virginia for consideration of prospective candidates for employment as a specific appointee of the Board of Supervisors as County Attorney

18.2 Certification of Closed Meeting

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

19. Adjournment

19.1 Adjournment

On a motion made by Mr. Wolff and seconded by Mr. Muhly, the Accomack County Board of Supervisors voted to adjourn at 7:39 p.m.