

At a regular monthly meeting of the Accomack County Board of Supervisors, held on the 16th day of September 2020, in the cafetorium of Metompkin 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
Ms. Jan Proctor, County Attorney
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 Ms. Vanessa Kay Johnson.

1.2. Pledge of Allegiance

1.3. Adoption of Agenda

On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to adopt the agenda, as amended to add 12.8 Agreements with the Town of Painter and Melfa regarding the Hampton Roads Sanitation District (HRSD).

2. Public Comment

2.1 Public Comment Rules

Ms. Proctor read the Public Comment Rules.

1. Clara Jo Thomas, Atlantic, VA – complaint regarding ditch issue with Environmental Programs Dept.
2. Ronnie Thomas, Atlantic, VA – complaint regarding ditch issue with Environmental Programs Dept.

3. Consideration of Minutes

3.1 June 17, 2020

On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the June 17, 2020 meeting minutes, as presented.

4. Recognitions

4.1 Recognize 2019-2020 Valedictorians

Due to COVID-19 meeting arrangements being electronic during the Spring, valedictorians were unable to attend as usual. The following valedictorians were recognized:

Chincoteague High: Ms. Taylee Thomas

Nandua High: Ms. Molly Turlington

Arcadia High: Mr. Dade Walker

Tangier Combined: Mr. Matthew Norman Parks

5. Consent Agenda

5.1 Approval of Consent Agenda

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

5.2 Consider authorizing two property tax refunds in excess of \$5000 each pursuant to Code of Virginia 58.1-3981

5.3 Consider accepting a DCJS CESF grant award in the amount of \$50,000

6. Items Removed from Consent Agenda

No items were removed from the Consent Agenda.

7. Report of Public Officials

No report of public officials.

8. Committee Reports

No committee reports.

9. Old Business

9.1 Update on CARES Grants for Waterman, Charter Boats/Passenger Carrying Vessels, and Qualifying Small Businesses

Mr. Rich Morrison, Deputy County Administrator of Building, Planning & Economic Development provided the Board with the following update:

The application for the Charter Boat Captains/USCG Providing Passenger Service was open from September 9th through September 14th. 11 applications were received.

Round 1 applicants that were deemed ineligible due to owing taxes or inactive business license, must be current on their taxes and have an active business license by September 22, 2020, to be deemed eligible for a grant in the second round.

Round 2 will open on Thursday, September 24th at 10:00 a.m. and close on Wednesday, September 30th at 5:00 p.m.

10. Appointments

10.1 Attendance Reports – provided in the Board’s packet

10.2 There were no appointments for the month of September

11. Public Hearing (6:30 PM)

11.1 Public Hearing Rules

Ms. Proctor read the Public Hearing Rules.

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

Mr. Mason reviewed the request and explained that a public hearing was being conducted prior to amending the budget due to the dollar value of the amendment, \$2,819,446, which is significant to warrant a public hearing under the Code of Virginia Section 15.2-2507.

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

On a motion made by Mr. Wolff and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the presented budget and appropriation amendment totaling \$2,819,446 due to receipt of CARES Act funds:

County of Accomack, Virginia CARES Act Appropriation Detail FY20-FY21

Row Labels	To Be Appropriated	
	BOS Appropriation June 17, 2020	After 9/16/2020 Public Hearing
	1st Round of Cares Funds	2nd Round of Cares Funds
911 Related	\$ 68,107	\$ 29,585
Business Continuity Plan Development	\$ 75,502	\$ -
Employee/Customer Safety Related Facility Improvements	\$ 178,500	\$ -
Hazard Pay Bonuses	\$ 135,000	\$ -
Grants - Small business assistance ¹	\$ 1,169,112	\$ -
Grants - Watermen Assistance	\$ 100,000	\$ 275,000
Grants - Charter Boats/Passenger Carrying Vessels	\$ -	\$ 125,000
Other	\$ 97,087	\$ -
Contingency for unexpected expenses associated with COVID-19	\$ -	\$ 100,000
Technology Related	\$ 135,825	\$ -
Mortgage and Rental Assistance Program	\$ -	\$ 100,000
Towns (net of give back for small business assistance)	\$ 610,314	\$ 779,426
911 Related (Saecker Bld)	\$ 250,000	\$ -
Public Wi-fi Facility at Sawmill Park	\$ -	\$ 250,000
Broadband Proliferation & Reimbursement of Public Safety Payroll substantially dedicated to mitigating COVID-19	\$ -	\$ 1,160,435
Grand Total	\$ 2,819,446	\$ 2,819,446

Notes:

¹ Includes \$169,112 of funds originally allocated to towns who subsequently returned them to the County in order for businesses located in their incorporated area to be eligible under the County's Small Business Assistance Grant

11.3 Conduct Public Hearing on proposed DHCD Urgent Needs Grant Application (#3)

Mrs. Bobbie Jo Wert explained to the Board that the Virginia Department of Housing and Community Development (DHCD) is making available current CDBG funding to small cities, towns, and rural counties to respond to local needs related to COVID-19 response. The Community Development Block Grant (CDBG) program will assist units of local government and communities in response to the health and economic impact of COVID-19 by supporting planning grants, open submission, and urgent need recovery activities.

Eligible Activities:

- Construction or rehab of structures to be used for shelters, testing, or equipment manufacturing
- Training programs for healthcare workers or service industry jobs transitioning to food/pharmaceutical delivery systems
- Acquisition costs for telework/telemedicine services
- Job creation or business development for manufacturing of COVID-related materials, supplies, or equipment (PPE)

The A-NPDC is administering the grant and has contacted community service providers to compile a list of COVID-19 urgent needs within the County. The complete list of projects (attached) totals almost \$10M, but the maximum available grant for the entire State is \$6.5M. With DHCD guidance, the A-NPDC and the County have identified the first level of prioritization devoted to ensuring proposed projects meet the eligibility requirements of the program. Tonight's public hearing is to provide additional information following the two previously required hearings, as well as to seek public comment on the project priorities for the Accomack County application (attached). Those project priorities include providing Small Business Assistance, Food Insecurities, Food Delivery, Telework/telemedicine services, and PPE equipment. Services include but are not limited to, food vouchers to local small business restaurants and farmers markets, rent/mortgage/equipment purchase for small businesses, food delivery services, computer equipment for telework and telehealth, and COVID-19 related materials and supplies or equipment PPE.

The grant requires two public hearings to be held prior to the submission of the grant to DHCD. This is the third & final public hearing, due to changes to the application.

Chair 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. Crockett, the Accomack County Board of Supervisors, voted to endorse and sponsor the COVID-19 Virginia Department of Housing and Community Development (DHCD) Urgent Needs Request application and authorize staff to work with the Accomack-Northampton Planning District Commission (A-NPDC) to review and submit the application for the identified project priorities, as proposed below:

the Library & Heritage Center, to the “Arthur W. Perdue Children's Room”. This request was endorsed by the Trustees and the request properly follows the guidance outlined in the County’s policy governing naming of County property. Staff has reviewed the request and finds it complete.

12.4 Consider request from ESPL Trustees to rename the New Regional Library's "Children's Study Room"

On a motion made by Mr. H. Phillips and seconded by Mr. Muhly the Accomack County Board of Supervisors voted to approve the request from the Eastern Shore Public Library Trustees, to rename the Library’s “Children’s Study Room”, located in the Library & Heritage Center, to the “Francis Bibbins Latimer Children's Study Room”. This request was endorsed by the Trustees and the request properly follows the guidance outlined in the County’s policy governing naming of County property. The staff has reviewed the request and finds it complete.

12.5 Consider using \$100,000 in CARES Act funds to stand up a rent and mortgage assistance program to complement the existing ANPDC rent and mortgage assistance program (RMRP)

Mr. Mason reviewed the request and explained that the Accomack-Northampton Planning District currently manages a rent/mortgage assistance program named the Rent and Mortgage Relief Program (RMRP). This program provides financial assistance for rent-eligible households facing eviction or foreclosure.

On a motion made by Mr. Wolff and seconded by Mr. H. Phillips the Accomack County Board of Supervisors voted to authorize the County Administrator to pursue the creation of a contractual agreement, approved in form by the County Attorney, that would stand up a rent and mortgage assistance program that complements the existing ANPDC's existing Rent and Mortgage Relief Program (RMRP) by expanding the income limitations of the RMRP from 80% of AMI to 150% of AMI.

In order to be eligible for this complimentary program, renters or mortgage holders must have:

- Have a valid lease or mortgage statement or other documentation confirming mortgage landlord-tenant relationship; or
- Have experienced a loss of income due to the Coronavirus pandemic;
- Have a rent or mortgage amount that is at or below 150 percent of Fair Market Rent (FMR)*;
- Have a gross household income at or below 150 percent of Area Medium Income (AMI)*based on the current month’s income including any unemployment insurance.

12.6 Consider approving using up to \$29,585 in CARES Act funds to reimburse additional COVID-19 related expenditures of the 911 Commission using established cost-sharing formula

On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to approve reimbursing the 911 Commission for up to \$29,585 in documented expenditures tied to COVID-19 response during the period March 1, 2020, to June 30, 2020. The Source of funds is the second allocation of CARES Act assistance received by the County.

12.7 Consider authorizing staff to pursue a partnership with the ESVBA to construct up to 8 public Wi-Fi hotspots in residential areas with demonstrated high densities of ACPS students without home internet

Mr. Mason requested that the number be increased to 10-hot spots as two new areas had been identified before the meeting. These hot spots are in addition to the ones being placed in different areas by the Accomack County Public School Board.

On a motion made by Mr. Wolff and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to authorize the County Administrator to pursue the creation of the contract, approved in form by the County Attorney, that would lead to the creation of up to 10 new public wi-fi hotspots in areas with high densities of ACPS students without home internet; the Board amended the vote to allow staff, if the need is found, to fund up to 15 new public Wi-Fi hot spots without bringing it back before the Board.

12.8 Amended Agenda Item*: Consider approving two tri-party agreements (Towns of Melfa or Painter, HRSD, and County) confirming various representations made during the public information sessions on the proposed ES Sewer Transmission Force Main Project which is a prerequisite to each Town's support of the HRSD petition to add the territory of these towns to HRSD's service area

Mr. Mason explained to the Board that two towns, Painter and Melfa, conditionally approved their support of the petition. The condition being the County, HRSD, and each of these two towns enter into a tri-party agreement that confirms the Town's understanding of various representations made by HRSD and County officials during several different public information sessions held on the proposed project. The first draft of the tri-party agreement asked the County to agree to several conditions for which the County believed it had no jurisdiction or authority. The staff's position was that it would not be appropriate for the County to sign off on the proposed agreements, which was conveyed to both HRSD and the Towns back in March 2020.

On a motion made by Mr. Hart and seconded by Mr. Crockett the Accomack County Board of Supervisors to authorize the County Administrator to sign the below tri-party agreement (separate agreements for Town of Painter and Town of Melfa) which has been reviewed and approved by the County Attorney.

AGREEMENT OF THE TOWN OF PAINTER/MELFA, THE COUNTY OF ACCOMACK, AND THE HAMPTON ROADS SANITATION DISTRICT COMMISSION AS TO THE AUTHORITY OF THE TOWN AS TO LAND USE DECISIONS RELATING TO SEWER FACILITIES AND AS TO THE CONTROL OF THE TOWN OF PAINTER OVER MANDATORY SEWER

**CONNECTIONS WITHIN THE CORPORATE LIMITS OF THE TOWN OF
PAINTER**

This AGREEMENT, made this 16th day of September 2020, by and among, the TOWN OF PAINTER, THE HAMPTON ROADS SANITATION DISTRICT COMMISSION, and the COUNTY OF ACCOMACK, all parties hereto being political subdivisions of the Commonwealth of Virginia, and made in consideration of the benefits accruing to each of the parties pursuant to the agreements made herein:

1. WHEREAS, the Town of Painter/Melfa acting through its Town Council, has interest on behalf of its citizens to be included in the Hampton Roads Sanitation District ("HRSD") for the purpose of potentially providing sanitary sewer services for the public health, safety, and welfare of its citizens and citizens of Accomack and Northampton Counties; and

2. WHEREAS, the Hampton Roads Sanitation District Commission, a political subdivision of the Commonwealth of Virginia, was established as a governmental instrumentality to provide for the public health and welfare; and

3. WHEREAS, the HRSD Commission has initiated and currently has pending in the Circuit Court for the County of Accomack, a Petition to add the County of Accomack, including all of the incorporated and unincorporated territory therein, to the HRSD in accordance with the Enabling Act creating the Hampton Roads Sanitation Commission (Chapter 66 of the 1960 Acts of Assembly, as amended), and WHEREAS in said Enabling Act, the Commonwealth of Virginia has granted to HRSD powers to construct sewage disposal systems and sewer improvements within and without the District (Section 10 (d) of the Enabling Act) and to mandate connections and disconnections in certain areas under certain conditions (Section 24 of the Enabling Act);

4. WHEREAS, the HRSD and the Town of Painter/Melfa hereby agree that, if the Town of Painter's territory is included in the HRSD, sanitary sewer services would not be provided to users of such at parcels within the corporate limits of the Town of Painter/Melfa by the HRSD until the Town and the HRSD have entered into a formal Operating Agreement, which agreement would be separate and apart from this agreement and which would be specific to the Town of Painter/Melfa; and

5. WHEREAS, the HRSD and the Town of Painter/Melfa hereby agree that, if the Town's territory is included in the HRSD area, the Town will continue to have the same land-use decision-making authority as it presently has, in accordance with local ordinances and state laws, with respect to all sewer facilities, including but not limited to force mains or interceptor connector lines or pump stations, proposed to be located within the corporate limits of the Town, even if such facilities connect to other facilities operated by the County of Accomack or by HRSD located outside the corporate limits of the Town of Painter/Melfa and even if such facilities require

no Operating Agreement for sewer connections to parcels located within the Town of Painter/Melfa. Requests for approvals for such facilities, made by HRSD in accordance with local ordinances and policies and the Enabling Act creating the Hampton Roads Sanitation Commission (Chapter 66 of the 1960 Acts of Assembly, as amended), shall not be unreasonably withheld. Notwithstanding any other provisions of this agreement, the Town shall have no authority to administer the provisions of the Building Code or the Erosion or Sediment Control Ordinances, which matters have been administered by the County of Accomack even within the corporate limits of the Town;

6. WHEREAS, the HRSD and the Town of Painter/Melfa agree that, if the Town's territory is included in the HRSD area, the HRSD will not, without the consent of the Town Council of the Town of Painter/Melfa, the local governing body of the Town, mandate the connection to a sewer system operated by HRSD (or an attendant disconnection from an existing lawfully operating private system), on any parcel of land within the corporate limits of the Town of Painter regardless of whether there exists or is required a formal operating agreement for such HRSD facilities within the Town of Painter/Melfa;

7. WHEREAS, the County of Accomack and the Town of Painter/Melfa agree that, if the Town's territory is included in the HRSD area, the Town Council of the Town of Painter/Melfa, and not the Board of Supervisors of Accomack County, shall be the exclusive applicable governing body for purposes of mandating connections or disconnections to HRSD facilities on any parcel of land within the corporate limits of the Town of Painter, pursuant to paragraph 6 herein, or pursuant to any HRSD policy, or pursuant to any state law referring to a "governing body" that is to make decisions relating to HRSD connections or disconnections.

8. WHEREAS, the County of Accomack and the Town of Painter/Melfa hereby agree that, if the Town's territory is included in the HRSD area, the Town will continue to have the same land-use decision-making authority as it presently has, in accordance with local ordinances and state laws, and Accomack County shall continue to have the same authority to administer the Building Code and the Erosion and Sediment Control Ordinances as it presently has, in accordance with local ordinances and state law and as detailed in paragraph 5 herein, with respect to all sewer facilities, including but not limited to force mains or interceptor connector lines or pump stations, proposed to be located within the corporate limits of the Town, even if such facilities connect to other facilities operated by the County of Accomack or by HRSD located outside the corporate limits of the Town of Painter/Melfa and even if such facilities require no Operating Agreement with HRSD for sewer connections to parcels located within the Town of Painter/Melfa.

NOW, THEREFORE, in consideration of the potential benefits to the Town of Painter and to all of Accomack and Northampton Counties and in further consideration of the mutual agreements recited herein, the Town of Painter/Melfa

fully supports the Petition of the HRSD to have the Circuit Court of Accomack County add the incorporated territory of the Town of Painter to the HRSD.

13. County Administrator's Report

13.1 Reminder: Public Hearing for inclusion in HRSD to be held in Circuit Court on October 2, 2020, 9:30 am

13.2 Creation of Working Group to craft an ordinance and administrative guidelines supporting a boating facility parking fee. The Working Group consists of Mr. Mason, Ms. Lindsey, Ms. Proctor, Mr. Hall, and Treasurer James Lilliston.

13.3 Status of Town Certifications for 2nd Round of Cares Act Funds – The County was required to proportionately share the latest round of CARES Act funding it has received with its incorporated towns no differently than the first allocation it obtained back in June. The County was required to sign a certification agreement in order to obtain the 2nd allocation of CARES Act funding from the State. A similar agreement is again required from each town and must be received by the County before any funds can be disbursed to them.

All Accomack incorporated towns were notified by email on August 13 of this new certification requirement and were requested to return signed copies by September 16, 2020. As of September 10, 2020, the Towns of Onancock, Bloxom, Chincoteague, and Hallwood have submitted their CARES Act Certification Forms. Staff will continue to contact town officials to remind them of this requirement but wanted to provide the Board a status update. Some towns did opt to return funds to the County for disbursement in its assistance programs, in lieu of the money being returned to the Federal Government.

13.4 VDOT Response: Metompkin Road (Quail Circle) (2019.10) – results did not warrant a speed reduction, but did warrant the installation of Winding Road Warning Signs with a 25 mph Advisory Speed Plaque and Turn Warning Signs with 20mph Advisory Speed Plaques.

13.5 Other Items

- **County Registrar's Office** has moved and is located at 24387 Joynes Neck Rd. Accomac, VA 23301. Signage has been placed on the highway and within the town. Star Transit has added the office to its route.

14. County Attorney's Report

Ms. Proctor did not have a report. Mr. Crockett welcomed Ms. Proctor to the County and acknowledged her experience.

15. Board of Supervisors Comment Period

A. Mr. Muhly – During a tour of the new Eastern Shore Library with Elaine Luria, a Foundation member approached and began discussion regarding the lack of funding from Northampton County, for the regional library. Chair Major requested that staff send a letter and include specific requests for the Heritage Center as the Center represents the entire Eastern Shore and many contributions were received from Ms. Francis B. Lattimer, who is a resident of Northampton County. The Board consensus was to have staff send the letter.

B. Mr. Tarr – Expressed that he was troubled by the concerns expressed during public comment by Mr. & Mrs. Thomas and requested a staff report at its next meeting regarding the matter.

C. Mr. Wolff – Tuesday, September 29th the next Antares rocket launch.

D. Chair Major – Reminded citizens that early voting would soon begin and encouraged all to exercise their right to vote.

16. Budget and Appropriation Items

16.1 Consider Approving Resolution to Amend the FY21 Budget

On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to approve the following resolution to amend the FY21 Budget:

September 16, 2020 BOS Meeting

RESOLUTION TO AMEND THE FISCAL YEAR 2021 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 April 6, 2020, the Board of Supervisors finalized the Accomack County Fiscal Year 2021 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 2021 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
FY21	Community Corrections	General Fund/Public Safety	To recognize award of Community Corrections CARES funding.	State Funds	\$ 50,000
FY21	Public Works	Capital Projects Fund/Public Works	To recognize funds received from the ES Library Foundation for the Library construction project.	ES Library Foundation	\$ 239,812
FY21	Chincoteague Chamber of Commerce	General Fund/Community Development	To recognize funding for the Chincoteague Chamber of Commerce.	Departmental savings	\$ 20,000
Total					\$ 309,812

17. Payables

17.1 Consider September Payables

Mr. Mason certified the September Payables.

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

The Board took a break until 6:30 p.m. for the public hearings.

18. Closed Meeting

18.1 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.5 Code of Virginia for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the Melfa Industrial Park and pursuant to Virginia Code Section 2.2-3711.A.7 - Consultation with legal counsel pertaining to litigation regarding Hack's Neck Public Landing where such consultation in open meeting would adversely affect the litigating posture of the public body.

18.2 Closed Meeting pursuant to Virginia Code Section 2.2-3711 A.5 Code of Virginia discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the Melfa Industrial Park

18.3 Closed Meeting pursuant to Virginia Code Section 2.2-3711.A.7 for discussion with legal counsel regarding pending litigation - Hack's Neck Public Landing

18.4 Certification of Closed Meeting

On a motion made by Mr. H. Phillips and seconded by Mr. Wolff, the Accomack County Board of Supervisors moved that the Board certified 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. By roll call vote:

Ayes: H. Phillips, Johnson, Muhly, Wolff, Major, J. Phillips, Tarr, Crockett, Hart

Nays: None

Absent: None

Abstain: None

19. Adjournment

On a motion made by Mr. Wolff and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to adjourn at 6:50 p.m.