

At the Regular Meeting of the Accomack County Board of Supervisors, held on the 15<sup>th</sup> day of September 2021, in the cafetorium at Metompkin Elementary School, located at 24501 Parksley Rd., Parksley, VA 23421 at 5:00 p.m.

## **1. Opening of Meeting**

### **MEMBERS PRESENT AND ABSENT**

#### **Board of Supervisors Present:**

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

#### **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, Mr. Wolff called the meeting to order at 5:00 p.m.

### **1.1. Invocation**

The invocation was given by Mr. Crockett.

### **1.2. Pledge of Allegiance**

### **1.3. Adoption of Agenda**

**On a motion made by Mr. Hart and seconded by Mr. Tarr, the Accomack County Board of Supervisors voted to adopt the agenda as presented.**

## **2. Public Comment**

### **2.1 Public Comment Rules**

Ms. Proctor read the Public Comment Rules into the record.

The following persons signed up to speak:

1. **Ann Beamer Williams** – Onancock, VA – Provided a status update on Children’s Harbor Day Care Center in Onancock. Invited members of the Board to attend the informational tour scheduled for September 16<sup>th</sup>.
2. **Shelley Strain** – Onancock, VA – Provided the Board with an update on Eastern Shore Coalition Against Domestic Violence’s (ESCADV) new facility and requested that the Board consider providing funding.
3. **Karen Downing** – Parksley, VA – Representative of Virginia Organizing – wished to reiterate the need for child care on the Eastern Shore and the use of American Rescue Plan funds.

### **3. Consideration of Minutes**

#### **3.1 August 18, 2021**

**On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the minutes of the August 18, 2021 meeting, as presented.**

### **4. Consent Agenda**

#### **4.1 Approval of Consent Agenda**

**On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors voted to approve the Consent Agenda, as presented, with the amendment to add Agenda Item 4.7:**

**4.2 Consider Directing the County Administrator to Draft a Letter to the Governor Requesting a Feasibility Study Be Initiated to Examine the Value and Importance of Obtaining a 4-Year degree on the Eastern Shore**

**4.3 Consider authorizing one property tax refund in excess of \$5,000 pursuant to the Code of Virginia 58.1-3981**

**4.4 Consider awarding IFB 738 - Hack's Neck Site Improvements**

**4.5 Consider awarding IFB 736 - Rebid, Schooner Bay Boat Ramp Replacement**

**4.6 Consider Referring to the Planning Commission Ordinance Amendments to the Sign Regulations within the County Zoning Ordinance.**

**4.7 AMENDED: Consider Authorizing the County Attorney to Work with the Accomack County Economic Development Authority on the Undeveloped Properties within the Industrial Park and Acquiring Property Rights to Relocate the Airplane Currently Located at the Accomack County Airport**

### **5. Old Business**

#### **5.1 Consider Proposed Sawmill Park & Voter Registration Parking Improvement Plan**

Mr. Hall reviewed the proposed plan and stated that the Voter Registrar and Parks and Recreation Advisory Committee both agree with the plan. Discussion ensued.

**On a motion made by Mr. Crockett and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to approve the Sawmill Park Improvements Plan dated August 25, 2021.**

The Board requested that Mr. Hall and staff return at a later date with an update on the Parks and Recreation Program.

#### **5.2 Consider Change Order Extending the Time Period for Construction Management Services for Eastern Shore Regional Library & Heritage Center**

**On a motion made by Ms. Major and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to approve the Change Order from Waller, Todd & Sadler Architects, Inc., dated August 16, 2021, to provide construction administration services for an additional period in accordance with the Contractor's request for a time extension. The revised date for Final Completion is set for January**

**28, 2022, and additional Construction Administration Services in the amount of \$23,572. The vote passed 7-2:**

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

**Nays: Muhly, Wolff**

**Abstain: None.**

**Absent: None.**

Supervisor Crockett wished to confirm with Mr. Hall that the funding was already included in the budget; Mr. Hall confirmed that it was.

**5.3 Receive Cost Estimates for Expanding the Compensation Board's Employee Bonus Eligibility Requirements as directed by the Board of Supervisors on August 18, 2021, and in response to a letter request from the Accomack County Sheriff dated September 8, 2021**

Supervisors Johnson and Tarr read their statements of disqualifications and abstention into the record.

**STATEMENT OF DISQUALIFICATION AND ABSTENSION**

Supervisor Vanessa Johnson

I have a personal interest in Agenda Item 5.3 because I work for Accomack County in one of the divisions under consideration for a bonus. Accordingly, I am disqualified from voting and will abstain from participation in this matter.

Accomack County – Conflict of Interests Disclosure

Official's Name: Vanessa Kay Johnson

Title: Member, Accomack County Board of Supervisors

District: District 3 Supervisor

Transaction: Agenda Item 5.3 - Possibility of bonuses for employees working at the County landfill and convenience centers.

Non-County Party: \_\_\_\_\_

Official's Interest in the Named Transaction (1) I work for Accomack County in one of the divisions under consideration for a bonus. Accordingly, I am disqualified from voting and will abstain from participation in this matter.

I hereby declare, upon the above-stated facts, that:

I am disqualified or elect to disqualify myself from participating in the transaction. (Disqualification must be declared prior to the transaction.)

I am a member of a business, profession, occupation, or group, the members of which are affected by the transaction, and I am able to participate in the transaction fairly, objectively, and in the public interest.

A party to the transaction is a client of my firm, I do not personally represent or Provide service to this client, and I am able to participate in the transaction fairly, objectively, and in the public interest.

Signed: Vanessa Kay Johnson Date: 9/15/21

Print Name & Title: Vanessa Kay Johnson, District 3 Supervisor

This completed declaration shall be filed with the County Administrator, who shall retain and make it available for public inspection for a period of five years from the date of receipt. Declaration of disqualification must be made prior to the transaction. Declaration of ability to participate in the transaction should be made prior to the transaction. However, if reasonable time is not available to complete a declaration of ability to participate prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. Oral disclosure of the existence of the interest should be made, and recorded in the minutes, during each Board meeting at which the transaction is discussed.

## **STATEMENT OF DISQUALIFICATION AND ABSTENSION**

Vice Chair Billie Joe Tarr

I have a personal interest in Agenda Item 5.3 because my son, who resides with me, works for one of the divisions under consideration for a bonus. Accordingly, I am disqualified from voting and will abstain from participation in this matter.

Accomack County – Conflict of Interests Disclosure

Official's Name: William J. Tarr

Title: Member, Accomack County Board of Supervisors

District: District 1 Supervisor

Transaction: Agenda Item 5.3 - Possibility of bonuses for employees working at Accomack County.

Non-County Party: \_\_\_\_\_

Official's Interest in the Named Transaction (1) My son works for Accomack County in one of the divisions under consideration for a bonus. Accordingly, I am disqualified from voting and will abstain from participation in this matter.

I hereby declare, upon the above-stated facts, that:

I am disqualified or elect to disqualify myself from participating in the transaction. (Disqualification must be declared prior to the transaction.)

I am a member of a business, profession, occupation, or group, the members of which are affected by the transaction, and I am able to participate in the transaction fairly, objectively, and in the public interest.

A party to the transaction is a client of my firm, I do not personally represent or provide service to this client, and I am able to participate in the transaction fairly, objectively, and in the public interest.

Signed: William J. Tarr Date: 9/15/2021

Print Name & Title: William J., District 1 Supervisor

This completed declaration shall be filed with the County Administrator, who shall retain and make it available for public inspection for a period of five years from the date of receipt. Declaration of disqualification must be made prior to the transaction. Declaration of ability to participate in the transaction should be made prior to the transaction. However, if reasonable time is not available to complete a declaration of ability to participate prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. Oral disclosure of the existence of the interest should be made, and recorded in the minutes, during each Board meeting at which the transaction is discussed.



## 6. Appointments

### 6.1 September Appointments

- ❖ Eastern Shore Resource Conservation & Development Council: deferred until the next regular meeting.

- ❖ Parks and Recreation Advisory Committee:

**On a motion made by Ms. Johnson and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to reappoint (originally appointed in February 2021 to fill the unexpired term of Ms. Lisa Johnson) Ms. Betty Fosque to the Parks and Recreation Board for a four-year term to begin immediately and expire on June 20, 2025.**

- ❖ Building and Fire Code Appeals Board

**On a motion made by Mr. Crockett and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to reappoint Mr. Don Amadeo to the Accomack County Building and Fire Code Appeals Board to serve an additional four-year term, expiring on March 31, 2025.**

### 6.2 Attendance Reports

Attendance reports were included in the Agenda packet.

## 7. Public Hearing (6:30PM)

### 7.1 Public Hearing to Consider Granting and Accepting Avigation Easements

Mr. Stewart Hall, Deputy County Administrator – Public Works & Facilities, explained to the Board that an avigation easement would give the County a right of flight across property adjoining the County Airport for purposes of protecting aircraft against electronic interference, lighting, glare, and obstructions such as buildings, structures, and trees. He stated that avigation easements are desired across adjoining properties owned by the County, the Economic Development Authority, and one private landowner.

Mr. Wolff 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. H. Phillips, the Accomack County Board of Supervisors voted to grant and accept the avigation easements needed to protect the safety of aircraft approaching and landing at the County Airport.**

### 7.2 Consider Whether to Approve Amendments to Chapter 82 of the Accomack County Code, entitled Taxation, to allow a 5% tax on food and beverages sold by restaurants for human consumption in the unincorporated areas of the County

*The Public Hearing for this item was held on August 18, 2021, no public comments were received, and the Board deferred the item to the September 15, 2021 meeting to allow staff to provide the Board with additional information and options, prior to it taking action.*

Mr. Mason reviewed the advantages and disadvantages of each option that was presented before the Board.

**On a motion made by Mr. Crockett and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to enact a 5% food and beverage tax and continue to pay over time, instead of providing compensatory leave to all non-exempt employees, in order to create an equality between all County non-exempt employees. The vote passed 7-2:**

**Aye: Johnson, Crockett, Wolff, J. Phillips, Tarr, Major, Hart**

**Nay: H. Phillips, Muhly**

**Abstain: None.**

**Absent: None.**

## **8. New Business**

### **8.1 Receive Information on the Virginia Community Flood Preparedness Fund**

Mr. Mason informed the Board that due to staff illness, no representative from The Nature Conservancy was able to attend, so the item would be moved to a future meeting.

### **8.2 Consider a Request from the Health Department to roll over unused FY21 Budget Funds**

Ms. Margaret Lindsey reviewed the request.

**On a motion made by Mr. Crockett and seconded by Mr. Muhly, the Accomack County Board of Supervisors voted to approve a rollover of \$ 2,000 in FY 21 funds not expended by the Accomack County Health Department for FY22 matching of other Commonwealth of Virginia funding.**

### **8.3 Consider a Request to Suspend County Financial Policy #1005 and allow Carryover of the remaining FY21 County Local Funds Appropriation for School Purposes in FY22**

Ms. Lindsey reviewed the request from the School Board. Discussion ensued.

**On a motion made by Mr. Crockett and seconded by Mr. Tarr, the Accomack County Board of Supervisors voted to allow the full unexpended amount of budgeted fiscal year 2021 local funding from the County to the Schools to be carried forward into FY 22. The budgeted amount for local share for the schools for the fiscal year 2021 is \$19,139,358 and a balance of unexpended funds is estimated to be \$7,503,841. The Board's approval is conditioned that once the final amount of unexpended funds has been determined, the Board will receive notification and determine how much to request that the School Board allocate towards the renovation of its new administrative office building.**

### **8.4 Receive County Fourth Quarter 2021 Summary Financial Report**

Mrs. Lindsey reported that the County's major revenues were up \$2,397,696 or 12.5% through the 4th quarter of the fiscal year 2021. She reminded the Board that 1st quarter revenues were less than the same time in fiscal year 2020, by 5.4%, 2nd quarter revenues were more than same period in fiscal year 2020 by 4% (or \$ 1,016,519) and 3<sup>rd</sup> quarter were up 7.5% as compared to same time prior year. At end of the full year, the County is 9.6% up over fiscal year 2020.



**8.5 Consider approving an EDIP grant to Eastern Shore Microbes in the amount of \$76,087 and appropriating this amount to the EDA for an award of the grant.**

Mr. Rich Morrison, Deputy Director – Planning, Zoning, and Economic Development, reviewed the request. The Board received a presentation from Dr. Russell Vreeland.

**On a motion made by Ms. Major and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to approve an Economic Development Investment Program (EDIP) grant to Eastern Shore Microbes in the amount of \$76,087 and appropriate this amount to the Economic Development Authority for this purpose subject to the condition that the EDA and Eastern Shore Microbes execute a performance agreement approved in form by the County Attorney.**

**9. County Administrator's Report**

Mr. Mason provided an update on the following matters:

**9.1 Update on Construction of Airport Access Road/Gate** – Gate was installed earlier in the day on September 15, 2021. Reimbursement of cost has been requested from the EDA.

**9.2 Review Draft General Program Guidelines for County Child Care Start-Up and Expansion Grants funded from the ARPA State and Local Fiscal Recovery Fund (Feedback Requested)**

Mr. Mason reviewed his request and asked the Board for feedback. Ms. Major thanked the staff for their open-mindedness to the matter. She suggested that the childcare needed to target economically disadvantaged areas and citizens and accept subsidy programs, such as that offered through the Department of Social Services and/or sliding scale fees to make it more affordable. She requested that staff continue to work closely with Social Services on this matter. She also requested that staff notify the Workforce Development Office so that it can be prepared to assist prospective business owners with their application, if needed. Mr. Mason concurred and stated that he would continue working with the Department of Social Services and developing stipulations.

**9.3 Review Draft General Program Guidelines for Volunteer Fire and Rescue Company Revenue Replacement Grants funded from the ARPA State and Local Fiscal Recovery Fund (Feedback Requested)**

The Board provided consensus that they prefer to have each fire department receive an equal amount to ensure equality. Mr. Mason and Hart discussed increasing the proposed \$45,000 maximum to \$50,000 using the funds that became available from the Broadband local match for the VATI Application.

**9.4 Recap of ARPA Fund Commitments and Balance Available**

**9.5 Other**

**Regional VATI Application** – was submitted. Mr. Mason recognized the efforts of the Eastern Shore of Virginia Broadband Authority on the completion of the application. He also reported that the local match required had decreased to \$929,508 due to previous projects that had been completed and approved to be used as leverage.

**10. County Attorney's Report**

Ms. Proctor recommended that the Board amend its original motion for Agenda Item 7.2, to delay the effective day, allowing businesses and the Commission of Revenue time to implement the necessary changes.

Mr. Mason also stated that he would like to post a notice in the newspaper, as another method of notice.

**On a motion made by Mr. Hart and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to amend the earlier motion under Agenda 7.2, to delay the effective date of the 5% food and beverage tax for businesses in unincorporated areas of Accomack County until January 1, 2022.**

## **11. Board of Supervisors Comment Period**

- ❖ **Major** – Ms. Major requested that staff inform the Workforce Development office of the grant application for child care providers.
- ❖ **Crockett** – Mr. Crockett requested that in 2022 the Board consider providing the Eastern Coalition Against Domestic Violence with funding to assist with the renovation of its new facility, the former G.F. Horne building in Onancock.
- ❖ **Wolff** – Wished his fellow Jews a happy holiday for Yom Kippur.

## **12. Budget and Appropriation Items**

### **12.1 Consider Approving Resolution to Amend the FY21 and FY22 Budgets**

**On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the resolution to amend the FY21 and FY22 budgets:**

## RESOLUTION TO AMEND THE FISCAL YEAR 2021 AND 2022 ACCOMACK COUNTY GOVERNMENT BUDGETS

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

**WHEREAS**, on April 6, 2020, the Board of Supervisors finalized the Accomack County Fiscal Year 2021 Budget; and

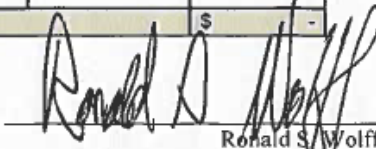
**WHEREAS**, on March 29, 2021, the Board of Supervisors finalized the Accomack County Fiscal Year 2022 Budget; and

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

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

**BE IT RESOLVED** by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2021 and 2022 County budgets be amended by the amounts listed below and the amounts appropriated for the purpose indicated.

Fiscal Year	Requesting Department	Fund/Function	Purpose	Funding Source	Total
FY21	Finance	General Fund/ General Government Administration	To reverse transfers between Finance department budget and County's Administrator's budget; funds not needed.	Transfer	\$ 25,000
FY21	County Administrator	General Fund/ General Government Administration	To reverse transfers between Finance department budget and County's Administrator's budget; funds not needed.	Transfer	\$ (25,000)
FY22	Public Works	Capital Projects Fund/Parks, Rec. & Cultural	To reallocate funds from Folly Creek and Northern Spur projects to Hacks Neck project.	Transfer	\$ 57,420
FY22	Public Works	Capital Projects Fund/Parks, Rec. & Cultural	To reallocate funds from Folly Creek and Northern Spur projects to Hacks Neck project.	Transfer	\$ (16,425)
FY22	Public Works	Water Sewer Fund/Public Works	To reallocate funds from Folly Creek and Northern Spur projects to Hacks Neck project.	Transfer	\$ (40,995)
FY22	Public Works	Capital Projects Fund/Parks, Rec. & Cultural	To reallocate funds from Annis Creek project to Schooner Bay project.	Transfer	\$ 49,500
FY22	Public Works	Capital Projects Fund/Parks, Rec. & Cultural	To reallocate funds from Annis Creek project to Schooner Bay project.	Transfer	\$ (49,500)
<b>Total</b>					<b>\$ -</b>

  
 Ronald S. Wolff  
 Chairman, Board of Supervisors

ATTEST:



Michael T. Mason, CPA  
County Administrator

Adopted by the Board of Supervisors of Accomack County, Virginia, this 15<sup>th</sup> day of September 2021.

### **13. Payables**

#### **13.1 Consider September Payables**

Mr. Mason certified the September Payables.

**On a motion made by Mr. J. Phillips and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the September Payables.**

### **14. Adjournment**

#### **14.1 Adjournment**

**On a motion made by Mr. Tarr and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to adjourn at 7:08 p.m.**