

At the Regular Meeting of the Accomack County Board of Supervisors, held on the 16<sup>th</sup> day of March, 2022, in the cafetorium at Metompkin Elementary School, located at 24501 Parksley Road, Parksley, VA 23421 at 5:00 p.m.

## **1. Opening of Meeting**

### **MEMBERS PRESENT AND ABSENT**

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

William J. “Billy” Tarr, Chair  
Robert D. Crockett, Vice-Chair  
Ron S. Wolff  
Donald L. Hart, Jr.  
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

#### 1.1 Call to Order

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

#### 1.2 Pledge of Allegiance

#### 1.3 Invocation

The invocation was given by Mr. Crockett.

#### 1.4 Adoption of Agenda

**On a motion made by Mr. Wolff 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

Ms. Proctor read the Public Comment rules.

1. William Leslie – 3032 Meridian Drive – Greenbackville, VA – Captain’s Cove  
The item that he wished to address had been dropped

## **3. Consideration of Minutes**

- 3.1 February 7, 2022, County Administrator's Budget Presentation
- 3.2 February 10, 2022, Department and Agency Budget Presentations
- 3.3 February 16, 2022, Regular Meeting

**On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the February 7, 2022, February 10, 2022, and February 16, 2022, meeting minutes, as presented.**

#### **4. Consent Agenda**

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

**On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the Consent Agenda with Agenda Item 4.6 Consider award of IFB #740 - Mowing and Grounds Maintenance Contract removed for discussion:**

**4.2 Consider authorizing the County Administrator to apply for a USDA grant to fund the purchase of two Sheriff's Patrol Vehicles**

**4.3 Consider Applying for Virginia Port Authority (VPA) - Aid to Local Ports Funding**

**4.4 Consider Retroactive Approval for the County Administrator to Accept the DHCD Makemie Park Septic Improvement Project - Urgent Need Grant in the amount of \$1,000,000 and to schedule a public hearing to amend the FY22 budget**

**4.5 Consider Accepting Planning Commission's recommendation concerning the County Capital Improvement Plan (FY 2023-2027)**

~~4.6 Consider award of IFB #740 - Mowing and Grounds Maintenance Contract~~

**4.7 Consider Award of RFP #310 - Waste Tire Transporting**

#### **5. Items Removed from Consent Agenda**

##### **4.6 Consider award of IFB #740 - Mowing and Grounds Maintenance Contract**

Mr. H. Phillips asked if the County Grounds Crew was unable to do this plus the additions to the contract. Mr. Mason responded that aside from one or two of the projects that had been added, these projects have always been handled by a third party.

Mr. Mason stated that he would have Mr. Hall send a more in-depth response to the Board as he was unable to attend the Board meeting.

**On a motion made by Mr. H. Phillips and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to approve Consent Agenda Item 4.6 Consider award of IFB #740 - Mowing and Grounds Maintenance Contract, as it was presented.**

#### **6. Report of Public Officials**

##### **6.1 NASA Wallops Activities Report (3-5 Year Outlook), David Pierce, NASA Wallops Flight Facility Director**

Mr. Dave Pierce, Director of NASA Wallops, thanked the Board for its support of Wallops, its growth, and future endeavors. Mr. Pierce presented the Board with endeavors that Wallops had completed over the last year, its work in the community, and Eastern Shore Community College. He reported that most recently, we had an Antares launch in February carrying some 8,300 pounds of cargo to the International Space Station.

He reported that 2022 was shaping up to be a very busy year for Wallops as it:

- Launched Antares on February 19, 2022; will have another Antares launch in August
- GSFC's Suborbital Research Program would also conduct nearly 40 sounding rocket and balloon missions in 2022. The next launch is scheduled for Monday, March 21, 2022, from Wallops and then, another a few days after that in Alaska
- NASA's airborne science program has been flying quite a bit already this year with the IMPACTS mission and commercial crew airdrop support.
- NASA Wallops also continues to support a wide range of customers for different projects, like ongoing hypersonics testing, field carrier landing practice, and support to STEM education efforts

Mr. Crockett stated that Wallops is an economic contributor to Accomack County and therefore, the more endeavors Wallops can do, the more jobs that will be secured and less budget cuts at the Wallops facility. Mr. Pierce stated that the President had just signed the Budget for NASA and the Wallops Budget is very strong for this year, meaning no expected budget cuts.

Mr. Wolff stated that during the redistricting, the Wallops main base was taken out of District 2 and placed in District 1, under Chairman Billy Joe Tarr.

#### 6.2 Chris Isdell, VDOT Accomac Residency, Available to Answer Board Questions regarding Accidents and Fatalities on Route 13

Mr. Isdell stated that he was present to answer any questions from the Board.

Ms. Major thanked Mr. Isdell for attending and expressed her concern about the number of recent fatalities on Route 13. Ms. Major asked if there was anything that the Board could do to assist with the safety of Route 13.

Mr. Isdell stated that the Safety Study on Route 13 and there were numerous safety issues found. Many of the recommendations have been implemented, yet there are some that have not been addressed as the list was extensive and funding was a portion of the issue. He also stated that several SMART Study projects had been awarded which assisted with the completion of projects. Mr. Isdell reported that currently, VDOT is studying the Onley Corridor from Taylor Road to Walmart.

Mr. Isdell explained that each time there is a fatality on Route 13, VDOT launches an investigation, which also takes into consideration the reports of law enforcement. He also reported that this year, across Virginia, the fatality rates across the state are high.

Ms. Major asked if all cross-overs from the Study had been completed. Mr. Isdell reported that the recommendations for the crossovers had not been completed, primarily due to funding.

Mr. Hart requested that Mr. Isdell consider sending a VDOT representative to the Accomack - Northampton Transportation Commission meetings.

Mr. Hart requested an update on Redwood Road. Mr. Isdell stated that he has heard that Redwood Road might be included in the next round of SMART Scale projects.

Mr. H. Phillips asked Mr. Isdell for an update on Kinsey Drive drainage issues as the work seemed to have been completed recently, but residents had stated that the drainage issue is still occurring on their roadway and yards. Mr. Isdell responded that the work on Kinsey Drive would be a two-phase process, the first being the issue with flooding on the highway. Phase two, which is being studied now, would be to address the flooding in the residential area.

Mr. Wolff requested that Mr. Isdell have his department visit Thornton Road as there is damage to the roadway at the intersection from tractor-trailers turning and flooding now occurs in that area. He stated that it appeared that VDOT had patched the area, but it continues to be an issue.

As a result of snow and plows, potholes have been formed and one is quite large.

Mr. Muhly stated that VDOT is owed a big thanks for its work and additional traffic signals at Saxis Road and the Melfa Industrial Park.

Mr. H. Phillips since paving in Parksley, in downtown, the roadway seems to be higher than it was previously and the water now sits. Previously it seemed there was better drainage. Mr. H. Phillips believes when the road was done it was to be lowered but seems to be higher. Mr. Isdell responded that that area of Parksley has drainage issues, but he will have someone check the depths.

Mr. Tarr asked how many traffic signals had been added since the Safety Study was completed. Mr. Isdell stated two, Melfa Industrial Park and Saxis/Route 13 intersection.

Mr. Isdell stated that he had a request for the Board and due to pressed time this year, he wished to be able to conduct the public hearing and resolution of the Six-Year Secondary Road System at the Board's April meeting.

**On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors authorizes VDOT to present its Secondary Six-Year Plan resolution and hold the public hearing at the Board's April meeting.**

## **7. Committee Reports**

There were no committee reports.

## 8. Old Business (Pre-Closed Meeting Items)

8.1 Proposed ordinance amendments related to travel trailers. Agricultural District Regulations Section 106-53(14), Residential District Regulations Section 106-78(11), and Section 106-1 Definitions.

**On a motion made by Mr. Crockett and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to deny the proposed ordinance amendments related to travel trailers. Agricultural District Regulations Section 106-53(14), Residential District Regulations Section 106-78(11), and Section 106-1 Definitions.**

8.2 Update on matters potentially impacting the Proposed FY23 Budget and Tax Rates which are scheduled for Public Hearing on April 4, 2022, including an unprecedented projected increase in vehicle Taxable values

Mrs. Lindsey stated that the State still had not completed its Budget.

As far as teacher compensation, she reported that there had been no change for the Eastern Shore with Cost of Competing (COCA) Funds; however, another \$2 million was allocated to Accomack and Northampton County as a one-time payout to assist with retention and pay scales, as was done in 2021. Discussion ensued regarding ARPA Funds and teacher retention.

Mrs. Lindsey reported to the Grocery Tax Appeal stating that the Senate and House bills match and both include revenue replacement for the localities one percent that would be lost, should the Grocery tax appeal become effective. She noted that it did not seem that localities would lose funding for 2023-2024.

Mrs. Lindsey finished her report informing the Board that it had been proposed to increase the starting salary of State-funded deputy positions to \$42k, and those with more than 3 years of service, would be provided an additional \$100 for each year served more than the \$42k. At this time both the House and Senate bills contain the same language. Mr. Crockett stated that for Accomack deputies, that would put them in a very good position.

Mr. Mason reported on the following:

Eastern Shore Regional 911 Communications project – Federal Funding was granted, bringing the local cost down substantially. He Thanked Congresswoman Luria and her staff for their support and diligent efforts to bring this project to fruition. Mr. Wolff also thanked Mr. Mason as it was his idea to apply for the grant.

Personal Property Tax: Used vehicle values would increase.

Staff's study found the following:

- Over 60 thousand taxable items. Approximately 42 thousand are vehicles and motorcycles.
- The average value increase was much higher than one would usually see. In most instances, it is a gradual decrease each year.

- Staff believes that the Board should consider a reduction in taxes to lessen the burden on taxpayers for those affected, noting that SB771 and HB1239 were passed in 2022 with an emergency clause allowing it to be effective as of January 1, 2022.
- Tax rate decrease of .33 for vehicles and motorcycles, other taxes will not be affected.

Mr. H. Phillips suggested that the Board also consider lowering Real Estate Tax Rates given the increase in reassessment values and inflation that citizens are experiencing. Mr. Mason estimated that lowering Real Estate taxes by one cent would cost approximately \$400,000. He further explained that, like citizens, the County is experiencing the results of inflation, specifically with the increase in cost for services provided by outside vendors and fuel.

Mr. Crockett requested that staff calculate and report how much of a decrease in Real Estate Tax the County could provide to the citizens.

Ms. Major thanked staff and the Board for their concern for citizens. As the liaison to the Commissioner of Revenue, she received a phone call from the Commissioner of Revenue, Mrs. Debbie Midgett who was extremely distraught about the increase in personal property tax for citizens.

Mike noted that the expectation is that the value increases will not be long term and they will begin to come down. Discussion ensued regarding efforts to minimize the impact, however, it is not always possible to make an equal average. All localities are facing this issue.

## 9. Appointments

### 9.1 March Appointments

**On a motion made by Mr. Muhly and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to appoint Ms. Sue Mastyl to the Groundwater Committee to replace Mr. J. Phillips. This term is to commence immediately and expire on December 30, 2023.**

All other appointments were deferred to the Boards' April meeting. Ms. Major requested that staff confirms whether or not the appointment to the Community Project Management Team, could be a citizen representative of the Board.

### 9.2 Attendance Reports

Attendance reports were provided the in Agenda packet.

## 10. New Business

### 10.1 Consider Renaming the Sawmill Park Pavilion the William "Bill" Allen, Sr. Pavilion

**On a motion made by Mr. Crockett and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to rename the Sawmill Park Pavilion to the “William ‘Bill’ Allen, Sr. Pavilion”**

10.2 Consider Renaming the Sawmill Park Ball Field the "Tony Robinson Washington, Jr. and Earline Washington Field"

**On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors voted to rename the Sawmill Park Ball Field to the “Tony Robinson, Jr. and Earline Page Washington Ball Field.”**

10.3 Receive a Status Update on the Eastern Shore of Virginia Rail Trail Project from Supervisor Wolff and Consider Approving a Resolution Supporting it and Authorizing Pursuit of Grant Funding for the Project

Supervisor Wolff spoke, in his position as Chair of the Eastern Shore Rail Trail Foundation and shared his family’s ties to the railroad as his ancestors traveled to the United States from England to Pennsylvania by steamboat and then, by railroad from Pennsylvania to Pocomoke, Maryland.

He hopes that the Shore is able to make history again by making use of the railroad, by turning the rail into a trail, passing through 12 Eastern Shore towns.

The railroad was developed on the Eastern Shore in 1884 and abandoned by Canonic-Atlantic in 2018.

Mr. Wolff stated that the project is shovel-ready and expected to be completed within 5 years, with funding approved from both counties and monies raised by the Foundation. He reported that the Eastern Shore Rail Trail Foundation had been certified by SCC as a 501c-3 foundation. The foundation is comprised of nine members. The \$50,000 requested from both counties, by the foundation, will be used as start-up money allowing the Foundation to begin the work and see it through to its end. The Foundation would like to accomplish the following:

- Promotion and marketing activities, which would also serve as a benefit to businesses and tourism;
- Promote wellness in the community;
- Develop a webpage in addition to the Foundation’s Facebook page; and
- Work to fulfill its hope that VDOT will build and maintain the trail, as it does in many other localities. The Foundation hopes the State Rail to Trail Commission will support and fund.

Discussion ensued regarding local farms who had expressed concern with the proximity of the trail to farmland, such as when farmers are spraying chemicals, tourists on the trail who may trespass on the property, bother equipment left on the farm, or pick crops. Due to these concerns, Mr. Sturgis, who is a member of the Farm Bureau in both Accomack and Northampton County is now serving as a member of the Foundation and liaison to the

farmers and the groups have been able to make headway with compromises and considerations to ensure that each parties concerns are addressed.

Mr. Wolff reported that \$2.5 million federal funds were awarded to the Northampton end of the Rail to Trail, thanks to the efforts of Congresswoman Luria, Senators Warner, and Kaine.

Mr. Wolff and Muhly discussed that there was hope that horses would be allowed to utilize at least a portion of the trail.

**On a motion made by Mr. Crockett and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to authorize staff to submit a letter of support to the Eastern Shore Rail to Trail Commission.**

10.4 Consider authorizing County Administrator to take all actions for issuance of radio communication system lease revenue financing through Virginia Resource Authority (VRA) not to exceed \$8,960,000

Mrs. Lindsey requested that the Board defer this matter to April, along with 10.5, as it needs to be amended taking into consideration the Federal Funding awarded to the Eastern Shore 911 Radio Communication Project.

*Deferred to the Board's April 2022 meeting.*

10.5 Consider approving a Reimbursement Resolution for the 911 Commission Radio Communication System Project as a prerequisite to issuing lease revenue financing  
*Deferred to the Board's April 2022 meeting.*

10.6 Receive and Consider Acting on a County Wetlands Board Recommendation to increase the current in-lieu fee for vegetated wetlands from \$12.00 to \$18.00 per square foot and impose an in-lieu fee for non-vegetated wetlands in the amount of \$18.00 per square foot and, if the Board desires, consider scheduling a public hearing on the associated resolution to accomplish this action.

Mr. Chris Guvernator, Director of Environmental Programs, reviewed the request from the Accomack County Wetlands Board to increase the current in-lieu fee for vegetated wetlands from \$12.00 to \$18.00 per square foot and impose an in-lieu fee for non-vegetated wetlands in the amount of \$18.00 per square foot. He informed the Board that in 2000, Virginia (as a Chesapeake Bay Program partner) committed to achieving a no net loss of existing wetlands. The Accomack County Wetlands Board complies as closely as possible with the objectives of the no net loss policy. In May of 2021, VMRC amended its guidelines to emphasize that both vegetated wetlands and non-vegetated wetlands are important and must be managed holistically. He further explained that one-third of the Tidewater municipalities already have a fee for non-vegetated wetlands and that establishing a fee provides applicants the possibility of compensating for non-vegetated wetlands losses, if unavoidable, and those fees will be used to create wetlands in place of



those lost, therefore achieving a no net loss. Mr. Guvernator explained that as a result of the completion of the Makemie Monument Living Shoreline project, the County now has a baseline for the actual cost of establishing tidal wetlands.

Mr. Crockett confirmed that this would be a benefit to the community and allows the Wetlands Board to adhere to the no-net-loss.

**On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors authorizes staff to schedule a public hearing on April 20, 2022, to receive comment on the County Wetlands Board's recommendation to increase the in-lieu fee for vegetated wetlands and to enact an in-lieu fee for non-vegetated wetlands.**

## **11. County Administrator's Report**

11.1 Consider scheduling a town hall-style meeting to gain public input on possible uses of the American Rescue Plan Act of 2021 2nd Tranche Funds

Board consensus was given to schedule a Town Hall Meeting for Thursday, May 5, 2022, at 6:00 p.m. at Metompkin Elementary School to allow citizens the opportunity to provide the Board with input on the possible uses of the County's second tranche of funds from the American Rescue Plan Act of 2021.

11.2 Announcement: Strategic Planning Retreat Scheduled for Saturday, May 21, 2022, at Chincoteague Volunteer Fire Company (Please Complete Questionnaire Sent by Facilitator if you have not already done so.)

11.3 Receive ideas from Board Members regarding possible regional "shovel ready" projects to consider for the next round of Federal Community Project Funding

## **12. County Attorney's Report**

Ms. Proctor has no items to report.

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

❖ **H. Phillips** – Informed the Board that Mr. Robert Nock, a long-time member of the BZA and formerly the Planning Commission, had passed away. As an asset to the community, he requested that the Board consider honoring him by presenting a resolution to his family at an upcoming meeting.

**On a motion made by Mr. H. Phillips and seconded by Mr. Muhly, the Accomack County Board of Supervisors authorized staff to prepare a resolution in honor of Reverend Robert Nock, a longtime member and chairman of the Board of Zoning Appeals, and present to his family at the Board's next meeting.**

- ❖ **Major** – Director of Eastern Shore Agricultural Research and Extension Center, Dr. Mark Reiter, requested a letter of support for the construction of a multipurpose building.

**On a motion made by Ms. Major and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to authorize staff to submit a letter of support to the Virginia Tech Eastern Shore AREC to Congresswoman Elaine Luria in support of a 4,050 sq. ft. multipurpose building to be used by the community on the Eastern Shore AREC farm in Painter, VA.**

– Ms. Major thanked Mr. Morrison, Deputy County Administrator for attending the funeral service for Reverend Nock.

- ❖ **Crockett** – Provided clarification to the media, that the action was not to rename Sawmill Park, only the ballfield and pavilion.

- ❖ **Wolff** – Expressed that as Americans, we support freedom. He asked that all keep the people of Ukraine in their thoughts during the ongoing events.

#### **14. Budget and Appropriation Items**

14.1 Consider Approving Resolution to Amend the FY22 Budget

**On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to approve the following amendments to the FY2022 Budget Resolution.**

#### **15. Payables**

15.1 Consider March Payables

Mr. Mason certified the March payables.

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

#### **16. Closed Meeting**

16.1 Closed Meeting

**On a motion made by Mr. J. Phillips and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to enter into Closed Meeting for the following:**

**16.2 Closed Meeting Pursuant to Virginia Code Section 2.2-3711(A)(8) - consultation with legal counsel**

16.3 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, by roll call vote:

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

**Nays: None**

**Abstain: None**

**Absent: None**

## **17. Old Business (Post Closed Meeting Items)**

17.1 Consider draft agreement regarding completion of the new Eastern Shore Public Library and Heritage Center Construction Project

Mr. Mason stated that staff believed that it had reached an agreement for a

**On a motion made by Mr. H. Phillips and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to authorize the County Administrator to execute and administer a Memorandum of Understanding (MOU) between the County, RH Contracting, and the Performance Bond Surety, The Cincinnati Companies, that includes the following:**

- **Extends the completion date for the ESRL to July 29, 2022 in accordance with a revised schedule attached to the MOU.**
- **Requires extensive monitoring of the construction site by the President of RH Contracting and a consultant engaged by the Surety.**
- **Reserves the County's right to terminate the construction contract with RH Contracting in the event it fails to comply with the revised schedule or any other requirement of the contract, change orders or MOU.**
- **Requires RH Contracting to pay the County the sum of \$225,000 in liquidated damages, with a potential credit of \$1,500 for each day the project is completed prior to July 29, 2022, not to exceed \$15,000.**
- **Allows the County to deduct any unpaid liquidated damages from the retainage.**
- **Reserves the County's right to seek additional liquidated damages in the event the County terminates the construction contract due to RH Contracting's failure to comply with the revised schedule or any other requirement of the contract, change orders or MOU.**
- **Waives any claim by RH Contracting for additional days, up to the date of the MOU.**
- **Is presented in a final form approved by the County Administrator and the County Attorney.**

## **18. Adjournment**

**On a motion made by Mr. Wolff and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to adjourn at 7:07 p.m.**

