

At the Regular Meeting of the Accomack County Board of Supervisors, held on the 15th day of June, 2022, in the cafeterium 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:

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 Invocation

#### 1.2 Pledge of Allegiance

#### 1.3 Consider Allowing Remote Participation of Board Member(s) (if warranted)

#### 1.4 Adoption of Agenda

**On a motion made by Mr. Wolff and seconded by Mr. J. Phillips, Accomack County Board of Supervisors voted to adopt the Agenda to add 16.3**

## **2. Public Comment**

### 2.1 Public Comment Rules

## **3. Consideration of Minutes**

### 3.1 May 18, 2022 Regular Meeting Minutes

**On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to adopt the May 18, 2022, meeting minutes as presented.**

## **4. Recognitions**

**4.1 On a motion made by Mr. Crockett and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to approve the after-the-fact Resolution to Recognize Samuel Asbury Pruitt Parks, Valedictorian of Tangier Combined School Class of 2022.**

**4.2 On a motion made by Ms. Johnson and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the resolution to Recognize Yadira Sanchez Gomez, Valedictorian of Arcadia High School Class of 2022.**

**4.3 On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors voted to approve the resolution to Recognize Kaeden John Rippon, Valedictorian of Nandua High School Class of 2022.**

Mr. Hart presented the resolution to Kaeden, with his mother, Ms. Belinda Rippon presented.

**4.4 On a motion made by Mr. Crockett and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to approve the resolution to Recognize Ally Kaitlin Pearce, Valedictorian of Chincoteague High School Class of 2022.**

## **5. Consent Agenda**

### **5.1 Approval of Consent Agenda**

**On a motion made by Mr. Wolff and seconded by Ms. Major, the Accomack County Board of Supervisors voted to approve the Consent Agenda as it was presented with the following items approve:**

**5.2 Consider Adoption of Emergency Operations Plan Revisions**

**5.3 Consider award for Engineering Services for Solid Waste Activities RFP #317**

**5.4 Consider Appointment of County's Designated Building Official**

**5.5 Consider setting a public hearing on the sale of County-owned property in the Wallops Research Park.**

**5.6 Consider Rescinding the Eastern Shore Microbes Economic Development Incentive Program (EDIP) Grant Offer of \$76,087 and related appropriation**

## **6. No items were removed from Consent Agenda**

## **7. Old Business**

**7.1 Consider prioritizing the use of the 2nd Tranche of Coronavirus State and Local Recovery Funds (ARPA)**

Mr. Mason reviewed the eligibility requirements for the use of the American Rescue Plan Act (ARPA) Funds. He then reviewed the priority items brought forth by citizens at the Board's May 18, 2022 meeting, which included:

- Eastern Shore Coalition Against Domestic Violence (ESCADV)
- Wi-Fi Hot Spots at Migrant Camps
- Expansion of Broadband to additional areas within the County
- Eastern Shore 911 Communications Project

Mr. Wolff confirmed whether or not there were additional grant opportunities. Mr. Mason responded that Mr. Flournoy had applied for other grants, but staff also did not have a final cost. Mr. Wolff inquired as to whether or not a placeholder could be put in place until a final cost was determined or other grant opportunities have been exhausted.

Mr. Mason stated that this amount was to fulfill the current gap in funding. At this time, staff believes that a concrete number will be in place by the end of August. Ms. Lindsey informed the Board that the money must be obligated by December 2024 and money spent by December 2026. Mr. Crockett recommended that the Board reserve the funding for the project to avoid issuing additional debt for the project. Mr. Tarr suggested holding a work session once the final numbers had been received and at that time, the Board and discuss further.

- HRSD Study
- Eastern Shore Rural Health Dental Facilities:
  - Expansion of Services to include a dental facility at the Onley Community Health Center
  - Upgrades at dental units located at Pungoteague and Metompkin Elementary School.

Mr. Mason informed the Board that the Mary N. Smith Cultural Center & Bayside Community requests were not allowed under ARPA Funds, which he had confirmed by subject matter experts and the County's auditors. He stated that MNSCEC had qualified for assistance under the Small Business grant from CARES Act, as well as funding from COVID-19 Urgent Needs. Staff was recently notified that it also was awarded \$50,000 for a Planning Grant to assist with architecture and design.

## **8. Appointments**

### **8.1 June Appointments**

- ❖ Eastern Shore of Virginia Groundwater Committee

**On a motion made by Mr. H. Phillips and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to reappoint Mr. Dan Hershey to the Eastern Shore Groundwater Committee to serve an additional 3- year term to begin on July 1, 2022, and expire on June 20, 2025.**

- ❖ Eastern Shore Regional Navigable Waterways Committee

**On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to reappoint Mr. William 'Billy' Joe Tarr and Mr. Hart to the Eastern Shore Regional Navigable Waterways Committee for an additional 3-year term to begin on July 1, 2022, and expire on June 30, 2025**

- ❖ Quinby Boat Harbor Committee

**On a motion made by Supervisor Hart and seconded by Supervisor J. Phillips, the Accomack County Board of Supervisors voted to reappoint Mr. David Fluhart and Mr. George Ward Jr. to serve an additional 4-year term on the Quinby Boat Harbor Committee. This term will begin on July 1, 2022, and expire on June 30, 2026.**

- ❖ Wetlands Board

**On a motion made by Mr. J. Phillips and seconded by Mr. H, Phillips, the Accomack County Board of Supervisors coted to reappoint Mr. T. Lee Byrd to serve an additional 5-year term on the Accomack County Wetlands Board. The term commences on July 1, 2022, and expires on June 30, 2027.**

❖ Eastern Shore Library Board of Trustees

**On a motion by Honorable Paul Muhly and seconded by Honorable Harrison Phillips, the Accomack County Board of Supervisors appointed Mr. Gary Heintzelman to the Board of Trustees of the Eastern Shore Public Library to fill the unexpired term of Mr. Tim Valentine. This term will commence in August 2022 and expire on June 30, 2024**

**On a motion by Honorable Harrison Phillips and seconded by Honorable Paul Muhly, the Accomack County Board of Supervisors appointed Mr. Frank Russell to the Board of Trustees of the Eastern Shore Public Library to fill the vacancy created by Ms. Patricia Bloxom, who has served two terms. This term will commence on July 1, 2022, and expire on June 30, 2026.**

❖ Eastern Shore Community College Board

**On a motion made by Ms. Major and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to appoint Ms. Barbara Boggs to the Eastern Shore Community College Board, to fill the vacancy created by Mr. Ted Shockley's resignation. The term will begin on July 1, 2022, and expire on June 30, 2026, at which time you may be considered for a second and final term.**

The Election District 5 appointment was deferred to the Board's July meeting.

❖ Economic Development Authority (EDA) Liaison

Supervisor H. Phillips resigned as liaison to the Economic Development Authority. This leaves one remaining liaison, Supervisor Muhly. *There is no requirement to appoint a second liaison.*

❖ Mosquito Control Commission:

**On a motion made by Mr. Wolff and seconded by Mr. H. Phillips the Accomack County Board of Supervisors voted to reappoint Mr. Frank Habarak and Mr. Gladysiewicz to the Captain's Cove / Greenbackville Mosquito Control Commission to serve an additional 4-year term, which will commence on July 1, 2022, and will expire on June 30, 2026**

## 8.2 Attendance Reports

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

### 9.1 Public Hearing Rules

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

Mr. Rich Morrison – Deputy Director of Building, Planning, and Economic Development – presented the request for a Rezoning from Scout Energy/Jupiter Power to conditionally rezone Tax Map # 27-A-103A from General Business and Agriculture to Industrial. Currently, the area is designated as Village Development and is approximately 11 acres in size. He explained that the project was proposed in the location due to its proximity to the ANEC substation. Mr. Morrison informed the Board of citizen concerns that were expressed during public hearings held by the Planning Commission, which were addressed, and the vote made by the Planning Commission.

The following spoke to represent the Jupiter projects:

1. Nat Drucker, Director of Development, Jupiter Power
2. Sean Kelleher, Project Engineer, Jupiter Power
3. Scott Foster, Associate, Gentry Locke
4. Noah Ryder, Managing Partner, Fire & Risk Alliance

9.2 Public Hearing and Possible Action for application REZ-000267-2021, from Scout Energy/Jupiter Power to conditionally rezone Tax Map # 27-A-103A from General Business and Agriculture to Industrial.

Chairman Tarr opened the Public Hearing:

Jupiter representative, Nat Drucker - Development Director, presented to the Board stating that they have had a great experience within the County thus far and thanked the Board. He began by stating that the location was selected by the max impact on the grid and minimal impact on the citizens.

The Board held a question and answer period with Jupiter representatives following their review of the project:

Mr. Crockett requested an example of how this project would help transmit power from the North to the Eastern Shore if ever needed. Mr. Drucker referred to the rolling black-outs in Texas, stating that until mills and moving liquid, batteries will not freeze. Further, he explained that the project bolsters the ability to provide power and if there were to be a transmission disruption, he believes the battery power could bridge a gap.

Mr. Muhly asked if this project would affect the consumers financially. Mr. Drucker stated that as they are not a regulated utility, they cannot charge. Mr. Drucker estimated that ten homes could be powered by the project for approximately eight hours.

Mr. Wolff like the peaker plant, the project would simply provide power as it is needed. Mr. Drucker stated that this project would provide frequency regulation and assist with voltage drops that are disruptive to manufacturing plants and military facilities, such as those on Wallops.

Mr. Wolff asked, following Mr. Crockett's inquiry, what benefit the project would be to Accomack County. Mr. Drucker responded that the grid is a big pool, the power is put into the grid locally if there is demand, if the demand is not in Accomack County at the time, it will travel outside of the County.

Mr. Muhly stated that Accomack has a volunteer fire system that typically uses water to put fires out. Mr. Ryder, Fire Risk Alliance stated that water is usually used for any lithium battle

fires – no special chemicals would be needed. He stated that they have spoken with VFCs and provided training and will continue to do so. There will be a plan in place for the companies to respond.

Ms. Major asked how close the residences were; Mr. Drucker stated that the closest residence was 125 feet. He further explained that the group had canvassed the neighborhood and spoken with the citizens and invited them to a community meeting that was held in December 2021. He further explained that Jupiter received feedback and concerns were heard; the project was adjusted many times including a decrease in size in response to the concerns. Mr. Drucker said there is as close to zero risk to the community. He explained that Jupiter has nine projects between completed and in construction, but this is the first in this type of community. He stated other companies have built close to residential areas, but this will be Jupiter's closest facility to residences.

Mr. Hart expressed his concern about the safety, hazards, and disposal of lithium batteries. Discussion ensued regarding the type of lithium battery being stored, how to extinguish a fire at the project site, should one occur, and the disposal. Jupiter agreed to not dispose of any lithium batteries within Accomack County – they did not believe they would be able to anyway. Mr. Drucker will research and inform staff of the location of the closest recycling facility for lithium batteries. Mr. Drucker further informed the Board that Jupiter had been in contact with the local fire stations and provided information and training regarding the project site and the batteries being stored, should there ever be a fire. He explained that the storage is designed to self-exhaust, but should the first exceed the containment area, it can be exhausted with water, as a proactive response or just burn itself out as a defensive response. Mr. Wolff informed the Board that the fire companies were very appreciative of the training and information.

Mr. Hart informed the Board that during his recent conferences, one presenter discussed the danger of lithium batteries and warned counties. He requested that staff retrieve the information that was presented and report it back to the Board. Mr. Crockett asked that once staff has gathered information, it be provided to Jupiter staff for their response.

The following person(s) signed up to speak in objection to the project:

1. Robert Tittle – 7342 Thompson Road – Wattsville.

Chairman Tarr closed the public hearing.

### 9.3 Public Hearing and Possible Action for application CUSE-000268-2021 from Scout Energy/Jupiter Power for a Conditional Use Permit for the construction and operation of a battery storage facility utilizing a site of more than ten (10) acres at Tax Map # 27-A-103A.

Chairman Tarr opened the Public Hearing.

Mr. Morrison reviewed the project and stated that the applicant had offered 22 conditions as the Planning Commission requested in response to citizen concerns, which were then included in the plan. He further explained that the batteries would be stored inside of a solid metal container with approximately 54 containers on site.

The Board then held a question and answer period with Mr. Morrison and the Jupiter project representatives:

Muhly asked if the batteries could explode. Mr. Morrison responded that as with anything, there would be risks, but he would allow representatives to respond. Mr. Wolff stated that the wall surrounding the project was a direct result of residents around who requested more protection than a vegetative barrier.

Mr. Crockett held a discussion with Sean Kelleher, Project Engineer regarding the number of batteries that would be onsite at any given time. Mr. Kelleher responded that there would be approximately 2,000 batteries on site, per container, at any given time, but that number could change depending on the manufacturer. The batteries have a life span of 15-20 years but will lose capacity over time and the batteries would then need to be supplemented or replaced. He further explained that the batteries would not be discarded within Accomack County as there are regulations on the transportation and recycling of lithium batteries of this type. Mr. Crockett recommended that staff include a condition that the batteries could not be disposed of within Accomack County.

Mr. Noah Ryder, Managing Partner, Fire & Risk Alliance clarified to the Board that the batteries would not explode. Should they fail, they would lose gases that can then start a fire over time, which may cause a fireball or some pressure. He explained that like a gas grill if it does not light and gives a little 'whoosh' should, the same would occur with the batteries. Further, he explained that if there was to be pressure, the containers have vents to allow upward ventilation, if there ever was an ignition of gases, but this does not typically happen. Mr. Ryder continued, explaining that a thermal runaway could occur, but it was unlikely. He informed the Board that during testing, they intentionally make the batteries fail so that they are aware of what does or could occur. He explained that given the setbacks, there were no adverse thermal effects to any of the residences nearby. At most, the fire department would need to cool the adjacent containers. Mr. Ryder also confirmed that as the containers are self-contained, the only air coming in would be air pumped in through the air conditioning units, to keep out air, moisture, and anything else. He explained that fires could self-extinguish and some of the systems have ventilation systems to vent the gases out to allow early detection and get the gases out. At those times, fresh air may be coming in to force the gases out to avoid a fire occurring.

Mr. Ryder stated that the testing facility in Maryland has a laboratory for testing, along with others nationwide, and they have completed approximately 300 tests. The temperatures from a container or battery fire would not be much different than burning wood, approximately 900 degrees Fahrenheit/ 600 Celsius and the temperature would not vary, the energy would

be greater with multiple batteries or containers on fire, but the containers themselves are made of primarily steel with insulation.

Mr. Scott Foster, Associate, Gentry Locke discussed Jupiter's decision to rezone the property to Industrial, stating that utility distribution facilities were included in some areas, but the company selected Industrial as developing by-right would not allow the company to proffer conditions and commitments to the County, which the company wanted to do and made conditions specific to the Accomack project. He provided the example of the Twifords, residents nearby the project who requested that the barrier wall on the project property facing their home, be constructed first, which Jupiter agreed to do.

Chairman Tarr closed the Public Hearing.

Mr. Foster ended by stating that Jupiter was committed to staff training for County employees and fire companies and would continue to do so annually for new employees and that there would be no problem with the request to dispose of or recycle the batteries outside of Accomack.

**On a motion made by Ms. Johnson and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to defer action on the following public hearing items to allow the Board additional time to research and allow staff to gather requested information:**

**9.2 Public Hearing and Possible Action for application REZ-000267-2021, from Scout Energy/Jupiter Power to conditionally rezone Tax Map # 27-A-103A from General Business and Agriculture to Industrial.**

**9.3 Public Hearing and Possible Action for application CUSE-000268-2021 from Scout Energy/Jupiter Power for a Conditional Use Permit for the construction and operation of a battery storage facility utilizing a site of more than ten (10) acres at Tax Map # 27-A-103A.**

## **10. New Business**

10.1 Consider sending a draft Revenue Share Ordinance for Energy Storage Facilities to Public Hearing

Mr. Mason clarified the various items on the Jupiter project on the Agenda. He stated that the Code of Virginia Section 58.1-2636 authorizes localities to adopt an ordinance that provides for a different form of taxation for energy storage systems and solar energy projects known as revenue share. Under the provisions of this Code section, the County is authorized to impose a rate of up to \$1400.00 per megawatt which would be assessed in lieu of traditional machinery and tools taxation. Based on the staff's analysis, for energy storage systems, revenue share provides the County with a greater revenue stream over the life of an energy storage facility than that associated with traditional taxation methods and is therefore recommended.

He stated that the draft ordinance has been developed for the Board's consideration. It limits revenue share to just energy storage systems and excludes solar energy



projects. Staff believes excluding solar energy projects from revenue share is prudent at this time allowing the County greater flexibility to determine the right taxation model for future solar energy project proposals at the time they are submitted. This revenue share ordinance can always be amended in the future to include solar projects within its scope if it is beneficial for the County to do so.

Mr. Hart motioned and then withdrew.

**On a motion made by Ms. Johnson and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to schedule a public hearing for its July 20, 2022, meeting to Obtain citizen comments and then consider enacting the proposed revenue share ordinance for energy storage facilities, noting the summary of the key provisions of the proposed ordinance is as follows:**

- a. Limits revenue share to electric energy storage facilities.
- b. Sets the revenue share rate at the maximum of \$1400.00 per megawatt of storage capacity.
- c. Dictates that "storage capacity" be determined based on submission by the facility owner to the interconnection utility.
- d. Does not apply within incorporated towns that have adopted their own revenue share ordinance for energy storage systems.
- e. Stipulates that the revenue share rate be increased by 10% on July 1, 2026, and every 5 years thereafter by 10%.

10.2 Consider authorizing a public hearing on the Scout Storage/Jupiter Energy Siting Agreement once the County Attorney Has Approved it in Form

Mr. Mason required the request for authorization states that the Code of Virginia § 15.2-2316.8 authorizes host localities to enter into a siting agreement with an applicant seeking to construct and operate an energy storage facility. The draft siting agreement between the County and Scout Storage LLC was being presented for the Board's review. He further explained that it was contingent upon approval of the conditional rezoning and conditional use permit associated with the Scout Storage/Jupiter Energy proposed battery storage facility to be located on tax map # 27-A-103A. Further, it is also contingent on the adoption of a revenue share ordinance by the Board (See Agenda Item 10.1 – Consider Revenue Share Ordinance for Energy Storage Facilities Public Hearing). He noted that the draft agreement presented was not in its final form as it is still being worked on by both parties. He explained that the Board would first hold a public hearing on the agreement before considering approval.

Mr. Mason noted the following key provisions of the proposed siting agreement are as follows:

1. The agreement is conditioned on the County approving the associated conditional rezoning application and conditional use permits associated with tax map # 27-A-103A.
2. Parties agree that the sound wall in the location depicted on the project site plan satisfies the requirements of Section 106-138 of the County Zoning Ordinance.
3. Sets forth the amount of revenue share payments to the County by year.
4. Sets forth the number of supplemental payments to the County by year.

5. Prescribes that the County may reassess the real property associated with the project on an annual basis if the County chooses to do so.
6. Prescribes the allowable uses of revenue share and supplemental payments as stipulated in state law.
7. Makes agreement binding on successors.

**On a motion made by Ms. Johnson and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to conditionally authorize staff to send to public hearing pending the County Attorney's approval of the draft Siting Agreement & Project Economic and Fiscal Contribution Analysis Report.**

10.3 Consider whether to pursue amendments to Accomack County Code Section 70-2 to reflect changes in state code relating to the removal of trash and refuse from private property

Mr. Mason reviewed the item stating that the item was a by-product of the Board's Strategic Plan Retreat.

**On a motion made by Mr. Crockett and seconded by Ms. Major, the Accomack County Board of Supervisors voted to**

10.4 Receive proposal from staff for increasing Roadside Litter Removal

Mr. Stewart Hall, Deputy Director – Building, Grounds and Facilities, informed the Board that he was not asking that the Board take action, but is presenting the proposal as a response to concerns expressed by the Board at its Strategic Plan meeting. He noted that should the Board desire, he would formally submit the request with his FY2023-2024 Budget request for the Board to consider for the FY2024 Budget. He continued, reviewing the measures being taken by Public Works staff to battle the litter, alongside other organizations, noting that the Public Works crew has several additional duties whereas his proposal suggests funding a dedicated crew for litter.

Mr. H. Phillips asked what would happen with the current employees that handle litter. Mr. Hall stated that he would retain at least one current employee and the others would continue their current duties but be assigned to other divisions of Public Works.

Mr. Wolff, Chairman of the Solid Waste Committee, stated that the Solid Waste Committee supports the recommendation and will support the County in any way. Mr. Crockett, who also serves on the Committee concurred. Ms. Major asked for additional information on the closing of convenience centers when a citizen is inside the gates. Mr. Hall stated that around 6:00 p.m. the attendant will close the gate halfway to not allow new citizens after 6:00 p.m. and those who are in the process of dropping off are able to complete their drop-off and the attendant would then be paid overtime if they are required to stay after 6:00 p.m. Mr. Hall stated that his staff is not to close prior to 6:00 p.m. Ms. Major suggested that those within the gates at 6:00 p.m. not be rushed.

10.5 Consider Potential ADA Access Improvements to the County Administration Building

Mr. Hall reviewed the request stating that

Mr. Crockett confirmed that staff believes there is funding available. Mr. Hall confirmed. Mr. Hall further discussed the entrance to the Environmental Building, stating that staff would like to improve that door and entrance if funding is available.

**The Board provided consensus for staff to proceed with the alternate project.**

#### 10.6 Receive Quarterly County Financial Report - Third Quarter Fiscal Year 2022

Mrs. Margaret Lindsey, Director of Finance, presented the report. Mrs. Lindsey reported that due to Personal Property tax bills not reaching citizens until the first week of May, those numbers were not included in the third quarter and will be in the fourth quarter.

Discussion ensued regarding the Meals Tax that was effective as of January 1, 2022.

#### 10.7 Request from Spectrum to Partner with the County on a VATI grant application/Letter of Intent due July 7<sup>th</sup>

Mr. Mason reviewed the request and stated that little to no details had been shared by Spectrum to date. He noted that this letter would not bind the County to the partnership. He explained that Spectrum is unable to apply without a partnership whereas the Eastern Shore of Virginia Broadband Authority would be able to apply without the County and plans to do so and may ask the County for a local match.

**On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors voted to authorize the County Administrator to negotiate and handle the Virginia Telecommunications Initiative (VATI) letter of intent and grant application with, if he deems worthy, but first allowing the chair and vice-chair to review.**

Mr. Wolff stated that as the Board well knows, Spectrum had never been a willing partner with any project within Accomack County. He referred to the contests made by Spectrum on earlier VATI Grants that had been awarded to the County. He stated that he has little to no faith in Spectrum. Mr. H. Phillips agreed with the statements made by Mr. Wolff.

Mr. H. Phillips asked if the coverage by Spectrum applied for would only include Accomack County – Mr. Mason confirmed that it would.

Mr. Mason responded to Mr. Wolff that the County had worked with Spectrum on a previous VATI Grant, but it was unsuccessful in receiving an award. Mr. Mason stated that he is most concerned with providing services to the community that reaches the same standards as the Broadband Authority.

### 11. County Administrator's Report

Mr. Mason provided updates on the following items:

11.1 Update on New Hangar Construction at the County Airport - All agreements were submitted to the State and all funds have been made available to VA Space to fund the project. Mr. Hall stated that the project is at 60% design and would support the anticipated aircraft.

- 11.2 Update on ARPA Tourism Funding Availability – Following the Board’s approval given to Mr. Sabbatini at the Board's last meeting, the staff is working to obtain all information from towns to submit. He stated this would be a process.
- 11.3 Update on Cigarette Tax Implementation – staff has been in contact with the Commission and the project is moving forward quicker than anticipated. He noted that the Sheriff’s Office had been made aware and that notification of compliance check dates would be provided to local law enforcement in advance of the date. Local law enforcement will be contacted when compliance officers find stores without stamps as it is considered contraband. Compliance officers provide a grace period at implementation to allow stores to sell unstamped products.
- 11.4 Mary N. Smith Cultural Center: Conditional 2022 Community Development Block Grant (CDBG) Award – staff has received work that the award had been approved, with additional steps required to receive the remainder of the funding. MNSCC has been informed.
- 11.5 Other
- The Strategic Plan Draft is expected by the end of this week and on a future agenda for the Board to review.
  - In July, the County’s Annual Financial Report will be provided to the Board and is currently on the County’s website.

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

Ms. Proctore reported that she had no report during the meeting, but the quarterly report would be provided to the Board

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

- ❖ **Mr. Wolff** – Rails to Trails – Aggregate stone and compacting have been placed and compacted on a 1,000-yard stretch in Nassawaddox. This area will provide an idea of what the trail will look like, prior to asphalt being laid on the area. The Rails to Trails hopes to place a one-mile stretch from each town and then continue expansion until the project is complete.
- ❖ **Mr. Muhly** – Last weekend, the Town of Parksley held the 5th anniversary of the opening of the DMV office and the Town Hall and Office held its grand opening following the renovation.
- ❖ **Mr. Crockett** – Mr. Crockett clarified that an issue with the Sheriff’s Office boat that he mentioned earlier in the meeting was not due to lack of maintenance on the board, but due to water in the fuel.  
Mr. Crockett reminded the Board that the Board and Library Board of Trustees implemented a Steering Committee through an MOU, which worked well for all parties. At this time the work of the Steering Committee has been completed and following discussion with other Board members and Steering Committee members, he recommended that staff send the Library Board of Trustees to request that the Steering Committee be dissolved. He also requested that letters of gratitude be sent to the members of the Steering Committee.
- ❖ **Major** – ESAAA held an event to provide the community with additional information on services provided by the entity.

- She also informed the Board that two Juneteenth events were being held in 2022, one in Exmore and one at Sawmill Park.

**On a motion made by Ms. Major and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to request that staff draft a resolution for the Juneteenth Festival in Accomac at Sawmill Park (following the meeting the correction was made that the event would be held at the Mary N. Smith Cultural Center) and the resolution would be presented by Chairman Tarr.**

**Resolution Endorsing the National Association for the Advancement of  
Colored People (NAACP) Juneteenth Freedom Festival on  
Saturday, June 18, 2022**

**WHEREAS**, Accomack County’s economic and social well-being requires the best efforts and cooperation of residents of all races, creeds and backgrounds; and

**WHEREAS**, the Juneteenth Freedom Festival is an arena to educate and promote cultural enlightenment and diversity to the residents of the Eastern Shore of Virginia; and will be combined with a health fair to educate Eastern Shore residents on healthy living practices; and

**WHEREAS**, Juneteenth, also known as “Freedom Day” or “Emancipation Day” is the oldest known festival to celebrate the end of slavery and celebrates African-American freedom, encourages strong family structure, and emphasizes the importance of the church in the African-American community; and

**WHEREAS**, today, many African Americans across the United States celebrate Juneteenth through the traditions of picnicking and barbecuing but also through prayer services, African arts, and craft sales, concerts and parades; and

**WHEREAS**, this year’s festival will be held at the Mary N. Smith Cultural Enrichment Center on Saturday, June 18<sup>th</sup>; now

**WHEREFORE BE IT RESOLVED** that the Accomack County Board of Supervisors does hereby endorse the Juneteenth Festival, to be held on Saturday, June 18<sup>th</sup> at the Mary N. Smith Cultural Enrichment Center, located in Accomac, Virginia.

**Signed this 15<sup>th</sup> day of June 2022, by the Accomack County Board of Supervisors.**

#### 14. Budget and Appropriation Items

14.1 Consider Approving Resolution to Amend the FY22 and FY23 Budgets

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

*June 15, 2022 BOS Meeting*

### **RESOLUTION TO AMEND THE FISCAL YEAR 2022 AND 2023 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 March 29, 2021, the Board of Supervisors finalized the Accomack County Fiscal Year 2022 Budget; and

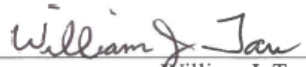
**WHEREAS**, on March 11, 2022, the Board of Supervisors finalized the Accomack County Fiscal Year 2023 Budget; and

**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 2022 and 2023 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
FY23	Public Works	Capital Projects Fund/Public Works	To recognize award of funds for dock replacement from Virginia Port Authority.	State Funds	\$ 375,000
FY23	E911	General Fund/Public Safety	To provide additional FY23 funding over adopted amount for salary increases at 5% effective 8/1/22 to match County and State increases.	Contingencies	\$ 7,288
FY22	Sheriff	General Fund/Public Safety	To record extra duty enforcement collections.	Charges for services	\$ 107,286
<b>Total</b>					<b>\$ 489,574</b>

  
William J. Tarr  
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 June 2022.

## **15. Payables**

### **15.1 Consider May and June Payables**

Mr. Mason certified the May and June payables.

**On a motion made by Mr. J. Phillips and seconded by Ms. Major, the Accomack County Board of Supervisors voted to approve to authorize the County Administrator to pay the May and June Payables.**

## **16. Closed Meeting**

### **16.1 Closed Meeting**

**On a motion made by Mr. J. Phillips and seconded by Mr. H. Phillips the Accomack County Board of Supervisors voted to enter into Closed Session pursuant to:**

**16.2 Virginia Code Sections 2.2-3711(A)(7) and (8) – consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel in relation to the construction contract and potential litigation pertaining to the Eastern Shore Regional Library.**

**16.3 Virginia Code Section 2.2-3711.A.3 - relating to the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body regarding property for office space use.**

### **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 Member's 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:**

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

**Nay: None.**

**Abstain: None.**

**Absent: None.**

## **17. Adjournment**

17.1 Adjournment

**On a motion made by Mr. Wolff and seconded by Ms. Major, the Accomack County Board of Supervisors voted to adjourn at 8:11 p.m.**