

At a regular monthly meeting of the Accomack County Board of Supervisors, held on the 20<sup>th</sup> day of September 2023, in the Accomack County Board of Supervisors Chambers, Room 104, located at 23296 Courthouse Avenue - Accomac, Virginia at 5:00 p.m.

## 1. Opening of Meeting

### MEMBERS PRESENT AND ABSENT

Board of Supervisors Present:

William J. “Billy” Tarr – *participated remotely*  
Robert D. Crockett, 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), Vice-Chair  
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 The Invocation was given by Mr. Wolff.

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 it was presented.**

1.4 Consider Allowing Remote Participation of Board Member(s)

On September 8<sup>th</sup>, Mr. Tarr informed staff and the Board that due to a family medical condition, he needed to remain at home to care for his family member and requested to participate remotely.

**On a motion made by Ms. Major and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to allow Mr. Billy Joe Tarr to participate remotely from his home, located at 7079 Wayne Drive – Chincoteague, VA.**

## 2. Public Comment

2.1 Public Comment Rules

Ms. Proctor read the Public Comment rules into the record. The following person(s) signed up to speak:

1. **Miriam Riggs** – Onancock, VA

BZA Ruling on poultry houses located on Savageville Road. Ms. Riggs submitted her written comments.

2. **Justin Nick** – Savageville Road, Melfa

Pastor of Gaskins Methodist Church on Savageville Road, which was established over 150 years ago. Church members and residents remember the poultry operation being operated and the manure shed fire which smoldered for many weeks. Requested that the Board take action on the ruling of the BZA decision regarding the poultry houses on Savageville Road.

Mr. Hart stated that Savageville Road is a large portion of District 8. While BZA members are appointed by the Circuit Court judge and do not have oversight, this will have a major impact on the Savageville neighborhood. Requested that staff review this project and mediate the situation, if possible. He reminded the Board that the majority of poultry houses are in the southern in of the County and in minority residential communities, which looks bad and is concerning. Staff will research and return to the Board with a report.

Ms. Proctor informed the Board that it has no jurisdiction over the BZA and the appeal process is through the Circuit Court, but the Board can attempt to mediate the situation between the poultry operation and residents.

**3. Consideration of Minutes**

**On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to approve the following meeting minutes as they were presented:**

**3.1 June 21, 2023**

**3.2 August 16, 2023**

**4. Consent Agenda**

**On a motion made by Mr. J. Phillips 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:**

**4.1 Consider request from ESPL Trustees to rename the current 'Granite Bench' in the new Eastern Shore Public Library/Heritage Center to "In loving memory of Peggy Gray Williams by her loving husband Johnny forever in our hearts.."**

**4.2 Consider request from ESPL Trustees to rename Climate Monitoring System in the new Eastern Shore Public Library/Heritage Center to "Climate Monitoring System sponsored in memory of Thomas D. Rose, Jr."**

**4.3 Consider request from ESPL Trustees to name the granite bench located on the lawn of the Eastern Shore Public Library/Heritage Center "In loving memory of Joyce Gibb Rose"**

**4.4 Consider request from ESPL Trustees to rename the ESPL Foundation Office located in the new Eastern Shore Public Library/Heritage Center to "ESVA Public Library Foundation Office sponsored by the Lipman and Matthews Families"**

- 4.5 Consider Authorizing the County Administrator to Accept \$30,734 in grant awards from the Virginia Opioid Abatement Authority**
- 4.6 Consider authorizing two personal property refunds in excess of \$5,000. Pursuant to Code of Virginia 58.1-3981 and Section 82-8**
- 4.7 Receive Planning Commission Findings: HRSD Accomac Spur 2232 Review**
- 4.8 Consider accepting an FAA grant for Easement Acquisition (Obstruction Removal) & DBE Plan Update for Accomack County Airport**
- 4.9 Consider scheduling a Public Hearing for the October 18, 2023, regular meeting for appropriation of the Airport Federal funding in the amount of \$924,140**
- 4.10 Consider scheduling a public hearing for the October 18, 2023, regular meeting on an Ordinance relating to bonds on specific contracts.**
- 4.11 Consider scheduling a public hearing for the October 18, 2023, regular meeting on the dedication of land in the Town of Accomac to the Hampton Roads Sanitary District ("HRSD").**

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

No items were removed from the Consent Agenda

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

6.1 Dr. Rhonda A. Hall, Superintendent, Accomack County Public Schools gave a presentation reviewing her 100-Day Plan and goals for the school system.

Chairman Crockett and Board members congratulated Dr. Hall on her position as Superintendent. Discussion ensued.

6.2 Jon Richardson, Eastern Shore Health District Director, gave a presentation on Tickborne Diseases and their prevention.

Mr. Wolff spoke regarding the prevalence of tickborne illnesses, having lost a great friend within a short period from diagnosis to passing. His goal of having Mr. Richardson present is to bring awareness to the danger of ticks, aside from Lyme's Disease.

6.3 Virginia Department of Forestry - Robbie Lewis Introducing Luke Marcek

Mr. Lewis introduced District Forester, Luke Marcek. Mr. Marcek, as a district forester, oversees all field operations and supervises area foresters, such as Mr. Lewis, forest technicians, and specialists in the assigned district. He continued to review the Forestry activity over the last year.

## **7. Appointments**

7.1 Appointments

Eastern Shore Navigable Waterways Committee:

Action to fill the vacancy created by the resignation of Mr. John Joeckel was continued to allow the Board to discuss during Closed Session.

*Following Closed Session discussion: **On a motion made by Mr. Tarr and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to appoint Mr. Brenden J. Kettner to fill the vacancy created by the resignation of Mr. John Joeckel. This term will commence immediately and expire on June 30, 2026.***

7.2 Attendance reports were included in the Board's agenda packet.

**8. Public Hearing (6:30PM)**

8.1 Public Hearing Rules were read into the record by Ms. Proctor, County Attorney.

8.2 Public Hearing advertisements were included in the Board's agenda packet.

8.3 Conduct Public Hearing to Consider Repeal Chapter 6 Article III of the Accomack County Code "Music and Entertainment Festivals"

Mr. Mason gave a review. Chairman Crockett opened the Public Hearing.

The following person signed up to speak:

1. **Don Ruthig** – Creekwood Lane, Onancock

Referenced Onancock Music Pavilion as an example of the negative impact of having no regulations in place for events. Mr. Ruthig expressed that the Ordinance, as it stands, protects the County and its citizens. He urged the Board to maintain the Ordinance as a tool to maintain a quality of life and prevent the current situation in Onancock.

Chairman Crockett discussed the Ordinance with Mr. Mason and the lack of historical permits. Mr. Wolff noted that the County already has a Noise Ordinance in place that is enforceable by Law Enforcement.

**On a motion made by Ms. Major and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to repeal Chapter 6 Article III of the Accomack Code "Music and Entertainment Festivals".**

**AN ORDINANCE REPEALING ARTICLE III, CHAPTER 6 OF THE ACCOMACK COUNTY CODE, ENTITLED "MUSICAL OR ENTERTAINMENT FESTIVALS."**

WHEREAS, the Board of Supervisors of Accomack County, Virginia, has determined it to be in the public's best interest to repeal Article III, Chapter 6 of the Accomack County Code, entitled "Musical or Entertainment Festivals."

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Accomack County, Virginia that Article III, Chapter 6 of the Accomack County Code, entitled "Musical or Entertainment Festivals" is hereby repealed in its entirety.

This Ordinance shall be effective upon adoption.

VOTE:

AYES: **H. Phillips, Johnson, Muhly, Wolff, Crockett, J. Phillips, Tarr (remote), Major, Hart**

NAYS: 0

ABSENT/NOT VOTING: 0

Accomack County Board of Supervisors

By:   
Robert D. Crockett, Chairman

Dated: September 23, 2023

I hereby certify that the foregoing is a true and correct copy of this Ordinance approved on September 20, 2023, at a meeting of the Accomack County Board of Supervisors, Accomack County, Virginia.

A COPY TESTE:

  
Michael T. Mason, County Administrator/Secretary to the Board

**8.4 Conduct Public Hearing on revisions to Chapter 38 Regarding Agreement in Lieu Plans and Farm Structures**

Mr. Lee Pambid, Deputy County Administrator – Building, Planning, and Economic Development reviewed the request.

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

**On a motion made by Mr. Wolff and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to approve the following revisions to Chapter 38 Regarding Agreement in Lieu Plans and Farm Structures.**

## 9. New Business

9.1 Consider directing the County Administrator to Assign County Staff to Create, Compile and Provide information to be used by Tasley and Bloxom Volunteer Fire Departments to Justify the Relocation of two Bloxom VFD Ambulances to the Tasley Firehouse and to support their request for the County to provide staff to operate these ambulances

Mr. Glenn Smith, a representative of the Tasley Volunteer Fire Company presented to the Board.

9.2 Mrs. Margaret Lindsey, Director of Finance, gave a presentation reviewing the County's Fourth Quarter FY 23 financial report – unaudited.

9.3 Mr. Jeremy Shifflett, Deputy Director of Public Works & Facilities, reviewed the requested amendments to the Accomack County Procurement Policy to allow Job Order Contracting.

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

### **ARTICLE XIII. Job Order Contracting.**

A. A job order contract may be awarded for multiple jobs, provided (i) the jobs require similar experience and expertise, (ii) the nature of the jobs is clearly identified in the solicitation, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first. Contractors may be selected through either competitive sealed bidding or competitive negotiation, provided that any job order contract that involves construction shall be procured by Competitive Sealed Bidding unless one or more of the exemptions in Virginia Code §2.2- 4303 applies.

B. Such contracts may be renewable for two additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each job performed, and the sum of all jobs performed in a one-year contract term shall not exceed the maximum threshold amount. The maximum threshold amount shall be \$6 million. Subject to the maximum threshold amount, no individual job order shall exceed \$500,000.

C. For the purposes of this section, any unused amounts from one contract term shall not be carried forward to any additional term.

D. Order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed in subsection B is prohibited.

E. No job order, under a job order contract, shall be used solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in Virginia Code § 54.1-400. However, professional architectural or engineering services may be included on a job order where such professional services (i) are incidental and directly related to the job, (ii) do not exceed \$25,000 per job order, and (iii) do not exceed \$75,000 per contract term.

F. Job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. However, job order contracting may be used for safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount established in this section.

*(VPPA Code of Virginia, § 2.2-4303.2).*

9.4 Consider accepting FAA and DOAV grants for the Airport Runway 2-1 Turnaround Construction Project

**On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to accept the following grants for the Airport Runway 2-1 Construction Project:**

- A. FAA (AIG) grant in the amount of \$304,000; DOAV (State) grant in the amount of \$109,168. Further, move to allocate an additional \$16,292 from the Airport Enterprise Fund Balance to supplement the local matching funding and authorize staff to execute the necessary documents associated with these grants.**
- B. FAA (AIP) grant in the amount of \$924,140 has been awarded but is subject to a public hearing before the Board may accept and appropriate these funds.**

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

10.1 Status Update: Employee Compensation and Classification Study

10.2 Status Update: Recommendation regarding whether to approve the dissolution of Eastern Shore Resource Conservation and Development Council as requested by the Council

Mr. Mason stated that at the Board's direction in August, he began reaching out to Legal Sponsors of the ESRC&D. Since, the ESRC&D submitted a revised request, requesting the County assign a representative to meet with the Council.

*Board consensus was to appoint Mr. Mason as its representative and the Board's intent is to proceed with dissolving the Eastern Shore Resource Conservation and Development Council.*

10.3 Status Update: Recommendation regarding whether to allow construction of PVFD substation on County-owned property located at Fishers Corner

Staff, PVFC representatives, and VDOT met on-site to discuss the proposed project, but at the moment, staff is unable to make a recommendation.

10.4 Strategic Planning Meeting - September 23, 2023 (head count needed)

10.5 VDOT Speed Study Response: Fleming Road - Speed reduction not recommended

Mr. Muhly visited Captain's Cove last weekend and noticed a 25-mph speed limit at Dublin Farms and in the opposite direction it stated the end of the 40-mph speed limit, following the VDOT report that the speed limit would not be lowered. *Staff agreed to report the issue to VDOT.*

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

Ms. Proctor had no report for the Public Session.

## 12. Board of Supervisors Comment Period

- ❖ **Mr. Muhly** – Attended a lecture by Mr. Dennis Custis in the new lecture hall in the new Eastern Shore Public Library; suggested hosting a few Board meetings in the facility.
- ❖ **Mr. Tarr** – Looks forward to seeing fellow Board members on Saturday for the Strategic Plan meeting.

## 13. Budget and Appropriation Items

13.1 Consider Approving Resolution to Amend the FY24 Budget

**On a motion made by Mr. Hart and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the following amendments to the Fiscal Year 2024 Budget:**

*September 20, 2023 BOS Meeting*

### RESOLUTION TO AMEND THE FISCAL YEAR 2024 ACCOMACK COUNTY GOVERNMENT BUDGET

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

**WHEREAS**, on March 23, 2023, the Board of Supervisors finalized the Accomack County Fiscal Year 2024 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 it be approved; now, therefore,

**BE IT RESOLVED** by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2024 County budget 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
FY24	County Administration	General Fund/Public Safety	To record award of Opioid remediation and treatment funding.	State Funds	\$ 30,734
FY24	Airport	Airport Enterprise Fund	To recognize a grant for Airport development or noise program implementation.	Federal Funds	\$ 304,000
FY24	Airport	Airport Enterprise Fund	To recognize a grant for Airport land acquisition.	Federal Funds	\$ 27,090
FY24	Registrar	General Fund/General Government and Financial Administration	To appropriate additional funds for the Electoral Board for annual maintenance costs.	Contingency	\$ 8,046
FY24	Public Safety	General Fund/Public Safety	To recognize additional Aid-to-Localities funding.	State Funds	\$ 50,432
FY24	Social Services	Welfare Fund	To recognize various State, Federal and Local budget adjustments. Approval of these adjustments is needed to bring the local Social Services' department budget in line with the State's approved budget.	State=\$184,871; Federal=\$22,113	\$ 206,984
<b>Total</b>					<b>\$ 627,286</b>



Robert D. Crockett  
Chairman, Board of Supervisors



ATTEST:



Michael T. Mason, CPA  
County Administrator

Adopted by the Board of Supervisors of Accomack County, Virginia, this 20<sup>th</sup> day of September 2023.

## **14. Payables**

### **14.1 Consider Payables**

Mr. Mason certified the Payables.

**On a motion made by Mr. Wolff and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to authorize payment of the September payables.**

## **15. Closed Meeting**

**15.1 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 to discuss the following matters:**

**15.2 Pursuant to Virginia Code Section 2.2-3711(A)(1) - Discussion and consideration of personnel matters pertaining to the assignment of employees of the Department of Public Safety**

**15.3 Pursuant to Virginia Code Section 2.2-3711(A)(1) - Discussion and consideration of personnel matters pertaining to the performance of members of the Economic Development Authority appointed by Accomack County**

**15.4 Pursuant to Virginia Code Section 2.2-3711.A.7 - for consultation with legal counsel pertaining to actual or probable litigation concerning the construction of the public library, where such consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the public body.**

### **15.5 Certification of Closed Meeting**

**On a motion made by Mr. J. 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 a unanimous roll call vote:**

**Aye: H. Phillips, Johnson, Muhly, Wolff, Tarr (remote), J. Phillips, Crockett, Major, Hart**

**Nay: None.**

**Abstain: None.**

**Absent: None.**

## **16. Adjournment**

### 16.1 Adjournment

**On a motion made by Mr. Wolff and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to adjourn at 7:21 pm.**