VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board of Supervisors Chambers in Accomac,

Virginia on the 20th day of August, A.D., 2014 at 5:00 p.m.

Members Present: Wanda J. Thornton

Ron S. Wolff Grayson Chesser

John Charles "Jack" Gray, Chair

Kay W. Lewis Laura Belle Gordy Robert D. Crockett

C. Reneta Major, Vice-Chair

Donald L. Hart, Jr.

Others Present: Steven B. Miner, County Administrator

Mark B. Taylor, County Attorney Michael Mason, Finance Director Shelia West, Administrative Assistant

Call to Order

The meeting was called to order and opened with a prayer by the Chair, after which the Pledge of Allegiance to the Flag was recited.

Adoption of the Agenda

Mr. Hart made a motion to adopt the Agenda. Mrs. Thornton seconded the motion. The motion was unanimously approved.

Public Comments

The County Attorney read the rules governing conduct during the Public Comment period.

There were no public speakers.

Minutes

Ms. Major made a motion to approve the Minutes of the July 16, 2014 meeting.

Mr. Crockett seconded the motion. The motion was unanimously approved.

Recognition

Jeff Terwilliger, Director of Public Safety, presented a plaque to Fire Medic John Greer for the milestone achievement for becoming certified as an Emergency Medical Technician Paramedic. Mr. Terwilliger said this achievement was equally made possible by the Accomack County Board of Supervisors who approved a career ladder program in 2005 providing a monetary incentive for completion of this level of certification.

Consent Agenda

Mr. Hart made a motion to approve the following items under the Consent

Agenda. Mr. Crockett seconded the motion. The motion was unanimously approved.

- 5.2 Compensation for feral dogs killing 2 turkeys belonging to Matt Cormons in the amount of \$20,
- 5.3 The following Resolution for additional petty cash funds for the Planning Department in the amount of \$50 to provide till for a new cash register purchased for the Stormwater/Erosion and Sediment Control Program and approved the Sheriff's Office increase of \$400 to the funds they already have for the purpose of paying informants,

RESOLUTION

WHEREAS, Virginia Code Section 15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

WHEREAS, the Board of Supervisors has already established a number of existing petty cash accounts used to provide change to customers or to make small dollar purchases; and

WHEREAS, the Sheriff has requested additional petty cash to be used to pay informants; and,

WHEREAS, the Planning Department has requested a new petty cash fund be established to provide till for the Stormwater/Erosion & Sediment Program cash register; and,

NOW, THEREFORE, BE IT RESOLVED THAT THE Board of Supervisors of Accomack County, Virginia approves the creation of or increases in the following petty cash funds:

Department:	Tymo	Amount Previously	Ingresse	Amount
Sheriff's Office	Type Cash	Approved \$280.00	Increase \$400.00	Approved \$680.00
(paid informant) Planning Office	Change	\$ 0	\$ 50.00	\$ 50.00

5.4 The following Resolution concurring with the School Board's Election to pay VRS Board-Certified Retirement Contribution Rate

RESOLUTION

BE IT RESOLVED, that the County of Accomack 55100 does hereby acknowledge that the Accomack County School Board has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code Section 51.1-145(1) resulting from the June 30, 2013 actuarial value of assets and liabilities 7.42%; and

BE IT ALSO RESOLVED, that the County of Accomack 55100 does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Accomack County School Board to pay the Certified Rate, as required by Items 468 (H) of the 2014 Appropriation Act; and

NOW, THEREFORE, the officers of the County of Accomack 55100 are hereby authorized and directed in the name of the County of Accomack to execute and required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the County of Accomack, as appropriate, shall be affixed and attested by the Clerk.

5.5 Scheduled a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed amendment to Article XXI. Section 106.531 – 106.538 Village

- Development Zoning District of the Code of the County of Accomack, VA on September 17, 2014 at 7:30 in the Board of Supervisors Chambers,
- 5.6 Award of IFB #675 to the low bidder, TMI Truck & Equipment, Inc., for the provision of a 2015 Volvo Day Cab Road Tractor in the amount of \$115,995,
- 5.7 The following Resolution for the 2014 re-adoption of County Emergency Operations Plan

Resolution

Emergency Operations Plan

WHEREAS, the Board of Supervisors of Accomack County, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, Accomack County has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, Accomack County has established and appointed a Director and Coordinator of Emergency Management:

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FURTHER RESOLVED AND ORDERED that the Director of Emergency Management, or his/her designee, are tasked and authorized to maintain and revise as necessary this document over the next four (4) year period or until such time be ordered to come before this board.

Promulgation of the Accomack County Emergency Operations Plan

By virtue of the authority vested in me as Director of Emergency Management for Accomack County and as the administrator ultimately responsible for emergency management of Accomack County, I hereby promulgate and issue the Accomack County Emergency Operations Plan (EOP), dated August 2014. The EOP provides for Accomack County's response to emergencies and disasters in order to save lives; to protect public health, safety, and property; to restore essential services; and to enable and assist with economic recovery.

The Plan complies with the <u>Commonwealth of Virginia Emergency Services and Disaster Law of 2000</u>, as amended and is consistent with the National Incident Management System as implemented in the National Response Framework adopted January 2008.

The Coordinator of Emergency Management is hereby authorized to activate the Accomack County Emergency Operations Center (EOC) in order to direct and control Accomack County emergency operations. Activation of the EOC shall constitute implementation of the EOP.

Furthermore, the Coordinator of Emergency Management is hereby authorized, in coordination with the County Administrator, to amend the EOP as necessary to ensure the continued health and safety of the residents and property of Accomack County.

Assigned in the EOP, the head of each designated County department or agency shall appoint a lead and at least one alternate for the department or agency.

This Promulgation shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further promulgation.

Given under my hand and under the Seal of the County, this 20th day of August 2014.

5.8 Renewal of the contract with Caldwell Tanks, Inc. for the maintenance of the water tower for Year 3 (September 12, 2014-September 11, 2015) with an automatic

- renewal for Year 4 in accordance with terms and conditions of RFP 255 and Caldwell's Schedule of Fees submitted in response to RFP 255,
- 5.9 The following Resolution approving the new VDOT requirement for Accomack County or its contractors to perform work near highway right-of- ways (e.g. convenience center construction, docks and ramps improvements)

RESOLUTION TO SECURE VDOT PERMIT

WHEREAS, it becomes necessary from time to time for the County of Accomack to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia arising out of the granting to the County of Accomack by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the County of Accomack this 20th day of August, 2014:

Section 1: That pursuant to the provisions of Section 1.064 of the Land Use Permit Regulations of the Virginia Department of Transportation, the County of Accomack does hereby grant assurances to the Virginia Department of Transportation (VDOT) that said County shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the County of Accomack and that said County does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

<u>Section 2:</u> That the County Administrator, or his designee, be, and hereby is authorized to execute on behalf of the County of Accomack all land use permits and related documents of the Virginia Department of Transportation.

<u>Section 3:</u> That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the County of Accomack shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by the County's contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, is hereby authorized and directed to procure insurance, as needed in addition to existing coverage, as required by Section 1 herein, and

5.10 The following Proclamation proclaiming September 15-19, 2014 as Constitution Week.

PROCLAMATION
Proclaiming September 15 – 19, 2014
As
Constitution Week

WHEREAS, We the People did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

WHEREAS, it is important that all citizens fully understand the provisions, principles, and meaning of the Constitution so they can support, preserve, and defend it against encroachment; and

WHEREAS, the Bicentennial of the Constitution provides a historic opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and

WHEREAS, the President and the Congress of the United States have designated the week of September 15 - 19, 2014, as Constitution Week; and

WHEREAS, the people of the County of Accomack do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it; and

NOW THEREFORE BE IT PROCLAIMED, that the County of Accomack in cooperation with the Commission on the Bicentennial of the United States Constitution, do hereby proclaim the week of September 15 - 19, 2014, as Constitution Week, and September 17, 2014, as Constitution Day, and invite every citizen and institution to join in the national commemoration.

Annual Forestry Report

Mr. Robbie Lewis, County Forester for the Eastern Shore gave a brief annual report concerning general forestry activities and responded to questions from the Board of Supervisors.

Wallops Research Park Construction Progress Report

Mrs. Julie Wheatley, Wallops Research Park Manager, gave the Board an update on the project. She said there was a shortage of available site ready spaces across the United States and she had sent over 600 emails to potential users, and was working closely with approximately 10 businesses from Virginia, Maryland, and Delaware that were interested in sites. She gave a breakdown of seven (7) businesses that were interested in the actual business and three (3) that were interested in the hangar side for occupancy when sites were ready next to NASA. She noted that these businesses indicated they wanted to use unmanned aircraft, were in the film industry, do mapping, provide supplies for the Department of Defense, or are in the aerospace business.

Mr. Bill Remington, Wallops Research Park Project Manager and P.E., Davis, Bowen & Friedel, gave a PowerPoint presentation and update on construction of infrastructure at WRP. He said things were on budget, on time and environmental issues were going well. He was very complementary of E. V. Williams and their environmental cautions and concerns noted that a 1,200 foot concrete taxiway would be completed by the end of this year.

Mrs. Wheatley invited the Board to take a tour of Wallops Research Park on September 22, 2014, noting departure would be from the Administration Building

parking lot at 2:30 p.m. for the 3:00 p.m. bus tour of the construction site of the Wallops Research Park.

Mr. Chesser commented on the great job Mrs. Wheatley was doing.

Land Conservation Exemption and the Impact to the County Tax Base

Mrs. Thornton handed out information Brent Hurdle, County Assessor, had compiled concerning acreage owned by conservation groups and government agencies, acreage with conservation easements, and acreage owned by NASA to the Board. She shared a concern she had about the conservation group buying massive pieces of land and the impact it was having on the County's tax base. She said she felt the Board needed to keep track of how much land was being purchased for conservation to prevent the County from becoming in the same situation as Northampton County to prevent a tax burden on the public and on the tax base. A lengthy discussion ensued concerning the land conservation and tax base impact.

Mr. Crockett stated it would be good to have more information to know where the County is now as far as the amount of land that is in conservation and what the future holds.

Mr. Chesser said people have a lot of misconceptions concerning conservation easements. He commented on conservation easements and said easements could also be used to prevent a county from having some really significant long term liabilities.

He said he would like the County Assessor explain how the land use values has changed from a year or two ago.

Mr. Brent Hurdle, County Assessor, gave a brief overview as requested by Mr. Chesser and explained how the land use values changed from 2012 until 2013.

Mr. Hurdle was asked to prepare information for the Board indicating how much land the County has in conservation and the impact thereto.

Mr. Crockett asked Mr. Hurdle to compile information concerning the amount of acreage in conservation and the impact it has on the County for the Board. Mr. Hurdle said he would put something together showing the dollar amount and the impact that exists now.

Joint Land Use Study (JLUS) Presentation

Steve Todd, Project Manager for Clark Nexen gave an overview on the Joint Land Use Study; the progress that had been made; where they were in the study, and responded to questions from the Board.

Accomack County Central Park Master Plan

Wayne Burton, Parks and Recreation Manager, requested approval of the Master Plan so Phase 1 could move forward which was a requirement of the land swap for planned development of Accomack County Central Park formerly known as the Jones Property.

Bill Remington, P.E. of Davis Bowen and Friedel, Inc. appeared before the Board and presented a copy of the Master Plan. He informed the Board that a bid process was underway to obtain pricing for the elements of the plan that were part of the Park land exchange, and approval of the Master Plan would allow the bid process to begin. He explained Phase 1, Phase II, and Phase III Project to the Board. He said that Phase 1 requirements were a portion of the parking lot, stormwater facilities, walking trails/biking trails, and baseball fields; that those requirements needed be completed as part of the negotiations with the NASA Park Service Property Exchange Agreement, and referenced grant funding and possibility of local matching funds.

Mr. Crockett suggested that grant money might be obtained by including a ball field on Tangier at the School and asked Mr. Miner to have Wayne Burton, Parks and Recreation Manager to meet with Dr. Kregg Cuellar, Accomack County School Superintendent to discuss the issue of applying for a grant and work out a solution.

Finance Director Michael Mason explained the \$30,000 budget for the new facility for the Parks and Recreation Office noting that the Board had appropriated only one quarter of the funds for all the capital projects. He suggested because the project needed to start as soon as possible, the Board would have to amend the budget and appropriation items to include appropriation of funds for the facility.

Mr. Hart made a motion to approve the Master Plan and to include the \$22,500 appropriation of funds for the facility. Mrs. Lewis seconded the motion. A discussion ensued. The motion was unanimously approved.

Recess

It was the consensus of the Board to take a 30 minute recess. The meeting recessed at 6:28p.m.

Call to Order

The Chair called the meeting back to order.

Eastern Shore Public Library Board

Mrs. Lewis made a motion to appoint Mrs. Marcie White to the Eastern Shore

Public Library Board for a four- year term beginning immediately and ending on June 30,

2018. Ms. Major seconded the motion. The motion was unanimously approved.

Appointment Chart

Mr. Miner explained the chart as provided to Board Members and discussed the four (4) types of districts. He discussed the following types:

- 1) **Special District**-membership governed by Code of Virginia/County Ordinance
- 2) **Election District**-represents each of the Election Districts with 9 members or more
- 3) **Magisterial District**-represents each Magisterial District with 5 to 8 members (which may include at-large members)
- 4) **At-Large District**-represents 1-4 members

Re-Instatement of Appointment Review Committee

Mr. Crockett made a motion to re-instate the Review Committee to review the concerns that were discussed regarding the term limits on all commissions/committees/boards and bring back recommendations to the Board. Ms. Major seconded the motion. The motion was unanimously approved.

Planned Unit Development District Regulations

Rich Morrison, Planning and Community Development Director, offered comments concerning a proposed amendment to the Village Development District and said that the Planning Commission was asking the Board to consider eliminating the existing Planned Unit Development District from the Zoning Ordinance because, based on current growth trends, the current Planned Unit Development District was unlikely to be utilized and that a suitable alternative has been developed in the proposed Village Development Zoning District. He said in his view, it was really about the size of the development to be permitted to smaller developments.

Mr. Wolff made a motion to refer the Planned Unit Development (PUD) District Regulations back to the Planning Commission for their recommendation. Mr. Chesser seconded the motion. A discussion ensued. The motion was unanimously approved.

4th Quarter Financial Report

Finance Director Mike Mason gave a brief PowerPoint presentation summarizing the 4th Quarter Financial FY14 report as follows and responded to questions:

- 1) Total revenue for the County was up 1.5% as compared to the previous year exceeding the budget by 1.8%,
- 2) Vehicle licensing fees were down 24%,
- 3) Landfill tipping fees were down 5%, and
- 4) Consumer utility taxes were down 8%.

- 5) More than 9 million dollars in uncollected taxes, and
- 6) \$7.6 million in the Rainy Day Fund.
- 7) The greatest area of concern was the state revenue shortfall for the year closing June 30, 2014; that it was projected to be \$350 million but when the actual figure was reported on August 15 was \$438 million.

Mr. Mason said the revised 2015 budget from the state had a \$346 million shortfall for 2015 and a \$536 million shortfall projected for 2016 which would likely put some state funding in jeopardy.

Custis Neck Road and Folly Creek Road Area Traffic Study Resolution

Mrs. Gordy made a motion to request the Virginia Department of Transportation conduct a traffic study on the Custis Neck and Folly Creek Road areas. Mr. Hart seconded the motion. The motion was unanimously approved.

County Administrator's Report

County Administrator Steven B. Miner stated he had referred a sign issue concerning a constituent in Mr. Chesser's District to Public Works Director, Stewart Hall.

He told the Board that he and Dr. Cuellar would be meeting in the near future to discuss space needs.

County Attorney's Report

County Attorney, Mark Taylor stated he did not have any report for public consumption but had four or five items for closed meeting.

Board of Supervisors Comments

Ms. Major stated the affair that was held for the building named after Sharon White Bailey was very beautiful and well attended.

Mrs. Thornton commented about **HB844** (Eastern Shore Water Access Authority) that Senator Lynwood Lewis had passed in the General Assembly. She recommended the Board of Supervisors read **HB844** and said the Accomack-Northampton Planning District Commission would be discussing it as well.

Mr. Wolff told the Board that Dr. Cuellar attended his meeting on Monday night and that he was very energetic and he felt the County should be in good shape with him at the helm.

Ms. Lewis informed the Board that after 1 year and 7 seven months the ditch digging machine was in the Saxis/Sanford area and would probably remain there for the remainder of the year. She said she had spent 4 hours with the Mayor of Saxis and they went through all the changes they were expecting to make on Saxis and that she had gone

down every street and reviewed their plans they would be bringing to the Board in the near future.

She commented about the broken piling in the Hunting Creek area that someone hit last week and plans were being made to get it taken care of.

Mr. Hart informed the Board that he had met with the Governor on Friday,

August 15th and said that the Virginia Association of Counties was working very hard

trying to make sure the impact on the County was as minimal as possible regarding the
state budget shortfall issues Finance Director Michael Mason had presented earlier.

Budget and Appropriation Items

Mr. Hart made a motion to adopt the following Resolution. Ms. Major seconded the motion. The motion was approved.

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2015 County budget be amended by the amounts listed below and the same amounts appropriated for the purposes indicated.

			Funding	
Fund	Department	Purpose	Source	Amount
General Fund	Community Corrections	To recognize grant award from Department of Criminal Justice Services for Community Corrections Program	State Funding	\$ 89,585
Fire Programs Fund	Fire Training Committee	To recognize company, DPS and Northampton funds designated for Fire training.	Transfer from General Fund contribution, Northampton and DPS Budget	\$ 23,000
Capital Projects Fund	Quinby Boat Harbor	To recognize award of Virginia Port Authority grant funds for Phase 3 of the Quinby Harbor Improvements	State Funding	\$202,325
Capital Projects Fund	Quinby Boat Harbor	To recognize local match committement from the Quinby Boat Harbor Committee for Quinby Harbor Phase 3 improvements.	Miscellaneous Revenue	\$ 27,442
Total				\$342,352

In addition to the above Budget and Appropriation Items, the Board also approved \$22,500 for the new Parks and Recreation Office

Pavables

Upon certification by the County Administrator, Ms. Major made a motion to approve the payables. Mr. Wolff seconded the motion. The motion was unanimously approved.

Closed Meeting

Mr. Crockett made a motion to go into Closed Meeting for the following purposes. Mr. Hart seconded the motion. The motion was unanimously approved.

- 1. Pursuant to subsection 2.2-3711 (A) (1) for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body,
- 2. Pursuant to Subsection 2.2-3711(A) (3) for 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,
- 3. Pursuant to Subsection 2.2-3711A (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, and
- 4. Pursuant to Subsection 2.2-3711(A) (19) Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

Open Session

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Hart made the motion to reconvene in Opening Meeting and to certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, 1950 as amended, that to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were (1) public business matters lawfully exempted matters as were identified in the motion by which the Closed Meeting was convened. Mr. Wolff seconded the motion. The motion was unanimously approved.

Roll Call

Ayes: Mrs. Thornton Mr. Wolff Mr. Chesser Mrs. Lewis Mr. Gray Mrs. Gordy Mr. Crockett Mr. Hart Ms. Major

Nays: None

Absent: 0

Old Shore Bank Building

Mr. Crockett made a motion to authorize and direct the County Administrator to execute the Purchase Agreement with the Parksley Volunteer Fire Company dated August 19, 2014 for the County's purchase of 0.69 acres of land identified as Tax Map No. 78A1-A-43A and otherwise known as 18426 Dunne Avenue, Parksley, Virginia from

the Parksley Volunteer Fire Company for the consideration of \$135,000.00, and to authorize the County Administrator and the County Attorney to take all actions and execute all documents necessary to complete such transaction. Ms. Major seconded the motion. The motion was unanimously approved.

Taylor Marsh Land

Mr. Hart made a motion to authorize and direct the County Administrator and the County Attorney to take all actions and execute all documents necessary to accept the donation of seven (7) acres of land known as Taylor Marsh, Tax Parcel No. 05300A0000146A0, in the Metompkin District, from the Ilene L. Shulman Trust. Ms. Major seconded the motion. The motion was approved 8-1.

Ayes: Mrs. Thornton Mr. Gray
Mr. Wolff Mr. Crockett
Mr. Chesser Mr. Hart
Mrs. Lewis Ms. Major

Nays: Mrs. Gordy

Adjournment

Mrs. Thornton made a motion to adjourn the meeting. Mr. Crockett seconded the motion. The motion was unanimously approved. The meeting adjourned at 10:58p.m.

John Charles "Jack" Gray, Chair	
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Date	