

“Initial” Draft Accomack County Board of Supervisors Minutes of February 15, 2012

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 15th day of February , A.D., 2012, at 5:00 p.m.

Members Present: Laura Belle Gordy, Chair
Wanda J. Thornton, Vice Chair
Ron S. Wolff
Grayson Chesser
John Charles “Jack” Gray
Kay W. Lewis
Robert D. Crockett
Donald L. Hart, Jr.
C. Reneta Major

Others Present: Steven B. Miner, County Administrator
Shelia Goodman, Administrative Assistant
Mark B. Taylor, County Attorney

Call to Order

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

Adoption of the Agenda

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

Public Comments

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

The following persons offered comments opposing the purchasing of land by the Federal Government/Fish and Wildlife Service and keeping beach parking as is:

John Jester
Donna Mason
Billie D. Custis
Ernest Brian Rush
Jim Freeze
Ellen Richardson

The following persons offered comments opposing Option 4 of the Fire Tax:

Ernest Brian Rush
Jim Freeze
Bobby Lappin
Dean Orsino
Kevin Holloway
Ellen Richardson

Billie D. Custis – spoke in favor of Option 4 of the Fire tax

Wesley Edwards offered comments concerning the County’s potential to save money by purchasing property for County offices versus continually renting office space.

Consent Agenda

Mr. Crockett made a motion to approve the following items under the Consent Agenda. Mr. Wolff seconded the motion. The motion passed unanimously.

3.2 Award of RFP 247 for General Engineering Services awarded to Davis, Bowen & Friedel, Inc. for large projects and projects requiring architectural services and award J. W. Salm Engineering for small projects with short deadlines.

3.3 Award of RFQ 243 for improvements to Young's Creek Boat Ramp to BIC, Inc. in the amount of \$34,800.

3.4 Award Contract Renewal IFP 632-Scrap Metal Purchase and Removal to Schultz & Sons Salvage for the term of March 20, 2012 – March 29, 2013 in accordance with the terms and conditions of IFB 632.

3.5 Schedule a Public Hearing for the Davis Wharf Agricultural and Forestal District

3.6 Contact VDOT regarding road conditions on RT. 13 in Melfa and correct Road Conditions on Rt. 13 in Melfa

3.7 Consider request for Exploration of Options for Addition of Gayle Lane and Brook Lane near Beacon Road into the State System of Highways

3.8 Resolution for purchase of VDACS Building Accomac, Virginia from DGS

County Attorney Mark Taylor presented an amendment to the resolution for the purchase of the VDACS property allowing the Board Chair and County Administrator to be authorized to execute documents to complete the transaction.

Mr. Crockett made a motion to accept the amendment and Mrs. Thornton seconded the motion. The motion was unanimously approved.

RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA, TO PURCHASE 0.83 ACRES, MORE OR LESS, OF REAL PROPERTY KNOWN AS TAX MAP #: 86A1-A-11 LOCATED IN THE TOWN OF ACCOMAC, ACCOMACK COUNTY, VIRGINIA (ALSO KNOWN LOCALLY AS THE OLD VDACS BUILDING), FROM THE COMMONWEALTH OF VIRGINIA FOR THE SUM OF \$23,000.00

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WHEREAS, Accomack County desires to purchase approximately 0.83 acres of real property in the Town of Accomac, being Tax Map #: 86A1-A-11 and otherwise as show on that certain plat entitled "PROPERTY OF MRS. LILLIAN WHITE ROSS SOLD TO SHORE IMPROVEMENT CORPORATION ACCOMAC, VIRGINIA" dated July 15, 1949, verified September 8, 1949, recorded in Plat Book 7, page 67, among the Land Records of the Circuit Court for Accomack County, Virginia (also known locally as the old VDACS building), from the Commonwealth of Virginia Department of General Services; and

WHEREAS, the Commonwealth of Virginia Department of General Services has agreed to sell the same the for the sum of Twenty-three Thousand Dollars (\$23,000.00); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA:

1. The Chairman of the Board of Supervisors of Accomack County and the Accomack County Administrator are authorized to sign any and all necessary documents necessary to complete the purchase of the property known as 0.83 acres, more or less, located in Accomac, Accomack County, Virginia, Tax Map #86A1-A-11 for the sum of Twenty-three Thousand Dollars (\$23,000.00) from the Commonwealth of Virginia.

2. That said property shall be used for public purposes pursuant to Virginia Code §15.2-1800 (1950, as amended).

This Resolution shall take effect immediately upon its adoption.

BE IT SO RESOLVED THIS 15th DAY OF FEBRUARY, 2012.

Report of Public Officials

Accomack County Public Schools

Dr. W. Bruce Benson, Division Superintendent, Accomack County Public Schools gave the Division Superintendent's Funding Request for 2012-2013 and responded to questions. Mr. Crockett thanked Dr. Benson for meeting with him and Wayne Burton from Parks and Recreation to come up with a program to open the Tangier Gymnasium. Mrs. Thornton thanked Dr. Benson for utilizing the schools for extracurricular activities.

Introduction and Presentation by Dr. Henry Kurban, Eastern Shore District Health Director

Dr. Henry Kurban, Eastern Shore District Health Director introduced himself and gave a presentation and overview on the status of the Community and Public Health and other related matters.

Presentation by Ms. Lynn Lochen, Tourism Marketing/Development Specialist, Virginia Tourism Corporation

Lynn Lochen, Tourism Marketing/Development Specialist, Virginia Tourism Corporation, stated the Tourism Corporation was in support of the beach access as it

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currently is and gave a presentation on tourism and talked about the importance of tourism within the County and its benefits. A discussion ensued.

Sale of Whispering Pines

Treasurer Dana Bundick informed members that the Whispering Pines property would go for tax sale on March 1, 2012.

Recess

Chairman Gordy called for a five minute recess.

Call to Order

Chairman Gordy called the meeting back to order.

Dates to Receive County Administrator's FY2013 Proposed Budget

It was the consensus of the Board to accept the FY2013 Proposed Budget Calendar as presented and recess to a meeting on February 22, 2012 at 5:00 p.m. in the Board of Supervisors Chambers to receive the County Administrator's Fiscal Year 2013 Proposed Annual Fiscal Plan.

Mrs. Thornton told members that she would be on vacation and requested to have the draft budget.

County FY12 2nd Quarter Financial Report

Finance Director Mike Mason gave a review of the County's 2nd quarter financial report for fiscal year 2012. He informed the Board that the County's major revenues were down 5.4% for the 2nd Quarter of fiscal year 2012 as compared to the prior year. Mr. Mason stated most of the decrease was due to the early mailing of personal property taxes and vehicle license fees which resulted in a significant amount of personal property related revenue being recorded earlier than in the prior year. He told members that year to date, major revenues were down 2.7% as compared to the previous year and in order to meet our estimates for FY '12, total major revenues must decrease no more than 2.5% of prior year actual revenue. A discussion continued and Mr. Mason responded to questions.

Fire Commission Recommendation on Fire Tax Options

Mrs. Thornton made a motion to remove Option 4 (that an equalized flat fire tax be implemented over all election districts) for consideration and Ms. Kay Lewis second the motion.

Mr. Crockett made a motion to table Option 4 until a date of no later than March 7th, 2012 while the Board considers the FY 2013 Budget. Mr. Gray seconded the motion. The motion was approved with Mrs. Thornton and Ms. Lewis opposing. Mrs. Thornton requested that the Fire Departments be notified when the issue was placed on the Board's agenda.

Request for Support in Opposing Federal Purchase of Land in Chincoteague

The Honorable Jack Tarr, Mayor of Town of Chincoteague, in representation of the town and its citizens told members they opposed Option 4 of the fire tax and noted several reasons for their opposition.

Mayor Tarr advised members that representatives from the Town of Chincoteague would be traveling to Washington on Friday, February 17th to speak before a committee in opposition to the Federal purchase of land in Chincoteague for alternative beach parking as proposed by the Fish and Wildlife Service. A discussion ensued and he responded to comments and questions.

Mrs. Thornton informed members about the Town of Chincoteague Leadership meeting and the results of same. She also advised members of the resolutions and letters supporting the town's position from State officials and other agencies. A discussion ensued.

Mrs. Thornton made a motion that the Board of Supervisors support the Town of Chincoteague and draft a resolution opposing the Park Services, the U. S. Fish and Wildlife Services or Federal Government from purchasing any land inside the incorporated Town of Chincoteague and that it opposes the Sarbanes Grant. Ms. Lewis seconded the motion.

A lengthy discussion ensued regarding the Assateague Beach parking.

Mr. Crockett offered a substitute motion that the Accomack County Board of Supervisors urge the Federal Government not to purchase land within the Town of Chincoteague until the U. S. Fish and Wildlife Services and the U. S. Park Service have committed to provide and maintain beach access, and beach parking at no less than 961 parking spaces on Assateague Beach. Mr. Wolff seconded the motion.

A discussion continued with members offering comments regarding same.

The vote on Mr. Crockett's motion failed 6-3.

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The vote on Mrs. Thornton's motion passed 7-2 with Mr. Crockett and Mr. Chesser opposed.

**RESOLUTION OF ACCOMACK COUNTY BOARD OF SUPERVISORS
IN OPPOSITION TO THE FEDERAL PURCHASE OF LAND
WITHIN THE TOWN OF CHINCOTEAGUE**

WHEREAS, an Alternative Transportation Study was prepared for Chincoteague National Wildlife Refuge in December 2009 by the John A. Volpe National Transportation Systems Center; and

WHEREAS, several alternative strategies propose to reduce or eliminate beach front parking of personal vehicles in favor of a transit shuttle during the peak season; and

WHEREAS, this study and the draft Refuge Comprehensive Conservation Plan (CCP) alternatives propose the acquisition of property within the Town of Chincoteague for remote transit parking; and

WHEREAS, a specific 200 acres of developed and open space property was identified by the draft CCP to be acquired for said remote transit parking; and

WHEREAS, the Town of Chincoteague submitted a questionnaire to over 13,000 summer visitors to the Refuge in 2010, and over 82 percent of responders stated they would not return for another visit if beach access is by transit from remote parking; and

WHEREAS, the loss of private investment, jobs, and tax revenue from both the loss of the tourism business on the property and the loss of beach visitors would severely adversely impact the Town of Chincoteague and Accomack County economies.

NOW THEREFORE, BE IT RESOLVED that the Accomack County Board of Supervisors hereby declares its opposition and urges the U.S. Department of the Interior to oppose the federal purchase of land within the Town of Chincoteague; and, be it

FURTHER RESOLVED that copies of this Resolution be forwarded to Ken Salazar, the Secretary of the U.S. Department of the Interior, and to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the Accomack County Board of Supervisors in this matter.

Recess

By consensus, the Chair declared the Board in recess until 7:30 p.m.

Call to Order

The Chair called the meeting back to order.

Discussion on Protocol

Mrs. Thornton made a motion to have the staff develop protocol on how the Board of Supervisors would handle certain situations and bring it back to Board for discussion. Mr. Crockett seconded the motion. The motion was unanimously approved.

Old Business

Chesapeake Bay Total Maximum Daily Load (TMDL)

Ms. Elaine Meil, Executive Director, Accomack-Northampton Planning District Commission gave a brief update on the Chesapeake Bay TMDL and requested Board approval for submission of same.

Mr. Crockett made a motion to approve the Chesapeake Bay (TMDL) Submission and Mr. Wolff seconded the motion. The motion was unanimously approved.

External Financial Audit

Mr. David Foley, CPA from the audit firm of Robinson, Farmer, Cox Associates appeared before the Board and thanked Mike Mason and all the county staff for their advanced preparation and cooperation for getting all the documents that were needed for the audit. Mike Mason stated the Code of Virginia Section 15.2-2511 requires the County's external auditor to present the County's CAFR to the governing body in public session. Mr. Foley presented the County's external audit to the Board of Supervisors and reported it was a "very clean" audit.

Appointments

Eastern Shore Community Services Board

Miss Major made a motion to appoint Mr. Berran Rogers to the Eastern Shore Community Services Board for a three-year term commencing immediately and expiring on December 31, 2014 to replace Ms. Florence Parsons who is ineligible for reappointment. Mrs. Thornton seconded the motion. The motion was unanimously approved.

Mr. Hart made a motion to appoint Ms. Marva Lin Annis to the Eastern Shore Community Services Board for a three-year term commencing immediately and expiring on December 31, 2014 to replace Ms. Delores Colona who has deceased. Mrs. Thornton seconded the motion. The motion was unanimously approved.

Economic Development Authority

Mr. Crockett made a motion to reappoint Mrs. Shirley Zamora to the Economic Development Authority for a four-year term effective on February 18, 2012 and expiring on February 18, 2016. Mrs. Thornton seconded the motion. The motion was unanimously approved.

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Mr. Hart made a motion to reappoint Mr. John LeCato to the Economic Development Authority for a four-year term effective on February 18, 2012 and expiring on February 18, 2016. Mr. Crockett seconded the motion. The motion was unanimously approved.

Mrs. Thornton made a motion to appoint Mr. Robert Bloxom to the Economic Development Authority for a four-year term commencing immediately and expiring on February 18, 2016 to replace Mr. Rhet Tignor, who has resigned. Mr. Chesser seconded the motion. The motion was unanimously approved.

County Administrator's Report

Mr. Miner informed the Board of Supervisors that Jason Loftus, Public Safety Director, had put in his resignation effective March 16, 2012, and would be accepting a position as Fire and EMS Chief for Caroline County effective March 17, 2012. He stated that Charles Pruitt (C. Ray Pruitt) would be the Acting Director of Public Safety until the position could be filled. Mr. Crockett stated Jason Loftus had done a very good job in his tenure as a Director of Public Safety and was very professional. He stated it was the County's loss and Caroline County's gain.

Board of Supervisors Comments

Mr. Wolff told the Board that Mr. John Waterfield who spoke at the meeting on Monday night had informed him that his father had passed. The Board offered expressions of sympathy.

Budget Items and Appropriation Items

FISCAL YEAR 2012
Budget and Appropriation Items

From Contingencies (Balance as of 2/1/12=\$198,960)

Decrease Contingency

Operating Contingency \$20,000

Increase Expenditures

Solid Waste \$20,000

--To purchase surveillance equipment to monitor select remote County facilities and convenience centers. Equipment would deter theft and aid in resolution of customer service disputes.

OTHER

Decrease Expenditures

Cooperative Extension Program \$ 1,500

Increase Expenditures

Johnson grass/Gypsy Moth \$ 1,500

--Request from Cooperative Extension Program to transfer department funds to the Johnsongrass/Gypsy Moth Program to cover funding shortfall.

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Mr. Hart made a motion to approve the budget items. Mr. Wolff seconded the motion. The motion was unanimously approved.

Payables

Mr. Miner certified the payables. Mrs. Thornton made a motion to authorize the payment of bills. Mr. Wolff seconded the motion. The motion passed unanimously.

Closed Meeting

Mr. Wolff made a motion to go into Closed Meeting pursuant §2.2-3711 of the Code of Virginia of 1950, as amended, pursuant to subsection (A) (1)(3)(4) and (7) for the following purposes: (1) Discussion and consideration of the assignment, performance, and /or resignation of specific public officers, appointees, or employees of the public body. (3) 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. (4) The protection of the privacy of individuals in personal matters not related to public business. (7) Consultation with legal counsel employed or trained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Mrs. Thornton seconded the motion. The motion passed unanimously.

Open Session

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Wolff made a motion to reconvene in Open Meeting, seconded by Mrs. Thornton, and to certify by roll call vote, pursuant to Section 2.2-3711 (A) (1) (3) (4) and (7) of the Code of Virginia, that to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were discussion and consideration of the assignment, performance, and /or resignation of specific public officers, appointees, or employees of the public body; 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; the protection of the privacy of individuals in personal matters not related to public business and consultation with legal counsel employed or trained by a public body regarding specific legal matters requiring

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the provision of legal advice by such counsel lawfully exempted from Opening Meeting requirements under this chapter as were identified in the motion by which the Closed Meeting was convened. The motion was unanimously approved.

Roll Call

Aye:	Mr. Chesser	Mrs. Thornton	Mr. Crockett
	Mr. Wolff	Ms. Kay W. Lewis	Mrs. Gordy
	Ms. Major	Mr. Gray	Ms. Major

Nays: None

Adjournment

Mr. Wolff made a motion to recess to February 22, 2012. Mrs. Thornton seconded the motion. The motion passed unanimously. The meeting adjourned at 10:15p.m.

Chair

Date