

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board of Supervisors Chamber in Accomac, Virginia on the 19th day of July, A.D., 2017 at 5:00 p.m.

Members Present: Robert D. Crockett, Chair
Laura Belle Gordy, Vice Chair
William J. "Billy" Tarr
Ron S. Wolff
Grayson C. Chesser
Harrison W. Phillips, III
Paul E. J. Muhly
Donald L. Hart, Jr.
C. Reneta Major

Others Present: Michael Mason, County Administrator
Cela J. Burge, County Attorney
Shelia West, Administrative Assistant

Call to Order

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

Adoption of the Agenda

Mr. Tarr made a motion to adopt the Agenda. Ms. Major seconded the motion. The motion to adopt the Agenda was unanimously approved.

Public Comment

County Attorney Cela Burge read the rules governing conduct during the public comment period.

The following person spoke:

Mr. Jack Pierson, 35584 Coastal Boulevard, Onley, VA - spoke in opposition to the Onley Volunteer Fire & Rescue Department being dissolved and requested that the Board give 60-90 days to improve it.

For clarification, Chairman Crockett told members that two persons had registered to speak that were members of the Onley Fire Department. He reiterated that as stated at the June Board meeting he would allow only one (1) representative to speak during the discussion of the agenda item. Mr. Governor elected to speak during the discussion of the agenda item for the Onley Fire & Rescue discussion, noting that Mr. Oliver Boggs, who had also registered, was not present.

Minutes

Mr. Hart made a motion to approve the minutes of the June 21, 2017 meeting. Ms. Major seconded the motion. The motion was unanimously approved.

Consent Agenda

Mrs. Gordy made a motion to approve the following items under Consent Agenda. Mr. Tarr seconded the motion. The motion was unanimously approved.

5.2 - Approved modifications to the Wallops Research Park (WRP) Covenants, Conditions and Restrictions.

5.3 - Approved scheduling of a Public Hearing on Emmett Taylor, Jr. Conditional Use Permit Application for a Borrow Pit – Tax Map #42-1-A and 42-2-A1 for its August 16, 2017 meeting.

5.4 - Authorized the Chairman to sign the proposed letter to FEMA expressing the Board of Supervisor's concern with the DRAFT FEMA Guidance for Participating Communities on Satisfying National Flood Insurance Program (NFIP) Floodplain Development Permit Requirements.

5.5 - Approved the Resolution of Support for the Nature Conservancy's Virginia Land Conservation Fund Grant Application.

Onley Volunteer Fire & Rescue Company

County Administrator Michael Mason gave a quick review of the Board's action taken at the June 21, 2017 meeting regarding the Onley Volunteer Fire & Rescue Company upon receiving the report of the Accomack County Fire Services Commission. He stated that the Board had taken no action and requested staff to include the item on the July agenda for possible action.

He stated that the report given by staff at tonight's meeting would be divided into three (3) components consisting of the following:

- 1) A quick review of the Fire Services Commission's recommendation followed by the key points in the study.
- 2) Public Safety Director C. Ray Pruitt will be reviewing the last three (3) months of data from the EMS response.
- 3) Discussion with the County Attorney regarding dissolution of fire companies, what it means and the Board's options.

Mr. Mason presented a Power Point presentation which gave an Executive Summary of the Fire & Rescue Commission's Report which was originally presented to the Board on June 21, 2017. He gave a brief excerpt of the report and recommendation from the Accomack County Fire Services Commission based upon key findings of the study. He stated that the Commission had voted 12-3 in favor of recommending to the Board of Supervisors that they begin the process of dissolving the Onley Fire & Rescue. Following further discussion, Mr. Mason relinquished the floor to Mr. Pruitt.

Public Safety Director C. Ray Pruitt presented a report on "Accomack County EMS Data" March – June 2016 & 2017 and discussed EMS call data per station, response time, etc. He informed members that 95% of the calls for the Onley station were being handled by Onancock and the other remaining calls were being handled by Parksley and Melfa. He stated that the most important factor was that the citizens in that district were still receiving the

services. He continued to discuss the call data and responses and noted that on March 16, 2017, Onley EMS District went out of service and Onancock and neighboring stations picked it up. He also informed members that Onley did not have a fire truck or ambulance units in service as of July 13, 2017.

Chairman Crockett recognized Mr. Royal Governor to respond and make a presentation as the representative.

Mr. Royal Governor, President of the Onley Fire and Rescue Company, resident at 2549 Maple Street, Onley, VA; appeared before the Board and spoke as a representative for the Onley Fire and Rescue Company in opposition to the company being dissolved.

Mr. Governor distributed copies to the Board which included a Roster of the Onley Fire & Rescue Company responders and members. He also presented and discussed a “Statement of Defense” requesting that the Board defer the matter for a year. He provided a “6 Month Plan” to reorganize the company.

Comments were offered by Board members regarding related matters.

Chairman Crockett read the following statement into the record, “The Accomack County Fire and Rescue Commission spent a considerable amount of time studying the viability of Onley Volunteer Fire and Rescue Company. They appointed a committee to study the issue and on 6-20-17, the Commission voted 12-3 to recommend to the Board of Supervisors that we begin the process of dissolving Onley Volunteer Fire and Rescue Company. Their decision was not easily made, it was painful. However, they studied the data, listened to comments from the Chief of Onley Volunteer Fire and Rescue Company and although difficult they made the decision to recommend that we begin the process to dissolve Onley Volunteer Fire and Rescue Company.”

“The issue to dissolve Onley Volunteer Fire and Rescue Company is also difficult for the members of this Board. However, when you study the data, it is clear to me that the OVF&R has already dissolved. Since February 3, 2017, they have had no fire suppression apparatus, they have had no EMS transport apparatus since March 16, 2017. Effective July 9, 2017, they had no Operation Medical Director, which is required by the State to operate an ambulance, as a result their ability to run ambulance calls has been temporarily suspended. On July 13, 2017, their rescue truck failed state inspection.

“The data presented also shows that EMS & Fire services have continued to be provided to the residents in Onley’s Fire & Rescue District by Onancock Volunteer Fire & Rescue Company, Tasley Volunteer Fire Company and other companies with their time matrix.”

“Members, I put this issue on the agenda and I will not call for another Board member to make a motion to address this issue.”

Mr. Crockett made a motion to adopt the following Resolution effective immediately.

**RESOLUTION OF THE ACCOMACK COUNTY BOARD OF SUPERVISORS
DISSOLVING THE ONLEY VOLUNTEER FIRE AND RESCUE COMPANY,
INCORPORATED**

WHEREAS, Onley Volunteer Fire and Rescue Company, Incorporated is a volunteer fire company located in Accomack County, Virginia; and

WHEREAS, § 27-10 of the Code of Virginia, 1950, as amended, provides that the governing body of the county, to which any fire/EMS company belongs, may dissolve a company for any reason it deems advisable; and

WHEREAS, the Accomack County Fire and Rescue Commission was apprised of concerns regarding the operation and administration of the Onley Volunteer Fire and Rescue Company, Incorporated, and as a consequence of receiving this information, on June 9, 2017, an investigative study was conducted of the Onley Volunteer Fire and Rescue Company, Incorporated; and

WHEREAS, the Accomack County Board of Supervisors received the final Report of the Accomack County Fire and Rescue Commission and consider the findings, conclusions and recommendations of that Report; and

WHEREAS, the Accomack County Board of Supervisors finds that the efficiency and effectiveness of the system of internal control for the Onley Volunteer Fire and Rescue Company, Incorporated, is unsatisfactory and unacceptable, and, that effective control structure has not been established to support the achievement of business objectives; and

WHEREAS, the Accomack County Board of Supervisors, with regard to the Onley Volunteer Fire and Rescue Company, Incorporated, finds as follows: (1) the number of effective members is less than 20; (2) it has not provided fire suppression services since February 3, 2017; (3) they currently have no equipment licensed by the Virginia Department of EMS; (4) they have not provided EMS transport services since March 16, 2017; and (5) their Operational Medical Director (OMD) terminated services on July 9, 2017; and

WHEREAS, the Accomack County Board of Supervisors finds that based upon the previous finding, there exists a condition which makes the Department unable to provide adequate fire and/or rescue services; and

WHEREAS, the Accomack County Board of Supervisors has plenary authority to dissolve a volunteer fire department.

NOW, THEREFORE, BE IT RESOLVED that the Onley Volunteer Fire and Rescue Company, Incorporated is hereby dissolved and its existence terminated, and be it

FURTHER RESOLVED that Onley Volunteer Fire and Rescue Company, Incorporated is directed to conduct all acts necessary to fully and expeditiously “wind up” and liquidate its business and affairs.

VOTE:

AYES: 9 NAYS: 0 ABSENT: 0

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Robert D. Crockett, Chairman

Dated: _____

I hereby certify that the foregoing is a true and correct copy of the Resolution approved July 19, 2017, 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

Mr. Muhly seconded the motion.

Mrs. Gordy offered comments regarding the dissolution of the Onley Volunteer Fire and Rescue Company and stated “she hoped that in the near future, we will be able to start from scratch and have a good fire and rescue company again”.

The motion was unanimously approved 9-0.

Appointments

Captains Cove/Greenbackville Mosquito Control

Mr. Wolff made a motion to appoint Mr. Robert Divillo to the Captains Cove/Greenbackville Mosquito Control to fill the unexpired term of Mr. Garey Cropper, who resigned. The term will commence immediately and expire on June 30, 2018. Mr. Hart seconded the motion. The motion was unanimously approved.

Eastern Shore of Virginia Ground Water Committee

Mrs. Gordy made a motion to reappoint Mr. James Belote as a citizen member to the Eastern Shore of Virginia Ground Water Committee for a 3-year term. The term will commence on July 1, 2017 and expire on June 30, 2020. Mr. Muhly seconded the motion. The motion was unanimously approved.

Eastern Shore of Virginia Tourism Commission

Mr. Hart made a motion to reappoint Mr. Blake Johnson to the Eastern Shore of Virginia Tourism Commission for a 3-year term. The term will commence immediately and expire on December 30, 2019. Ms. Major seconded the motion. The motion was unanimously approved.

Mr. Tarr made a motion to reappoint Mr. Steve Potts to the Eastern Shore of Virginia Tourism Commission for a 3-year term. The term will commence immediately and expire on December 30, 2021. Mr. Hart seconded the motion. The motion was unanimously approved.

Eastern Shore Community College Board

Mr. Wolff made a motion to appoint Ms. Mary Ann Elebash to the Eastern Shore Community College for a 4-year term. This term will commence immediately and expire on June 30, 2021. Mr. Hart seconded the motion. The motion was unanimously approved.

County Administrator's Report

Update on North Landfill Cell 2 Closure Activities

County Administrator Michael Mason gave an update on the North Landfill Cell 2 Closure Activities informing members that the low bid received was in excess of funding available to complete the project. He stated that staff was currently examining other options and would most likely rebid the project. He told members that a report would be given based upon the results of same.

He informed members that according to DEQ regulations, the County was not required to close the cell as long as it continues to deposit waste. He continued discussion of same.

Town of Parksley LED Sign Request

Mr. Mason gave a brief report on the status of the Town of Parksley LED Sign Request and informed members that staff had received feedback from VDOT concerning the sign. He stated that VDOT had some concerns with the proximity of the LED sign to the existing railroad museum sign. He apprised members that staff had communicated the information to the Town of Parksley.

Sawmill Park Hazard Removal Activities

Mr. Mason gave an update on the Sawmill Park Hazard Removal activities and presented pictures showing recent progress being made towards the removal of various hazards associated with the construction project. He referenced the additional funding that the Board had given to assist with the completion of the project and noted his appreciation.

He apprised members of the bid for services to handle all of the remaining projects that needed to be complete before opening the parking which consisted of hazard removal, fencing issues, construction of the walking trail, etc. He stated that the results of the bid for the hazard

removal had come in much lower than expected from a cost perspective. He continued to discuss same and responded to questions.

Mr. Mason reported that the concession stand was under construction and the Public Works office was progressing well.

He informed members that he would be attending the Parks and Recreation Advisory Committee meeting on Tuesday, July 25th to give an update on the status of the park. A discussion continued.

Public Works Director Stewart Hall responded to an inquiry regarding the recycling of the construction debris.

Mr. Mason gave a brief update on the status of Mr. Wayne Burton, Parks and Recreation Manager and a discussion continued. He offered complimentary comments regarding the extra duties that Ms. Barbara Boggs had taken on during the absence of Mr. Burton.

On behalf of the Board, Mr. Hart directed the County Administrator to convey to Mr. Burton the Board's well wishes on his recovery and to thank Barbara Boggs for her service.

Calendar Year 2016 Recycling Rate

Mr. Mason informed members that the Virginia Department of Environmental Quality (DEQ) had completed its review of Accomack County's 2016 Recycling Rate Report and was pleased to announce that the County's recycling rate was 52.4% with the mandate being 15%. He noted in 2004, the County's recycling rate was 6.6% and offered expressions of gratitude to Public Works and employees for their accomplishment.

Congratulatory comments were offered by the Board to Mr. Hall, the staff and others for their efforts.

Arcadia Playground Temporary Closure

Mr. Mason informed members that the Parks and Recreation Department had identified several hazards associated with the public playground equipment located off of Horsey Road adjacent to the Arcadia softball field used by Parks and Recreation and recommended that the site be temporarily closed.

He stated that after visiting the site, he concluded that it was in a state of disrepair and discussed same. He informed members while staff is reviewing options on what to do, the playground will be temporarily closed. A discussion continued.

Watts Property suitability as a Dredge Materials Placement Site

Mr. Mason informed members that a letter had been received from the Corps of Engineers, Norfolk District, with a preliminary conclusion that the Watts Property that is located near the Hermitage in Onancock, is suitable for a dredge material placement site. He stated that a more detailed report would be forthcoming. He noted that there was no funding available now to dredge Onancock Creek.

Community Block Grant Projects

In response to an inquiry from Ms. Major regarding Community Block Grant Projects, Mr. Mason responded that he had contacted the Planning District Commission (PDC) and reported that there hadn't been any emphasis lately on those type of projects. He recommended that staff from PDC be placed on the agenda to talk to the Board about options with CDBG projects and look at the priority listings and proceed from there.

County Attorney's Report

Statewide Fire Prevention Code

County Attorney Cela Burge provided members copies of the Accomack County Code

dealing with Fire Prevention. She stated that “in setting the stage”, she was seeking the Board’s general direction regarding the two (2) Ordinances that were affected which related to Fireworks and Open Burning and needed to be updated to the current Statewide Fire Prevention code . She briefed members regarding her contact with the Department of Housing and Community Development that regulate the codes. Following discussion, it was the consensus of the Board for the County Attorney to update the Sections of the Code, as presented.

Board of Supervisors Comment Period

Supervisor Hart

Mr. Hart informed members of a situation that was going on in District 8 that County Administrator Mike Mason was keeping members apprised of. He stated that the matter may need to be discussed in closed session because of possible litigation should the Board decide to take any possible action.

Supervisor Tarr

Mr. Tarr stated that Chincoteague was a busy place and Pony Penning week would begin the upcoming weekend.

Supervisor Wolff

Mr. Wolff thanked everyone for their well wishes during his absence from the June meeting.

Supervisor Muhly

Mr. Muhly offered comments of gratitude to the School Board and Superintendent Holland for the renovations at the former Accomack Primary School and Bailey Hall located in Accomac.

Supervisor Chesser

Mr. Chesser offered comments of gratitude to Delegate Bloxom for putting on the meeting with the Poultry Industry, local government and Department of Environment Quality (DEQ) to address poultry issues.

Supervisor Crockett

Mr. Crockett directed the County Administrator to have the Public Safety Director C. Ray Pruitt to notify the 9-1-1 Commission and the Accomack County Fire Services Commission of the action that the Board took tonight to begin the process of dissolving Station 18 Onley Volunteer Fire and Rescue Company, effective immediately.

He stated that because of the Board’s action, the Fire Commission would probably have to meet to start redrawing district lines.

Budget and Appropriation Items

Mr. Hart made a motion to approve the following Resolution to amend the Fiscal Year 2017 and Fiscal Year 2018 Budgets and Appropriate Related Funds. Mr. Wolff seconded the motion. The motion was unanimously approved .

RESOLUTION TO AMEND THE FISCAL YEAR 2017 & FISCAL YEAR 2018 ACCOMACK COUNTY BUDGETS

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

WHEREAS, on May 18, 2016, the Board of Supervisors finalized the Accomack County Fiscal Year 2017 Budget; and

WHEREAS, on April 5, 2017, the Board of Supervisors finalized the Accomack County Fiscal Year 2018 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 they be approved; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2017 and 2018 County budgets be amended by the amounts listed below and the amounts appropriated for the purposes indicated.

Fiscal Year	Requesting Department	Fund/Function	Purpose	Funding Source	Total
FY17	Treasurer	General Fund/Treasurer	To recognize the portion of attorney fees recovered from delinquent tax collection efforts which is above the amount originally budgeted. These funds repay the County for previous expenditure made..	Recovered Costs	\$ 13,608
FY17	Registrar	General Fund/Electoral Board	To recognize the collection of election expenses recovered from towns.	Recovered Costs	\$ 609
FY17	Clerk	General Fund/Clerk of Circuit Court	To recognize equipment funding from the Compensation Board.	State Funds	\$ 33,469
FY18	Finance	General Fund/Risk Management	The Line of duty death benefits (LODA) premium for FY18 coverage increased by over 40%. LODA is a mandated program that covers not only paid police and Fire medics but volunteer firefighters as well.	Budget Contingency	\$ 24,000
Total					\$ 71,686

Payables

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

Closed Session

Mr. Tarr made a motion to go into closed meeting pursuant to Virginia Code Section 2.2-3711(A.1), (A.3), and (A.7) of the Code of Virginia of 1950, as amended for the following purpose. Mr. Hart seconded the motion. The motion was unanimously approved.

1. For the purpose of discussion of appointments to the Eastern Shore of Virginia Broadband Authority.
2. For discussion of the acquisition or disposition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining or negotiating strategy of the public body and Virginia Code Section 2.2-3711.A.5 – for the purpose of discussion prospective business opportunities for the Wallops Research Park.
3. For the purpose of discussing potential litigation with regard to Hacks Neck Landing.

Open Session

The Chairman declared the meeting open to the public.

Mr. Hart made a motion, seconded by Ms. Wolff to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, and to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully exempted from Open Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened.

Ayes: Mr. Tarr Mrs. Gordy Mr. Chesser Mr. Hart Ms. Major Mr. Muhly
Mr. Wolff Mr. Phillips Mr. Crockett Absent: None Nays: None

Recess

Chairman Crockett declared the meeting in recess.

Open Session

Chairman Crockett declared the meeting open to the public.

Public Hearings

County Attorney Cela Burge read the rules governing conduct during Public Hearings.

Public Hearing on Stuckey's Rezoning Request from Agricultural and Residential to General Business

Mr. Rich Morrison, Planning Director, briefed members regarding the request received from Katherine and Marinos Kalmoutis to conditionally rezone their property from Residential ('R') and Agricultural ('A') to General Business (B-1) (with proffers).

He stated that the Planning Commission had recommended approval of the request and the matter was before the Board for its approval.

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Stuckey's Rezoning Request from Agricultural and Residential to General Business.

No public comments were offered.

The Chair closed the Public Hearing.

Mr. Phillips made a motion to approve the Stuckey's conditional rezoning request from Agricultural and Residential to General Business. Mr. Wolff seconded the motion.

County Attorney Cela Burge brought to the Board's attention the updated proffer statement that was included in the package and called for an amendment of the motion to include same.

Mr. Phillips amended the motion to approve the Stuckey's conditional rezoning request from Agricultural and Residential to General Business and to adopt the updated proffer specifically. Mr. Wolff seconded the amended motion. The motion was unanimously approved.

Public Hearing on Intent of the Board to sell the former Veterans Affairs Building

County Administrator Michael Mason recapped action taken by the Board at its June meeting authorizing him to advertise for sale of the former Veterans Affairs building. He cited the Code of Virginia regarding the gifting of property and recommended that the building be sold for a small sum of money. He discussed the condition of the property and stated that it was more of a liability to the County than an asset, noting the interest of the Town of Accomac and willingness to accept as is. A brief discussion continued.

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the intent of the Board to sell the former Veterans Affairs Building.

No public comments were received.

The Chair closed the Public Hearing.

Mr. Crockett made a motion to sell County property identified as Tax Map 86A1-8-A2 to the Town of Accomac for ten dollars (\$10.00). Mr. Phillips seconded the motion. The motion was unanimously approved.

Mr. Wallace, Mayor, Town of Accomac, informed members that the Town's plans were to completely gut the building.

Public Hearing on Proposed 2% Airport Rate Increase

Mr. Mason stated that the 2% rent increase for T-hangers, tie-downs and automobile long-term parking was a carry-over from the FY 17/18 budget that was adopted and discussed same. He said in order to move forward with the planned 2% airport rent increase, the Public Hearing had to be held. He referred to the information in the packet that included comparisons of the impact of the increase. He stated that the annual rent was used to pay for maintenance costs at the airport and off-set any type of issues that come up with the hangars and future replacement.

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments on the Proposed 2% Airport Rate Increase.

No public comments were received.

The Chair closed the Public Hearing.

Mr. Wolff made a motion to approve the proposed 2% Airport Rate Increase. Mrs. Gordy seconded the motion. The motion was unanimously approved.

Adjournment

Mr. Phillips made a motion to adjourn the meeting. Mr. Wolff seconded the motion. The meeting adjourned at 7:43 p.m.