

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 20th day of September, 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. Hart, after which the Pledge of Allegiance to the Flag was recited.

### **Adoption of the Agenda**

Chairman Crockett recognized Mr. Hart, Director of Emergency Services, for a change to the agenda:

Addition of Item 7.2 – Under Report of Public Officials – Report from Emergency Services

Mr. Wolff made a motion to adopt the Agenda as amended. Mr. Tarr seconded the motion.

The motion to adopt the Agenda as amended was unanimously approved.

### **Public Comment**

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

No public comments were received.

## Minutes

Mr. Hart made a motion to approve the minutes of the August 18, 2017 and August 28, 2017 meetings. Mr. Phillips seconded the motion. The motion was unanimously approved.

## Proclamation Proclaiming September 17-23, 2017 as Constitution Week

Mr. Wolff recognized the ladies of the DAR, presented and read into Public Record the following Proclamation:

**PROCLAMATION**  
**Proclaiming September 17 – 23, 2017**  
**as**  
**Constitution Week**

**WHEREAS**, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS**, September 17, 2017, marks the two hundred thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 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:

**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 17 – 23, 2017 as Constitution Week and invite every citizen and institution to join in the national commemoration; and

**ASK** our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Mr. Wolff made a motion to adopt the Proclamation Proclaiming September 17-23, 2017 as Constitution Week. Mr. Muhly seconded the motion. The motion was unanimously

approved.

### **Recognitions**

Human Resources Director Kathy Carmody introduced Trystan Wagner, County employee from the garage in the Public Works division.

She gave highlights of several of Mr. Wagner's accomplishments upon joining the County in June of 2015, i.e.; November 2016, he received his class A driver's license, December 2016, he received his class A Virginia state inspectors license allowing him to complete inspections on any of the county vehicles, and completed several ATG (Automotive training group) classes that included several certifications and assists in other areas when needed.

Board members offered congratulatory comments and welcomed Mr. Wagner as a County employee.

### **Consent Agenda**

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

5.2 – Awarded contracts to Dime Oil Company for regular unleaded, 87-octane gasoline at a differential price of \$0.1100 per gallon, “on road” highway, diesel fuel at a differential price of \$0.0197 per gallon and #2 fuel oil at a differential price of \$0.0797 per gallon; and to Pep-Up, Inc. for “off road” diesel fuel at a differential price of \$0.1200 per gallon for the term of October 1, 2017 to September 30, 2018.

5.3 – Approved renewal of the contract with Eastern Shore News for legal advertising for the period of November 1, 2017 to October 31, 2018 in accordance with the terms and conditions of RFP 285 for legal advertising.

5.4 – Approved the list of surplus vehicles and equipment for sale at auction in October of 2017.

## **Report of Public Officials**

### **Chris Holland, Superintendent, Accomack County Schools**

Mr. Holland offered comments of appreciation for Chairman Crockett attending and being a spokesperson at Open House for Teachers, as well as Senator Lewis and School Board Chair Dr. Ronnie Holden.

Mr. Holland reported that ten of the eleven Accomack County Schools were accredited with Metompkin Elementary being the only one not accredited. He gave an update on this year's student enrollment and the number of seniors, noting the number of seniors is more than the previous year. He briefed members about the ongoing projects that were in progress at the various schools and apprised them of the two (2) new projects at Kegotank Elementary School which consisted of enlarging the cafeteria and a classroom.

Mr. Holland extended an invitation to members of the Board to visit the schools and offered transportation via school bus and offered comments of appreciation to the Board for its support.

There was discussion regarding students that were attending school out of district because they were crossing county lines and Mr. Chesser requested a report be provided regarding same.

Recognition was given to Sheriff Todd Godwin and Captain Todd Wessells of the Sheriff's Department for construction of a concession stand.

Chairman Crockett recognized Ms. Onley and Mr. Tolbert who were also in attendance.

### **Update from Emergency Services Director**

Mr. Hart offered comments of appreciation to the Public Safety Director and staff for being diligent in keeping the Emergency Services Director and the County Administrator notified of emergency situations.

He briefed members regarding the weather predictions of the paths of Hurricanes Jose and Maria. He stated that Emergency Services was watching and monitoring and would keep members,

the media and the public informed. He stated that should the need arise; Accomack County would have to assist Northampton because they do not have a shelter.

In providing awareness, he informed members that on November 5<sup>th</sup>, there would be very high tides.

Comments were offered and expressions of gratitude to Mr. Hart and the Emergency Services staff for their diligent service in disseminating information.

**Personnel Committee Report**

Human Resources Director Kathy Carmody apprised members of the Personnel Committee meeting held on September 6, 2017, and briefed them regarding the following three policies that were being recommended for adoption by the Board:

- New – 306.5 Safety/Controlled Access
- New – 315.0 Whistleblower
- Policy 413.0 Holidays

Following discussion, Mr. Wolff, as a member of the committee, made a motion to accept and approve Policy 306.5, 315.0, and 413.0. Mr. Muhly, as a member of the committee, seconded the motion. The motion was unanimously approved.

	<b>SUBJECT:</b> <b>SAFETY/CONTROLLED ACCESS</b>	
	<b>POLICY NUMBER:</b> <b>306.5</b>	<b>PAGE:</b> <b>1 OF 4</b>
	<b>EFFECTIVE DATE:</b> <b>09/20/2017</b>	<b>REVISED DATE:</b> <b>XXXX/XXXX</b>

**OVERVIEW:** This policy describes a provision of the County’s Safety Program which is intended to promote a safe work environment through the use of controlled access to Accomack County buildings and facilities. Systems include traditional locks, electronic locks, and monitoring equipment. The issuance of access cards or physical keys will be controlled.

**SCOPE:** This policy applies to all Accomack County buildings and facilities with the exception of the Sheriff’s Department Office & Jail, the Department of Health, and the Department of Social Services.

## DEFINITIONS:

- a. Access. The authorization of an individual to enter a specific space.
- b. Unescorted Access. The authorization of an individual to enter a specific space without an escort. This individual will normally be issued a security card/key to that space.
- c. Escorted Access. The authorization of an individual to enter a specific space as long as that individual is escorted or is permitted by an individual with unescorted access authorization.
- d. Building Access Control Group ([accesscontrol@co.accomack.va.us](mailto:accesscontrol@co.accomack.va.us)). The County staff assigned administrative responsibility over the system. Consists of staff from the Department of Public Works and the Department of Human Resources.
- e. Responsible Party. The head of the office or agency assigned work spaces/responsibility with a building or facility. Please see appendices for space assignments.
- f. Key. Metal device that is physically inserted into a tumbler to lock/unlock a door.
- g. Access Card. Card device that unlocks designated doors electronically when held in close proximity to the card reader pad.
- h. Secured Door. Any door that is normally locked and requires an access card or key to unlock.

## RESPONSIBILITIES

- a. Building Access Control Group ([accesscontrol@co.accomack.va.us](mailto:accesscontrol@co.accomack.va.us)). Responsibilities include:
  - 1) Maintaining the access system hardware/software, ensuring its property operation.
  - 2) Issuing access cards and keys as requested by the Responsible Party. Access cards and keys must be signed for by the designated recipient.
  - 3) Maintaining a roster of access card and key assignments.
  - 4) Preparing access reports including those requested by Responsible Parties.
  - 5) Deactivating lost or stolen access cards from the building access control system.
  - 6) Providing local law enforcement, on a semi-annual basis, the roster of staff who have unescorted access to the buildings. The roster consists of:
    - Individual's Name
    - Space(s) to which they have unescorted access
    - Days/Times they have unescorted access
  - 7) Preparing and submitting appropriate capital budget requests for system upgrades, based on current vulnerability and threat assessment reviews as received from law enforcement or other entities.

- b. Responsible Parties: Responsible Parties are the point of contact with regards to security within their assigned spaces. It is up to this individual, or their designee, to determine who should have escorted and unescorted access to specific areas of their assigned space. This individual is the final authority on approving requests for use of assigned spaces by another office/agency. The responsibilities include:
- 1) Determining unescorted access requirements (e.g. spaces, days of week, times) of each of their employees as well as others who might have a job responsibility requiring access to the space.
  - 2) Providing notification to the Building Access Control Group ([accesscontrol@co.accomack.va.us](mailto:accesscontrol@co.accomack.va.us)) for issuance of deactivation of access cards and keys, allowing a minimum of five (5) business days for processing of the requests, unless mitigating circumstances exist.
  - 3) Immediately notifying the Building Access Control Group ([accesscontrol@co.accomack.va.us](mailto:accesscontrol@co.accomack.va.us)) When a key or access card is lost or stolen. Notifying the Building Access Control Group ([accesscontrol@co.accomack.va.us](mailto:accesscontrol@co.accomack.va.us)) of any deviations from normal operating hours, including delayed start, weather closures or holiday hours other than County designated holiday schedule.
- c. Individual. The individual is responsible for:
- 1) Safe guarding access cards and keys assigned to them. The individual will sign for the receipt of applicable access cards and keys. Access cards and keys are to be used only by the individual to whom they are issued. They are not to be loaned to another person.
  - 2) Immediately reporting to their supervisor the loss or theft or assigned access cards and keys.
  - 3) Ensuring secured doors through which they pass close after passage.
  - 4) Ensuring building is secured if you are the last person exiting.
  - 5) Displaying their access card, which also serves as employee identification, at all times while in the County building or facility (applies only to County staff). Visitors will receive temporary identification cards when they will be in County facilities for an extend period of time.
- d. Sheriff. The Sheriff's Department will:
- 1) Develop and implement a twenty-four monitoring routine for buildings with access card systems.
  - 2) Maintain departmental assigned access cards and master keys. Master keys are to be sealed in an envelope and locked in a safe. Master keys are to be used only in case of an emergency such as an electronic failure of the security system. Access cards and master keys are to be used by Sheriff's Department staff only and are not to be issued to other offices/agencies.

**PROVISIONS:**

- a. Upon notification by the Responsible Party, the Building Access Control Group ([accesscontrol@co.accomack.va.us](mailto:accesscontrol@co.accomack.va.us)) will provide access cards and keys to designated personnel.

- b. Access cards and keys are never to be duplicated or loaned to another individual.
- c. Security doors are to remain closed and locked at all times. **Note:** Employees and customers will always be able to exit buildings from public spaces without an access card or key.
- d. During normal operation, exterior doors and public suites in the County Administration Building will be unlocked from 7:30 AM until 6:00 PM, Monday through Friday, allowing unescorted access for the general public.
- e. Requesting Use of Assigned Spaces By Another Office/Agency. The Responsible Party is the approval authority for the use of their assigned space by another agency. The Responsible Party, in conjunction with the Building Access Control Group, may place stipulations on the approval of any such use.

The process and procedures for ensuring controlled access will be maintained within the Public Works Standard Operating Guidelines and reviews periodically by the Building Access Group in conjunction with the County Administrator.

<b>SUBJECT:</b>	
<b>WHISTLEBLOWER PROTECTION</b>	
<b>POLICY NUMBER:</b> 315.0	<b>PAGE:</b> 1 of 2
<b>EFFECTIVE DATE:</b> 09/21/2017	<b>REVISED DATE:</b> XX/XX/XXXX

**OVERVIEW:** A whistleblower as defined by this policy is an employee of Accomack County, who reports an activity that he/she considers to be illegal, inappropriate or dishonest to one or more of the parties specified in this Policy. Once reported, the whistleblower is not responsible for any further action, other than cooperation during the investigation. Investigating the activity and/or determining fault or corrective measures are the responsibility of the appropriate management officials.

**SCOPE:** This policy applies to all employees, full time, part time or limited-term.

**PROVISIONS:**

- A. Intent: If an employee has knowledge of or a concern of illegal, inappropriate or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resources Director. The employee is expected to exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report or wrongdoing could be subject to discipline up to an including termination.
- B. Types of Protection: Whistleblower protections are provided in two important areas—confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The County will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes



he/she is being retaliated against should contact the Human Resources Director Immediately.

- C. Immunity: The rights of a whistleblower for protection against retaliation do not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal, inappropriate or dishonest activities will be promptly submitted to Human Resources who is responsible for conducting the investigation and coordinating with the County Administrator any recommended corrective action.

Employees with any questions regarding the policy should contact the Director of Human Resources or the County's Fraud, Waste and Abuse Hotline.

	<b>SUBJECT:</b>	
	<b>HOLIDAYS</b>	
	<b>POLICY NUMBER:</b> 413.0	<b>PAGE:</b> 1 OF 2
<b>EFFECTIVE DATE:</b> 10/18/2000	<b>REVISED DATE:</b> 9/20/2017	

**OVERVIEW:** It is the intent of the County to provide paid time off for observed holidays.

**SCOPE:** This policy applies to all full-time regular and limited-term employees.

**PROVISIONS:**

- A. Days Observed as Holidays: The County observes the following days as paid holidays:

- |  |                          |
|--|--------------------------|
| January 1 or date observed                   | - New Year's Day         |
| Third Monday in January                      | - Martin Luther King Day |
| Friday Preceding the Third Monday in January | -Lee/Jackson Day         |
| Third Monday in February                     | -Presidents Day          |
| Last Monday in May                           | -Memorial Day            |
| July 4 or date observed                      | -Independence Day        |
| First Monday in September                    | -Labor Day               |
| Second Monday in October                     | -Columbus Day            |
| November 11 or date observed                 | -Veterans' Day           |
| Fourth Thursday and Friday in Nov.           | -Thanksgiving            |
| December 25 or date observed                 | -Christmas               |

- B. Eligibility:

An employee must work, be scheduled off, or be on paid leave status, the workday before and after the holiday to receive holiday compensation.

- C. Holiday on a Weekend:

If the holiday falls on a Saturday, it shall be observed on the preceding Friday. If the holiday falls on a Sunday, it shall be observed on the following Monday.

D. Holiday as a workday:

When County offices are closed in observance of a holiday, employees who do not have to report to work will be compensated for eight (8) hours at their regular rate of pay.

In addition to the paragraph above, employees required to work during the closed hours will receive special compensation or leave as described in [Section 420.0](#).

E. Holidays and Overtime Compensation:

Only holidays actually worked will be included in determining compensatory time.

F. Part-time Employees:

Part-time employees are eligible for pay when they work on a County approved holiday.

G. Certain Public Safety Employees:

212-hour Public Safety Employees regularly work holidays as part of their normal work schedule. As such, 212-hour employees will earn 8 hours of holiday compensation in lieu of holiday observance. This additional compensation is calculated at a rate of 1.5 times the normal hourly rate or 1.5 times the total hours earned.

**Resolution for the County EDA as a Conduit Issuer for Atlantic Shores Christian Schools, Inc.**

County Administrator Michael Mason briefed members regarding the request from Atlantic Shore Christian Schools of Chesapeake about the Economic Development Authority (EDA) serving as a conduit to issue tax-exempt debt. He stated that upon receiving the request, he forwarded it to the EDA Chairman and apprised members of the Authority's action to move the project forward.

Mr. Mason advised members that it was common for entities to go outside of their respective governments and request other entities to issue debt and explained same. With a brief power point presentation, he summarized key points relating to the project, bonds, etc. He noted that there would be no type of liability for the County and that the EDA was entitled to charge fees as the conduit.

A discussion ensued regarding related matters with comments being offered regarding better public awareness being made.

Mr. Mason informed members that a roll call vote would be required contingent upon the Board's action.

County Attorney Burge directed the Board to read the title of the Resolution as a form resolution in accordance with State Code language and the required roll call.

She informed members that she had attended the EDA meeting and briefed members regarding bank qualified bonds and other related matters.

Chairman Crockett read the following title of the Resolution into the record, "The Resolution of the Board of Supervisors of Accomack County, Virginia; approve the issuance of Revenue and Refunding Bond by the Economic Development Authority of Accomack County, Virginia, as a Conduit Issuer for Atlantic Shores Christian Schools, Inc.

Mr. Wolff made a motion to accept and move forward with the Resolution as read into the record by a roll call vote. Mr. Phillips seconded the motion. The motion passed unanimously by a roll call vote:

Grayson Chesser: Aye

Ron S. Wolff: Aye

William "Billy" Tarr: Aye

Harrison W. Phillips, III: Aye

Robert D. Crockett: Aye

C. Reneta Major: Aye

Paul E. Muhly: Aye

Laura Belle Gordy: Aye

Donald L. Hart, Jr.: Aye

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA, APPROVING THE ISSUANCE OF REVENUE AND REFUNDING BOND BY THE ECONOMIC DEVELOPMENT AUTHORITY OF ACCOMACK COUNTY, VIRGINIA, AS A CONDUIT ISSUER FOR ATLANTIC SHORES CHRISTIAN SCHOOLS, INC.**

WHEREAS, the Board of Supervisors of Accomack County, Virginia (the "Board"), has been advised that there has been described to the Economic Development Authority of Accomack County, Virginia (the "Authority"), the plan of finance and refinance by (the "Plan of Finance") the Atlantic Shores Christian Schools, Inc. (the "School"), whose principal place of business is 1217 North Centerville Turnpike, Chesapeake, Virginia 23320, for the Authority to issue its revenue and refunding bond in an aggregate principal amount not to exceed \$10,000,000

(the "Bond"), the proceeds of which will be loaned to the School to assist the School in (a) financing the acquisition, construction and equipping of its lower school educational facilities consisting of classrooms for K3 through 6th grades, scholars lab, computer lab, art room, library/media center, performing arts room, cafeteria, kitchen and administrative offices to be located on the Schools upper school campus at 1217 North Centerville Turnpike, Chesapeake, Virginia 23320 (the "Campus"), (b) refunding the outstanding principal of the Economic Development Authority of the City of Chesapeake's (formerly the Industrial Development Authority of the City of Chesapeake) {the "Chesapeake Authority") \$5,000,000 Industrial Development Revenue and Refunding Bond, Series 2008, the proceeds of which were used to (i) finance the acquisition, construction and equipping of a 2,500 square foot addition to the School's secondary education facilities located at the Campus for use as secondary education classrooms and (ii) refund the Chesapeake Authority's \$2,360,000 Industrial Development Refunding Revenue Bond (Atlantic Shores Christian Schools, Inc. Facility) Series 2004A, the proceeds of which were used to refund (A) the Chesapeake Authority's \$2,360,000 Industrial Development Revenue Bond (Atlantic Shores Christian Schools, Inc. Facility) Series 2001A, the proceeds of which were used to acquire the building constituting the Atlantic Shores Christian Schools, Inc. upper school located at the Campus, (B) the Chesapeake Authority's \$622,000 Industrial Development Refunding Revenue Bond (Atlantic Shores Christian Schools, Inc. Facility) Series 2004B, the proceeds of which were used to refund the Chesapeake Authority's \$700,000 Industrial Development Revenue Bond (Atlantic Shores Christian Schools, Inc. Facility) Series 2002, the proceeds of which were used to finance the construction and equipping of a 9,300 square foot middle school building containing classrooms, offices and ancillary facilities to house the seventh and eighth grades at the Campus and (C) the Chesapeake Authority's \$1,800,000 Industrial Development Revenue Bond (Atlantic Shores Christian Schools, Inc. Facility) Series 2004C, the proceeds of which were used to finance a 5,700 square foot media center and an approximate 4,800 square foot fine arts wing containing music rooms, a musical instrument storage room, an art studio and administrative and support offices for use in its secondary education program at the Campus, and (c) paying the costs of issuance of the Bond, including related bank fees.

WHEREAS, the School has elected to proceed immediately with the Plan of Finance pursuant to which the Bond will be privately placed with and held by STI Institutional & Government, Inc. (the "Lender");

WHEREAS, the Board has been advised that the School, in its appearance before the Authority, described the benefits to the Accomack County (the "County") to be derived from the Plan of Finance and has requested that the Authority agree to issue the Bond pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and loan the proceeds from the sale of the Bond to the School for the purposes described above;

WHEREAS, the Board has been advised that a public hearing with respect to the Bond, as required by the Act and the Internal Revenue Code of 1986, as amended (the "Code"), was held by the Authority at its meeting on September 12, 2017, and that after such hearing the

Authority agreed to assist the School by issuing the Bond;

WHEREAS, Section 15.2-4906C of the Act provides that the Board shall, within sixty (60) calendar days from the public hearing held by the Authority with respect to the issuance of the Authority's Bond, either approve or disapprove the issuance of such Bond; and

WHEREAS, a copy of the Authority's Resolution approving the issuance of the Bond, a reasonably detailed summary of the comments expressed at the public hearing with respect to the Bond, and a fiscal impact statement in the form prescribed by Section 15.2-4907 of the Act have been filed with the Board, together with the Authority's recommendation that the Board approve the issuance of the Bond;

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

1. The foregoing recitals are hereby incorporated in, and deemed a part of, this Resolution.

2. The Board approves the issuance of the Bond by the Authority to assist in the Plan of Finance for the benefit of the School, to the extent required by the Code and the Act.

3. The Board designates the Bond as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code for calendar year 2017.

4. The approval of the issuance of the Bond, as required by the Code and the Act, does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the School and, as required by the Act, the Bond shall provide that neither the County nor the Authority shall be obligated to pay the Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor by the School and that neither the faith and credit nor the taxing power of the Commonwealth of Virginia or the County shall be pledged thereto.

5. This Resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above Resolution was duly adopted by an affirmative vote of a quorum of the members of the Board of Supervisors of Accomack County, Virginia, at a regular meeting duly called and held on September 20, 2017, and that such Resolution is in full force and effect on the date hereof.

### **Derelict Building Program Update**

Mr. Rich Morrison, Director of Planning and Community Development, gave a brief update regarding the status of the derelict building program. He recalled the Derelict Building Initiative that was approved by the Board in June to partner with the Accomack-Northampton Planning

District Commission (A-N PDC) and briefly discussed same. He informed members of the initial steps that had been taken in discussions with A-N PDC staff before putting anything out to bid. He stated that County Attorney Burge would be assisting them with preparing an authorization form for property owners and PDC staff would be making site visits to the properties.

He responded to questions regarding the criteria that would be used for persons to get their properties on the list. He stated that one of the biggest criteria is how close the property is located to the solar panels, the condition of the building and if it was in imminent danger to the public. A discussion continued regarding matters relating to same.

In response to an inquiry, Mr. Morrison stated that grants would be pursued in the future.

There was a brief discussion regarding asbestos shingles and the disposal of same.

Mr. Muhly shared a short success story that occurred in Sanford and offered comments of appreciation to Mr. Morrison and staff.

### **September Appointments**

#### **Accomack County Wetlands Board**

Mr. Muhly made a motion to appoint David Hunter Montgomery as an alternate member of the Accomack County Wetlands Board to replace Michael Patti, who has resigned. The term will begin immediately and end on August 31, 2018. Mr. Phillips seconded the motion. The motion was unanimously approved.

#### **Eastern Shore of Virginia 9-1-1 Commission**

Mr. Wolff made a motion to appoint William “Bill” McCready to the Eastern Shore of Virginia 9-1-1 Commission to replace William Mariner, who is deceased. The term will begin immediately with no ending term; serves at pleasure of the Board. Mr. Tarr seconded the motion. The motion was unanimously approved.

#### **Accomack-Northampton Planning District Commission**

Mrs. Gordy made a motion to appoint Rickie Ross to the Accomack-Northampton Planning District Commission for a 1-year term to fill the vacancy of Bryan Smith, who does not wish to be reappointed. The term will begin immediately and end on June 30, 2018. Mr. Phillips seconded the motion. The motion was unanimously approved.

### **Eastern Shore of Virginia Resource Conservation and Development Council**

Mr. Muhly made a motion to appoint Angelica Garcia Randall to the Eastern Shore of Virginia Resource Conservation and Development Council to replace Sandra Hart Mears, who has resigned, effectively immediately. This term will begin immediately and end on December 30, 2020. Mr. Phillips seconded the motion. The motion was unanimously approved.

### **Chesapeake Bay TMDL Update**

Chris Guvernator, Director of Environmental Programs, presented a briefing regarding the Chesapeake Bay TMDL Watershed Implementation Plan (WIP): Phase III development.

He informed members of the recent locality outreach meeting conducted by DEQ on August 17, 2017 at the A-N PDC and stated he would keep them informed of future briefings at the State level as Phase III Plan progresses.

He discussed the following items according to the agenda that was presented:

- Purpose of the Briefing
- Define TMDL
- Summarize the Program
- Explain the Phase III Plan
- How does this affect Accomack County

A discussion ensued regarding several aspects of the briefing as it related to Accomack County. Mr. Guvernator stated that it was not mandatory for Accomack County to participate but DEQ is urging the county to participate to help with some of the solutions.

Mr. Guvernator responded to questions and comments were offered regarding related

matters.

### **Commonwealth's New Locality Financial Stress Monitoring Process**

Leslie M. Lewis, CPA, Finance Director, gave a presentation on a “hot topic” in the Commonwealth regarding the Commonwealth’s New Locality Financial Stress Monitoring Process. She informed members that the Auditor of Public Accounts (APA) will begin identifying and monitor Locality’s Fiscal Distress. She stated that fiscal distress is considered when the provisions of sustainability of Public Service is threatened by financial shortcomings and had been the result of one city within the Commonwealth that was in fiscal distress which caused a monitoring process to be established. A discussion ensued.

Mrs. Lewis informed members that because of the incident, new requirements have been put into place for all localities effective December 31, 2017, and discussed same. She reported that Accomack County remains fiscally healthy with a Financial Assessment Model (FAM) score ranging between 45.2% - 49.9% for the last three (3) fiscal years.

Chairman Crockett shared comments regarding the letter that was received which contained misleading information until the last paragraph stated that Accomack County had not identified as being fiscally stressful.

County Administrator Michael Mason briefed members regarding a telephone conversation with the APA to clarify Accomack County’s fiscal condition. A discussion continued regarding the Financial Assessment Model and other related matters.

### **County's 4<sup>th</sup> Quarter Summary Financial Report**

Leslie M. Lewis, CPA, Finance Director, presented a brief summary highlighting the County’s 4<sup>th</sup> Quarter Summary Financial Report for Fiscal Year 2017. She informed members that the 4<sup>th</sup> quarter fiscal year 2017 ending revenues were down \$14,561 or .1%, but for the fiscal year-to-date, revenues were up 1.9% as compared to last year with the driving factor being the real estate



tax collection. She provided information regarding the major revenue which makes up 86.6% of the County's total revenue, noting that real estate taxes were the major source of revenue, which was 6% above FY 2016. She reported that overall total revenue for the year was \$49 million and was 1.9% above FY 2016. She stated that the good news was the General Fund balance had increased again and was able to contribute to the "Rainy Day Fund" to get the balance to \$10 million, an unassigned amount of \$2.4 million and assigned of \$4.6 million.

### **County Administrator's Report**

#### **Sawmill Park Project Update**

County Administrator Michael Mason gave a brief update on the Sawmill Park Project reporting the following:

- significant site work outside of the ball field is complete with the exception of the walking trail
- the final ball field site work has been awarded to Branscome, Inc. The work is to be completed by October 31 which puts a portion of the reseeding phase of the project behind schedule based on completion of the ball field work
- the playground equipment funded by the DCR grant was ordered on 9/13/17 with installation to occur prior to 12/ 31/17
- construction of the Public Works Office is still on track for October completion
- solar array that is to be located within the Park is currently in the permitting stage.

Mr. Mason presented a drawing of the layout of the playground equipment that will be installed in the Park.

#### **DHCD Neighborhood Assessment Planning Grant Application**

Mr. Mason gave an update regarding the status of the Department of Housing and Community Development (DHCD) Neighborhood Assessment Planning Grant Application. He reported that on September 14, 2017, a "Neighborhood Assessment" Planning Grant was submitted to DHCD as requested by the Board at its August 16<sup>th</sup> meeting. He stated that if approved, it will provide the funds necessary for the housing staff of the A-N Planning District Commission to do a "windshield" survey of various neighborhoods that have a concentration of substandard

houses and collect data.

He encouraged Board members that wish to identify a neighborhood they would like to have included in the study to communicate the information to the County Administrator who will pass the information on to the Planning District Commission housing staff.

He stated that PDC was very aware of Linhaven and the other communities that were listed on the Board's previous prioritization listing.

### **RT13 & Industrial Park Traffic Signal**

Mr. Mason reported that the traffic signal at RT13 and the Industrial Park was included in the State's most recently approved six year plan. He advised members that word was received that the funding has been advanced for the project and construction should occur in 2018, with no specific date being provided.

### **School Board Request for Traffic Study**

Mr. Mason informed members that a School Board member had requested the Board of Supervisors to have VDOT perform a traffic study at Nandua High School. He stated that school boards cannot request a study, and therefore, was requesting the Board of Supervisors to do so.

Mr. Mason requested a consensus from the Board to have the study performed.

A brief discussion continued regarding the hazardous safety concerns at the High School and Middle School.

By consensus, the Board requested VDOT to conduct a comprehensive traffic study of the entire area encompassing Nandua High School located at 26350 Lankford Highway and Nandua Middle School located at 20330 Warrior Drive, Onley, VA for the installation of a traffic light at the intersection of US 13 Lankford Highway and Route 716 Warrior Drive.

### **Informational Items**

Mr. Mason informed members of the following:

- 1) Upcoming Eastern Shore Household Water Quality Clinic on October 6, 2017 which was an avenue for residents to have their water tested for a \$10 fee and registration.
- 2) A letter from Jill Bierri, Director, Virginia Coast Reserve clarifying some of the questions concerning the study on land use conservation that was presented to the Board at its September meeting.

### **Riverside Shore Rehabilitation Center**

Mr. Mason gave a brief update on the Riverside Shore Rehabilitation Center informing members that the County staff is continuing to meet with Riverside and has signed a Confidentiality and Non-Disclosure Agreement which prohibits staff from disclosing confidential details in order to come to a successful outcome.

### **County Attorney's Report**

County Attorney Cela Burge referenced two (2) items that were before the Board:

- 1) Public Hearing on Ordinance Amendment to County Code Chapter 42, Fire Prevention and Protection.
- 2) Closed Session to discuss update on pending litigation on the Hacks Neck Landing project.

### **Board of Supervisors Comment Period**

#### **Supervisor Chesser**

Mr. Chesser offered comments regarding the right choice the Board had made in choosing to do stormwater management in house which he had been opposed to. He offered expressions of appreciation to Mr. Guvernator, Environmental Director for a job well done.

#### **Supervisor Muhly**

As a member of the Groundwater Committee, Mr. Muhly encouraged everyone to take advantage of having their wells tested at the upcoming clinic on October 6<sup>th</sup>.

**Supervisor Wolff**

Mr. Wolff informed members that Orbital ATK was purchased by Northrop Grumman for \$9.2 billion. He apprised members of the conversation he had with Dale Nash, head of MARS.

Mr. Wolff advised members of a personal issue he had at his home and how receptive Mr. Guvernator had been in offering possible solutions.

He noted that it was the “Jewish New Year 5773” and wished everyone “Happy New Year”.

**Supervisor Gordy**

Mrs. Gordy offered expressions of gratitude to Public Works Director Stewart Hall for attending to Broadway Road after receiving a call from a resident.

She informed members that she had attended the Farm Bureau dinner and spoke of how nice it was. She apprised them of the film that was presented by Jeff Holland about the Chesapeake Bay.

**Supervisor Tarr**

Mr. Tarr offered expressions of gratitude to staff for its diligent motivation with the issue regarding the Parksley Shore Rehabilitation Center.

**Supervisor Major**

Ms. Major apprised members of a call that she had received from a resident regarding the Grangeville Convenience site and being unable to have a bicycle accepted. She inquired as to whether there was a site in the southern end of the county that accepted such items. A discussion continued and Public Works Director Stewart Hall stated he would consult with staff.

**Supervisor Hart**

Mr. Hart requested permission of the Board to run again for Secretary-Treasurer of the VACo Budget Committee. He asked the Board to write a letter of endorsement to the VACo Executive Director.

Ms. Major made a motion to grant permission for Mr. Hart to run for Secretary-Treasurer of

the VACo Budget Committee and that a letter of endorsement be written. Mr. Tarr seconded the motion. The motion was approved with Mr. Hart abstaining.

**Budget and Appropriations Items**

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

**RESOLUTION TO AMEND THE 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 April 5, 2017, the Board of Supervisors finalized the Accomack County Fiscal Year 2017 and 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 2018 County budget 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	EMS	General Fund/EMS	To recognize additional funding to be received by by EMS for Fiscal Year 2017 "Four-For-Life" funding.	State Funds	\$ 31,851
FY18	Finance	General Fund/Tourism	To appropriate funds received over FY17 adopted budget estimates based on formula (3cents/5cents) for Mainland Transient Occupancy Tax.	General Fund	\$ 12,934
FY18	EMS	General Fund/EMS	To recognize additional funding to be received by EMS for Fiscal Year 2018 "Local Emergency Management Performance Grant (LEMPG) .	Federal Funds	\$ 7,500
FY18	Public Safety	Fire Programs Fund	To recognize additional aid-to-locality funds received from the Department of Fire Programs over the FY18 adopted budget estimate.	State Funds	\$ 21,045

FY18	Courts	General Fund/Courts	To recognize receipt of Community Correction Grant.	State Funds	\$ 92,127
FY18	Airport	Airport Enterprise Fund	To appropriate local match for Runway 21 Turnaround - Environmental Coordination.	Airport Enterprise	\$ 6,282
FY18	Airport	Airport Enterprise Fund	To recognize the receipt FAA grant to rehab Airport Runway and Runway Lighting ( Design Phase) .	Federal (382.5K) State(34	\$ 416,500
FY18	Airport	Airport Enterprise Fund	To recognize the receipt of grant funding for removal of trees in order to have the GPS approach restored.	State Funds	\$ 3,200
Total					\$ 591,439

### **Payables**

Upon certification of the payables by the County Administrator, Mr. Hart made a motion to approve the August payables. Ms. Major 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.7 of the Code of Virginia of 1950, as amended for the following purpose. Mr. Phillips seconded the motion. The motion was unanimously approved.

1. For the purpose of consultation with legal counsel pertaining to actual or probable litigation regarding Hack's Neck Public Landing, where such consultation in open meeting would adversely affect the litigating posture of the public body.

### **Open Session**

The Chairman declared the meeting open to the public.

Mr. Hart made a motion, seconded by Mr. Phillips 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 Hearing**

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

**Ordinance Amendment to the Accomack County Code to Amend Chapter 42, Fire Prevention and Protection, Article I, In General, Sec. 42-1, Official Public Safety Program, and Sec. 42-3, Fireworks**

Chairman Crockett opened the Public Hearing.

County Attorney Burge briefed the Board regarding the status of the “out-of-date” Accomack County Code Chapter 42, Fire Prevention and Protection. She informed members that the issue was being addressed, in particular, because of the fireworks component within the ordinance. She stated that she had made the appropriate changes to address the fireworks and open burning sections that are in the County’s current code but needed to be updated. She discussed in detail the changes that were made and responded to questions. There was a brief discussion regarding the application form.

No public comments were received.

Chairman Crockett closed the Public Hearing.

Mr. Tarr made a motion to adopt the Ordinance Amendment to the Accomack County Code to Amend Chapter 42, Fire Prevention and Protection, Article I, In General, Sec. 42-1, Official Public Safety Program, and Sec. 42-3, Fireworks. Mr. Wolff seconded the motion. The motion was unanimously approved 9- 0 by a roll call vote:

Grayson Chesser: Aye Harrison W. Phillips, III: Aye Paul E. Muhly: Aye

Ron S. Wolff: Aye  
William "Billy" Tarr: Aye

Robert D. Crockett: Aye  
C. Reneta Major :Aye

Laura Belle Gordy: Aye  
Donald L. Hart, Jr.: Aye

ACCOMACK COUNTY, VIRGINIA, ORDINANCE REPEAL AND  
AMENDMENT TO CHAPTER 42, FIRE PREVENTION AND PROTECTION,  
ARTICLE I., IN GENERAL, SEC. 42-1. – OFFICIAL PUBLIC SAFETY  
PROGRAM AND SEC. 42-3. FIREWORKS

WHEREAS, The Accomack County Board of Supervisors, is desirous of amending the County Code to clarify a certain Code provision; and

WHEREAS, the Accomack County Board of Supervisors is desirous of amending the Accomack County Code, Chapter 42, Fire Prevention and Protection, Article I, In General, Sec. 42-1, Official Public Safety Program, and Sec. 42-3, Fireworks.

NOW, THEREFORE, BE IN ENACTED that the Board of Supervisors of Accomack County, Virginia, pursuant to Virginia Code § 15.2-922.1, repeals part and amends part of Accomack County Code, Chapter 42, Fire Prevention and Protection, Article I, In General, Sec. 42-1, Official Public Safety Program, and Sec. 42-3. Fireworks, and Sec. 42-3, Adoption of the Virginia Statewide Fire Prevention Code, as follows:

Sec. 42-1. - Official Public Safety Program.

(a) Each of the following organizations is recognized as an integral part of the official public safety program of the county.

- (1) Accomack County Department of Public Safety;
- (2) Atlantic Volunteer Fire Company, Inc.
- (3) Bloxom Volunteer Fire Company, Inc.
- (4) Chincoteague Volunteer Fire Company, Inc.
- (5) Community Volunteer Fire Company, Inc. (Exmore);
- (6) Greenbackville Volunteer Fire Department, Inc.;
- (7) Melfa Volunteer Fire and Rescue Company, Inc.;
- (8) NASA Wallops Fire Department;
- (9) New Church Volunteer Fire and Rescue Company, Inc.;
- (10) Oak Hall Rescue, Inc.;
- (11) Onancock Volunteer Fire Department, Inc.;



- (12) ~~Onley Volunteer Fire and Rescue Company, Inc.;~~ (repealed)
- (132) Painter Volunteer Fire Company, Inc.;
- (143) Parksley Volunteer Fire Company, Inc.;
- (154) Saxis Volunteer Fire Company, Inc.;
- (165) Tangier Volunteer Fire Company, Inc.;
- (176) Tasley Volunteer Fire Company, Inc.; and
- (187) Wachapreague Volunteer Fire Company, Inc.

(b) Each of the organizations recognized in this section is hereby specified a primary service area within Accomack County, as designated on the Accomack County Emergency Response Primary Service Areas Maps that are adopted by the Accomack County Board of Supervisors from time to time concurrent with this section. Such maps shall be maintained by the GIS Coordinator, and copies thereof shall be maintained in the Accomack County Department of Public Safety.

(Code 1982, § 20.1; Ord. of 10-19-2011)

State Law reference— Line of Duty Act, Code of Virginia, § 2.1-133.5 et seq.; Code of Virginia, § 15.2-955.

**Sec. 42-3. - Fireworks. Adoption of the Virginia Statewide Fire Prevention Code**

~~Pursuant to Code of Virginia, § 59.1-144, the county administrator is authorized to issue permits for the display of fireworks in the county.~~

~~(Code 1982, § 9.2)~~

Pursuant to Sections 27-97 and 98 of the Code of Virginia, 1950, as amended, the Virginia Statewide Fire Prevention Code, in its current form and as amended in the future *with respect only to those provisions of the SFPC relating to open burning and fireworks*, is adopted by Accomack County, except as otherwise modified or amended in this Article, and the same is hereby incorporated fully by reference. The Accomack County Board of Supervisors and its County Administrator may establish such procedures or requirements as may be necessary for the administration and enforcement of this Code. This Code shall be referred to in this Chapter as the “Fire Prevention Code.” The Department of Public Safety shall enforce the Fire Prevention Code under the direction of the fire official with the cooperation of the State Fire Marshall.

**Adjournment**

Mr. Wolff made a motion to adjourn the meeting. Mr. Tarr seconded the motion. The

motion was unanimously approved. The meeting adjourned at 7:46 p.m.

