

VIRGINIA: At the second Regular Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers on the 18th day of January, A.D., 2006.

Members Present: Donald L. Hart, Jr., Chair
Gregory L. Duncan, Vice Chair
Wanda J. Thornton
Ron S. Wolff
Sandra Hart Mears
Steve D. Mallette
Laura Belle Gordy
C. Reneta Major

Members Absent: Thomas J. Matthews

Others Present: Steven B. Miner, County Administrator
Linda Martin Warner, Assist County Administrator
Yvonne N. Pennell, Administrative Assistant

Call to Order

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

Chairman's Comments

The Chair informed the Board that options of alternate meeting locations were being investigated. County Administrator Steven Miner reported on the findings.

The Chair stated that it was his intention to lengthen the Consent Agenda for each meeting, with each Board member having the right to request removal of any item from the Consent Agenda. The Chair requested that Board members address the Chair concerning the Consent Agenda to maintain order.

The Chair stated that it was also his intention to not utilize the Amended Agenda option for any meeting. Any additions will be placed at the end of the meeting, not inserted into the Agenda. Anyone wishing to speak, Board members and members of the public, must make a request to the County Administrator a week prior to the meeting. Any last minute additions will require explanation for late submission, and justify requesting Board action at the meeting in question.

The Chair announced that he was scheduled to meet with Mr. Tankard, Chair of the Northampton County Board of Supervisors, on Friday, January 20, 2006 to discuss issues of concern to both counties.

The Chair presented Mrs. Thornton the gavel set used during her year as Chair, as an expression of the Board's appreciation of her service as Chair.

Adoption of Agenda

Mrs. Gordy made a motion to adopt the agenda as presented. Miss Major seconded the motion.

Mr. Duncan that an additional personnel issue be added 17(a) Closed Meeting for discussion of an additional personnel related issue.

The Chair that the order of Item 13, Board of Supervisors Comment Period, and Item 14, County Administrator's Update be switched.

The motion, with the additional requests, passed unanimously with Mr. Matthews absent.

Consent Agenda

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

Mrs. Thornton seconded the motion.

Discussion followed concerning the request for an additional contribution to the Virginia Association of Counties.

The motion passed unanimously with Mr. Matthews absent.

- a. To approve a request for an additional \$2,000 as a contribution to the Virginia Association of Counties to host the NACo Annual Conference in July 2007.
- b. To approve scheduling a Public Hearing to receive public comments concerning a proposed Ordinance to adopt a new cable television franchise agreement with Falcon Cable, doing business as Charter Communications, at the regular February 15, 2006 meeting.

Highway Matters

Monthly Report

Mr. W. M. Cumming, Resident Engineer, Virginia Department of Transportation, presented the regular monthly report on various road projects, and responded to questions.

Mr. Cumming announced that Assistant Resident Engineer Kenneth Wright would retire at the end of January 2006.

Linhaven Mobile Home Park

Mr. Cumming reported on the progress of the establishment and recordation of rights-of-way and easements within Linhaven Mobile Home Park.

Updates on Chincoteague Bridges

Mr. Cumming explained the schedule of repairs and detours for the Chincoteague bridges.

Request for Resolution of Recognition

Mrs. Thornton made a motion to have staff prepare a Resolution of Recognition for the retirement of Mr. Wright. Mr. Hart seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Resolution of Recognition for Tobitha Bagwell

Mr. Duncan presented a Resolution of Recognition to Miss Tobitha Bagwell, in honor of her 100th Birthday on January 7, 2006.

RESOLUTION OF RECOGNITION

WHEREAS, Tobitha Bagwell was honored by friends and relatives on the occasion of her 100th Birthday on Saturday, January 7, 2006; and

WHEREAS, during her long and productive lifetime, she has earned the respect and affection of people from all walks of life and all ages because of her knowledge, experience, wisdom, and community spirit; and

WHEREAS, she is known as “Mother” to the entire community of the Whitesville, Parksley, Virginia area; and

WHEREAS, with the love and encouragement of her children, grandchildren, great grandchildren, great-great grandchildren, nieces, and nephews, she has been a powerful influence for good in the community:

NOW, THEREFORE, BE IT RESOLVED, that the Accomack County Board of Supervisors expresses sincere congratulations and best wishes for many happy years to Tobitha Bagwell on her 100th Birthday.

Treasurer’s Report

County Treasurer Dana Bundick presented her monthly report and responded to comments and questions from the Board.

By consensus, the Board requested that Mrs. Bundick to provide a list of delinquent taxpayers who have made payments.

Accomack County Public Schools

W. Richard Bull, Division Superintendent, Accomack County Public Schools, presented his monthly report and responded to comments and questions from the Board.

Department of Planning Report

Department of Planning Director James M. McGowan addressed the Board on the following activities of the Planning Department and responded to questions.

- Subdivision Spreadsheet
- Agricultural and Forestal District Update

Mr. Mallette made a motion to send removal of lands prior to subdivision approval and land use taxation issues back to the Agricultural and Forestal District Review Committee for discussion and recommendations to the Board. Mrs. Gordy seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Department of Public Safety Report

Department of Public Safety Director Jason Loftus submitted the following recommendations related to Emergency Medical Services (EMS) System Changes.

- EMS response time
- A request from Oak Hall Rescue for the hiring of two (2) additional career personnel to be paid for by use of ambulance billing
- Consideration of the development of a contract for service between the county and volunteer agencies

Mrs. Mears made a motion to accept the Fire Commission recommendation of an acceptable EMS response time of 20 minutes, for 90% of the calls. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Mr. Wolff made a motion to approve, as recommended by the Fire Commission, a request from the Oak Hall Rescue to hire two (2) additional career personnel, to be funded by the use of ambulance billing. Mr. Duncan seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Mr. Wolff made a motion that the Board consider a contract for service between the County and volunteer agencies. Mr. Duncan seconded the motion. The motion passed unanimously with Mr. Matthews absent.

By consensus, the Board requested that Mr. Loftus provide a monthly report for calls for services.

Public Participation

The Chair read the rules governing Public Participation.

The following persons spoke regarding Agricultural Zoning Ordinance issues, in opposition to the proliferation of subdivisions, and in support of Subdivision Ordinances and Restrictions in Accomack County.

Dr. William H. Turner
 Tony Picardi
 Wesley Edwards
 Darlene Von Workenhoven
 Yvonne Pennell read a letter opposing the planned Hopeland Landing and The Retreat subdivisions.
 Robert Lentz

Terry Malacky

The following person addressed the Board concerning the Eastern Shore of Virginia Tourism Commission.

Mike Carpenter, Secretary of the Bed & Breakfast Association
Donna Bozza, Director of the Eastern Shore of Virginia Tourism Commission

The following person addressed the Board in support of Subdivision Ordinances and Restrictions in Accomack County and in support of the Eastern Shore of Virginia Tourism Commission.

Lois Cooper

The following persons addressed the Board concerning support of the Eastern Shore Public Library and the Eastern Shore of Virginia Tourism Commission.

Shirley Zamora
Kitty Kroke

Recess

On a consensus of the Board, the Chair declared the meeting in recess for dinner until 7:30 p.m. at the General District Court Room.

Call to Order

The Chair called the meeting back to order.

Public Hearing

The Chair read the rules governing Public Hearings.

Temperanceville Rezoning

Prior to opening the Public Hearing, the Chair read the following proffer from Antoinette Trepénair and Frederick Gerlach concerning the rezoning request:

Voluntary Proffer Prior to a Public Hearing on a Proposed Rezoning of Property

The developer's agree to these recommendations and agree further to assume the cost of installation of the traffic light at the main entrance to McKinley Plaza, at the build out phase of this project.

Also proffered by the developer are the following:

- 10' road widening strip along McKinley Plaza property on Rt. 695.
- McKinley Plaza is intended to be "neighborhood friendly", with low impact cluster design of buildings and parking areas affording high visibility for "security", and an open spacious appearance with greenspace and ponds providing an appealing natural setting.
- Developer will dedicate a 10' pathway along the east side of the "new" main street from Rt. 695 to the Plaza.
- Both east and west sides of the "new" road will be landscaped with low profile shrubs and strategically placed trees.
- Roundabouts as shown on the conceptual drawings will slow traffic through the entire development.
- Vegetative buffers between residential, business and adjoining agricultural areas are shown on the concept and will be incorporated into the final design of McKinley Park/McKinley Plaza.
- Vacant land owned by the developer along Rt. 695 which is not included in the McKinley Park development are shown on the conceptual drawing. Developer intends the following use of these parcels.
- A) The most easterly parcel "a narrow strip of land" will be donated to the adjoining property owner's, providing it is not used for an additional ingress' egress along Rt. 695.
- B) The largest parcel is approximately one and a half acres in size.
- C) The most westerly parcel is 50' wide fronting on Rt. 695 between 2 existing homes.

- Developer will donate the two parcels described in "B" and "C" to the county for the use of the people of Accomack County as a park or other such facility as deemed advisable by the county. Or, if the county has no plan or use for said parcels they can be sold and the proceeds of the sale of these parcels escrowed to defray the cost of installing a traffic light at the main entrance to McKinley Plaza at Rt. 13.

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the proposed request to rezone 65 acres of land along Route 695 in the Temperanceville area from General Business to Residential, for the proposed McKinley Park Development

There were no comments from the public concerning the rezoning.

The Chair closed the Public Hearing.

Ms. Trepnair provided a project history and overview, stating that the project was in response to the demand for affordable housing on the Eastern Shore. Ms. Trepnair responded to questions from the Board members.

County Director of Planning James M. McGowan presented a report on the proposed rezoning, and responded to comments and questions from the Board.

Mr. Wolff made a motion that the Board carry over the Public Hearing on the Temperanceville Rezoning request until 7:30pm on February 15, 2006, pending legal review and preparation of the submitted proffers. Mrs. Mears seconded the motion.

Mr. Mallette offered an amendment to the motion to include a request that the Land Use Attorney review the proffer provisions for bonding to ensure installation of a traffic signal at buildout. Mr. Wolff and Mrs. Mears accepted the amendment. The motion, as amended, passed unanimously with Mr. Matthews absent.

Social Services Building

Mr. Thomas Stodgill Principal, PMA, gave an update on the Accomack County Social Services Center Project Closeout and responded to comments and questions from the Board.

Eastern Shore of Virginia Public Library

Carol Vincent, Acting Library Director of Eastern Shore Public Library, and Laura Lucas, President of Friends of the Eastern Shore Public Library, addressed the Board concerning a request for an additional contribution to help with roof repairs at the Eastern Shore Public Library.

Discussion of funding by Accomack and Northampton Counties followed. Based on patron usage figures, Accomack County is asked to pay 80-percent of costs, and Northampton to pay 20-percent. County Finance Director Reed Ennis recommended that, if the request received approval,

the Board appropriate funding from the Contingency Fund, due to the number of existing demands on the current budget.

Mrs. Gordy made a motion to approve an additional contribution of \$45,000 from the Contingency Fund to the Eastern Shore Public Library.

Mrs. Thornton offered an amendment to ask Northampton County to pay the stated 20-percent share of funding.

Mrs. Gordy did not accept the amendment.

Mr. Duncan seconded the amendment offered by Mrs. Thornton. The amendment passed with the following vote: Ayes: Mrs. Thornton; Mr. Wolff; Mr. Duncan; Mrs. Mears; Mr. Mallette; Mr. Hart; and Miss Major. Nay: Mrs. Gordy. Absent: Mr. Matthews.

There being no further discussion, the Chair called for a vote on the motion as amended. The motion passed unanimously with Mr. Matthews absent.

Mrs. Thornton made a motion to request a legal opinion on the original resolution related to funding of the Eastern Shore Public Library by Accomack and Northampton Counties. Miss Major seconded the motion.

Eastern Shore Tourism Plan

Mr. Miner addressed the Board concerning issues pertaining to the Eastern Shore Tourism Commission.

Mrs. Gordy made a motion to accept the Joint Resolution of Membership as presented, which had been previously accepted by Northampton County. Mr. Wolff seconded the motion.

Discussion followed.

Mr. Duncan made a motion to proceed with membership, but to postpone any action related to changes in funding of the Eastern Shore Tourism Commission until May 2006. Mrs. Thornton seconded the motion.

Discussion continued.

The vote on the motion: Ayes: Mr. Duncan; Miss Major; and Mrs. Thornton. Nays: Mr. Wolff; Mr. Mallette; Mrs. Mears; Mrs. Gordy; and Mr. Hart.

The Chair returned to the original motion to accept the Joint Resolution of Membership.

A lengthy discussion ensued.

The vote on the original motion: Ayes: Mr. Wolff; Mr. Mallette; Mrs. Mears; and Mrs. Gordy. Nays: Mrs. Thornton; Mr. Duncan; Mr. Hart; and Miss Major.

The Chair made a motion to proceed with the funding, timeframe, and schedule of meetings presented by Mr. Miner. Miss Major seconded the motion.

Discussion followed. Ms. Donna Bozza was invited to address the Board, and responded to comments and questions.

The vote on the motion: Ayes: Mrs. Thornton; Mr. Duncan; Mr. Hart; and Miss Major.
Nays: Mr. Wolff; Mrs. Mears; Mr. Mallette; and Mrs. Gordy.

Recess

There being no objection, the Chair declared a five-minute recess.

Call to Order

The Chair called the meeting back to order.

Joint Resolution between Accomack and Northampton Counties

Mr. Duncan made a motion to adopt and accept the proposed Joint Resolution between Accomack and Northampton Counties as presented by the Eastern Shore Tourism Commission, with an amendment to the membership as follows: four (4) representatives from Accomack County representation; two (2) representatives from Northampton County; discussion of equal funding by the counties; and the removal of the member-at-large. Mrs. Thornton seconded the motion.

After explanation and further discussion, the motion passed unanimously with Mr. Matthews absent.

Mrs. Thornton made a motion that the fourth representative for Accomack County on the Eastern Shore Tourism Commission be a member of the Chincoteague Town Council. Mr. Duncan made a second for discussion.

Discussion followed.

The vote on the motion: Aye: Mrs. Thornton. Nays: Mr. Wolff, Mr. Duncan; Mrs. Mears; Mr. Mallette; Mrs. Gordy; Mr. Hart; and Miss Major. Absent: Mr. Matthews.

Accomack-Northampton Regional Housing Authority

Mrs. Gordy made a motion to reappoint Carol Reinerth to the Eastern Shore Disabilities Board for a three-year term beginning January 1, 2006 and ending December 31, 2009. Mr. Duncan seconded the motion. The motion passed unanimously with Mr. Matthews absent.

County Administrator's Report

County Administrator Steven B. Miner updated the Board on matters related to:

- Laptop computers for County Supervisors' use of electronic agenda packets

- Farmland Preservation Workshop featuring Professor Jesse Richardson of Virginia Polytechnic Institute

E.D. 2 Constituents Meeting

Mr. Wolff reported that Accomack County Planning Commission Chairman Mr. E. Phillip Hickman was the guest speaker for the E.D. 2 Constituents Meeting held January 16, with 41 people present.

Board of Supervisors Comment Period

Mrs. Gordy announced that she and Mr. Mallette would be holding the first E.D. 6 and 7 Constituents Meeting on February 7, 2006 at the Shore Financial Center in Onley, and invited all interested parties to attend.

Mrs. Gordy made a motion to have staff prepare a Resolution of Recognition for Lucy Mears in honor of her 100th birthday. Mr. Duncan seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Mr. Duncan made a motion to adopt a Resolution of Support for the Chesapeake Bay-Bridge Tunnel Commission’s position to continue operations under the current arrangements, as opposed to the restructuring proposed by Senator Marty Haines. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Alternative Meeting Place

A discussion took place regarding the availability of school facilities for monthly meetings.

Mrs. Thornton made a motion that the Chair and the County Administrator be empowered to secure an alternative meeting place for the February 15, 2006 Board of Supervisors Meeting, and ensure proper public notification. Miss Major seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Budget and Appropriation Items

Mrs. Mears made a motion to approve the following budget and appropriation items for FY2006. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Matthews absent.

FISCAL YEAR 2006

Grants, Etc.

Increase Revenues

From the Commonwealth \$ 900

Increase Expenditures

Solid Waste \$ 900

--Abandoned vehicle program reimbursement

Increase Revenues	
From the Commonwealth	\$50,685
Increase Expenditures	
Juvenile Probation	\$50,685
--Virginia Juvenile Community Crime Control Act grant award	
Increase Revenues	
From the Commonwealth	\$ 6,000
Increase Expenditures	
Education	\$ 6,000
--State Assessments grant award (calculator purchase/repair)	
Increase Revenues	
From the Commonwealth	\$22,500
Increase Expenditures	
Education	\$22,500
--High Schools That Work (HSTW) initiative grant (CHS/NHS)	
Increase Revenues	
From the Commonwealth	\$22,200
Increase Expenditures	
Education	\$22,200
--Gear-up grant award (AHS/NHS)	
Increase Revenues	
From the Federal Government	\$26,385
Increase Expenditures	
Education	\$26,385
--Assistive Technologies grant award	
Increase Revenues	
From the Federal Government	\$12,000
Increase Expenditures	
Education	\$12,000
--NASA Robotics Competition sponsorship	

From Contingencies (contains \$84,683 as of 1/11/06)
None

Payables

Mrs. Mears made a motion to authorize the payment of invoices. Mr. Duncan seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Closed Meeting

Miss Major made a motion that the Board go into closed meeting for the following purposes pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Matthews absent.

- a. (A) (1) discussion of certain personnel matters;
- b. (A) (7) for consultation with legal counsel and briefings by staff pertaining to health insurance program and zoning.

Open Meeting

The Chair declared the meeting open to the public.

Certification of Closed Meeting

On a motion by Mrs. Thornton and seconded by Mr. Wolff, a roll call vote was taken pursuant to Section 2.2-3712 (D) of the Code of Virginia immediately after reconvening in Open Meeting, at which time each member certified by his vote that the only matters discussed during the Closed Meeting were (i) only public business matters lawfully exempted from Open Meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the Closed Meeting was convened.

Aye:	Mrs. Thornton	Mr. Duncan	Mrs. Gordy	Absent: Mr. Matthews
	Mr. Hart	Mrs. Mears	Miss Major	
	Mr. Wolff	Mr. Mallette		

Adjournment

Mrs. Mears made a motion to adjourn at 11:15 p.m. Mr. Mallette seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Chair