

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack
held at the Metompkin Elementary School on the 19th day of July, A.D., 2006.

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

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 with a prayer by Reverend Broad, after which the Pledge of Allegiance to the Flag was recited.

Chair's Comments

The Chair requested that the following amendments be made to the Agenda:

Move Item 13.a between Items 9.b and 9.c

Add two items to Item 18 – Closed Session

- 3. (A) (7) consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation related to annexation*
- 4. (A) (1) Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body*

Adoption of Agenda

Mr. Duncan made a motion to adopt the agenda as amended. Miss Major seconded the motion. The motion passed unanimously.

Minutes

Mrs. Mears made a motion to adopt the Minutes as presented. Mr. Wolff seconded the motion. The motion passed unanimously.

Consent Agenda

Mrs. Thornton made a motion to approve the following items under the Consent Agenda. Mrs. Gordy seconded the motion. The motion passed unanimously.

- a. To approve the Contract Renewal Bid #559 for Petroleum Products,
- b. To approve award of RFP #200 for Engineering Services for Quinby Harbor Redevelopment,

- c. To approve a request to the Virginia Department of Transportation for the placement of a “Watch for Children” sign at 23234 Lee Mont Road,
- d. To approve authorizing the use of \$229.99 from each District Fund for legal services associated with the Master Drainage Plan,
- e. To approve drainage projects in E.D. 7, and
- f. To approve the following Resolution supporting Accomack-Northampton Planning District’s application to become a HUD Certified Housing Counseling Agency

RESOLUTION

WHEREAS, the Accomack-Northampton Planning District Commission is desirous of becoming a HUD Certified Housing Counseling Agency, and;

WHEREAS, the Accomack-Northampton Planning District Commission has the capacity and experience to perform the duties of a Certified Housing Counseling Agency, and;

WHEREAS, the Board of Supervisors of Northampton County believes housing counseling to be a valuable service to its residents,

BE IT THEREFORE RESOLVED, that the Board of Supervisors supports the Accomack-Northampton Planning District Commission’s application to become a HUD Certified Housing Counseling Agency and authorizes the Accomack-Northampton Planning District Commission to perform housing counseling services for the residents of Accomack County.

Highway Matters

Tim Holloway, Assistant Resident Engineer, Virginia Department of Transportation, advised the Board that until the position is filled, he would be addressing the Board and presenting the monthly report. He proceeded with the report on various road projects, including ongoing maintenance and repairs, as well as planned future projects, and responded to questions.

“Watch For Children Signs”

Mr. Duncan made a motion to have a resolution forwarded to VDOT to have “Watch For Children” signs installed in Macedonia. Miss Major seconded the motion. The motion passed unanimously.

Miss Major made a motion to have a resolution forwarded to VDOT to have two “Watch For Children” signs installed in the Craddockville area on Boston Road 40 feet before and 40 feet after the Craddockville United Methodist Church. Mrs. Thornton seconded the motion. The motion passed unanimously.

Mrs. Cropper made a motion for two signs to be installed in the Horntown area, one on Fleming Road south of Dee’s Chapel, and one on Horntown Road to New Church, starting at 34298 Horntown Road and ending at 34008 Horntown Road. Mrs. Thornton seconded the motion. The motion passed unanimously.

Mr. Duncan made a motion to have a sign installed East of Nelsonia Road, near where the “Pedestrian Walking” signs are currently located. Mrs. Mears seconded the motion. The motion passed unanimously.

Mr. Wolff provided a 911 address for a previously requested “Watch For Children” sign location, as 30474 Temperanceville Road, West of the VDOT residency down at the John W. Taylor Memorial Cemetery.

Treasurer’s Report

County Treasurer Dana Bundick’s reports were received without comment or questions from the Board.

Accomack County Public Schools

Division Superintendent W. Richard Bull reviewed with the Board his monthly report and responded to questions. He informed the Board that Ronnie Holden was the new Chairman of the School Board and Al McMath was the new Vice-Chairman.

Proposed Enterprise Zone Amendment

Missy Mulholland, Director, Airport/IDA, provided information to the Board regarding the proposed amendment to the Enterprise Zone in the Onancock and New Church areas.

A discussion ensued with Ms. Mulholland responding to questions. It was the consensus of the Board that Ms. Mulholland check the zoning in Onancock and bring back information to the Board at the August meeting.

Director of Planning

James M. McGowan, Director of Planning, presented the Department of Planning Report, along with supplemental material that was submitted after the public hearing.

Mr. McGowan introduced Tom Brokenbrough, GIS Coordinator, and Andrea Stone, Environmental Planner.

Town of Chincoteague

Mrs. Thornton recognized the new Chincoteague Town Manager, Councilman Robert Ritter.

Proposed Cable TV System Franchise Agreement and Ordinance

Mr. Mallette made a motion to adopt the proposed Cable Television System Franchise Agreement and Ordinance. Mrs. Mears seconded the motion. The motion passed unanimously.

Proposed Amendments to Board of Supervisors’ Rules of Procedure

Mr. Duncan made a motion to approve the following amendments to the Board of Supervisors Rules of Procedure. Mrs. Mears seconded the motion. The motion passed unanimously.

Public Participation and Public Hearings

Public Participation

- (a) A sign up sheet is to be provided outside the Board chambers for those wishing to address the Board in the public participation section of the agenda. Each speaker addressing the Board shall step up to the microphone in front of the podium, shall give his name and address in an audible tone of voice for the record. All remarks shall be verbal and shall be addressed to the Board and not to any member thereof.**
- (b) Decorum will be maintained. This includes a common courtesy from the audience, the staff, and Board to the speaker and from the speaker to the audience, the Board and the staff. Statements, which are demeaning or inappropriate, shall be ruled out of order.**
- (c) In the event of a large number of speakers resulting in the continuation of the hearing, any persons not heard at the initial Public Hearing will be the first to speak at the continued hearing.**
- (d) A timer-controlled system will be implemented in full view of the speaker. When the speaker's time is up, an audible signal will indicate that the speaker's time has lapsed. The speaker must relinquish the podium to the next speaker. Staff will notify the Chairman that the speaker's time has expired. Speakers continuing after the time allotted shall be ruled out of order by the chairman.**
- (e) Speakers are requested to leave written statements and/or comments with the County Administrator.**
- (f) All persons wishing to speak should sign the register.**
- (g) Persons addressing the Board should stand behind the lectern.**
- (h) Persons addressing the Board shall be limited to three (3) minutes.**
- (i) Persons addressing the Board shall not use inappropriate language or verbally attack any Board member or any member of the public.**
- (j) When all persons who wish to speak have spoken, the Chair may allow persons to return for one period of three (3) minutes.**
- (k) Signs and placards are not allowed inside the meeting room.**
- (l) Any person whose behavior is disruptive shall be asked to leave the meeting room.**
- (m) Persons may not question individual supervisors or staff members without unanimous consent of the Board.**
- (n) Persons addressing the Board shall limit their comments to the issue of the Public Hearing.**
- (o) A speaker may reserve their time, but shall not delegate their time to another speaker.**

(p) Attorneys representing clients will be limited to ten (10) minutes.

The Chair has the right and duty to maintain proper order in accordance with these rules.

Regional Jail Issues

County Administrator Steven B. Miner briefed the Board regarding the management of the Regional Jail as requested by Northampton County, and responded to questions.

Mrs. Thornton made a motion to deny the request from Northampton County regarding management of the Regional Jail. Ms. Major seconded the motion. The motion passed unanimously with Mrs. Mears and Mr. Mallette absent.

Mrs. Thornton made a motion to appoint Miss C. Reneta Major to the Regional Jail Board. Mr. Duncan seconded the motion. The motion passed unanimously.

Food and Beverage Tax – Referendum Language

A lengthy discussion took place regarding recommendations from the Committee on Designating Proceeds of a Meals Tax.

Mrs. Cropper made a motion to move forward with the following recommendation to send to referendum. Miss Major seconded the motion. Ayes: Mr. Hart, Mr. Duncan, Mrs. Thornton, Mr. Wolff, Mrs. Cropper, Miss Major. Nays: Mrs. Mears, Mr. Mallette, Mrs. Gordy.

- 1. That 50% of the meal tax be held in an interest bearing account for the first ten years to be used for the building of low income/affordable housing such as apartment buildings, town houses or other multi-style dwellings...also*
- 2. That the remaining 50% of the meal tax money would go into the County's general operating funds.*

Proposed Parks and Recreation Plan for Southern and Central Accomack County

Mr. Wolff made a motion to approve the proposed Parks & Recreation Plan for Southern and Central Accomack County. Miss Major seconded the motion. The motion passed unanimously.

Broadway Landing

Public Works Director Stewart Hall briefed the Board on issues relating to the Broadway Landing.

Mrs. Gordy made a motion to authorize Mr. Hall to send a letter to the adjoining property owner instructing him to remove the obstructing vehicle. Mr. Mallette seconded the motion. The motion passed unanimously.

Employee Benefit Vendor Policy

Miss Major made a motion to approve the following Employee Benefit Vendor Policy.

Mrs. Thornton seconded the motion. The motion passed unanimously.

Employee Benefit Procurement Policy

Overview:

It is the intent of the county to offer a variety of voluntary employee benefits through payroll deduction which address the needs of county employees, employees of Constitutional Offices, and other participating entities. Employee benefits are overseen by the county's Human Resource Director who reviews them on an annual basis with the assistance of an advisory committee.

Review Process:

- 1) Throughout the year, the Human Resource Director collects information from potential employee benefits vendors regarding their product. For a benefit to be considered for possible implementation during open enrollment in December of each year, materials must be received by June 30 of that year.
- 2) Materials are reviewed by the Human Resource Director with the assistance of the Employee Benefits Committee. Currently, the committee is made up of a representative from one of the larger county departments, a representative from Central Accounting, a constitutional officer, a representative from Social Services and the Human Resource Director. The review criteria include a cost/benefit analysis (including return on investment), the level and type of customer support offered, the difficulty in administering the benefit, and whether or not the benefit is a duplicate of a benefit that is already offered.
- 3) If the committee determines that the benefit is one that employees may be interested in, is not a duplicate of a benefit already being offered, and brings substantial value to employees, a survey of employees is done by the Human Resource Director to determine level of interest in the proposed benefit.
- 4) If at least 25% of employees indicate interest in the proposed benefit, then the Human Resource Director works with the Purchasing and Contracts Manager to issue an RFP for the proposed benefit. The Employee Benefits Committee evaluates the responses to the RFP and makes a recommendation to the Board of Supervisors through the Purchasing and Contracts Manager.
- 5) If the Board of Supervisors awards a contract to the recommended vendor, a contract is signed and materials regarding the new benefit are distributed to employees in November. The new benefit becomes effective at the beginning of the next calendar year.

Restrictions:

- 1) Only those employee benefits reviewed and recommended by the Employee Benefit Committee and authorized by the Board of Supervisors will be eligible for payroll deduction.
- 2) Access to county employees by employee benefit vendors during county work hours must be pre-authorized by the Human Resource Director and may not disrupt the work process.
- 3) Employee benefit vendors are expected to be courteous to all county staff. High pressure solicitation practices, cold calls and drop-in visits are not appropriate and will not be tolerated.
- 4) It is the preference of the county to work with a single vendor for each type of authorized employee benefit. If it is not the policy of the vendor of an authorized employee benefit to designate sales territories, the Employee Benefits Committee may interview those sales representatives interested in marketing an authorized employee benefit to county employees and designate a single contact person for a particular employee benefit. Requests for payroll deduction for authorized employee benefits must go through the designated contact person.

Fire and EMS Response Time

Mr. Duncan made a motion that the Department of Public Safety provide a monthly report on Fire and EMS response times. Mr. Wolff seconded the motion. The motion passed unanimously.

Budget Items

Mr. Duncan moved to approve the following budget and appropriation items. Miss Major seconded the motion. The motion passed unanimously.

FISCAL YEAR 2006

Grants, Etc.

Increase Revenues

From the Commonwealth \$8,000

Increase Expenditures

Law Enforcement \$8,000
- Selective traffic enforcement grant awards

Increase Revenues

From the Commonwealth \$2,250

Increase Expenditures

Solid Waste \$2,250
- Receipt of abandoned vehicle disposal program funds

Other

Increase Revenues

Miscellaneous \$3,982

Increase Expenditures

EMS \$3,982
- American Heart Assoc. contribution for AED purchase

Increase Revenues

Insurance Recoveries \$4,203

Increase Expenditures

Law Enforcement \$4,203
- Auto insurance recoveries

Increase Revenues

Charges for Services \$60,000

Increase Expenditures

Education \$60,000
- Medicaid revenue from skilled nursing and speech therapy services provided to students.

FISCAL YEAR 2007

Grants, Etc.

Increase Revenues

From the Commonwealth \$49,834

Increase Expenditures

Victim Witness Program \$49,834
- FU07 victim/witness assistance program grant award.

From Contingencies (\$147,081 unappropriated balance As of 7/1/06)

None

Payables

Mrs. Mears made a motion to authorize the payment of invoices. Mr. Wolff seconded the motion. The motion passed unanimously.

Proposed Amendment - Chapter 10, Animals, of the Code of the County of Accomack, Virginia

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed amendment to Section 10-161 of Division 4, Dangerous and Vicious Dogs, and Section 10-182 of Article IV, Impoundment; Rabies Control, of Chapter 10, Animals, of the Code of the County of Accomack, Virginia.

No public comments were offered. The Chair closed the Public Hearing.

Mrs. Thornton made a motion to approve the following amendments. Mrs. Mears seconded the motion. The motion passed unanimously.

Sec. 10-161. Liability insurance required.

All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000 *that* covers animal bites. (Ord. of 1-15-2003)

Sec. 10-182. Quarantine of biting dog, cat.

Any dog or cat that has bitten a person, or has exposed or may have exposed a person to its saliva through an open wound or through mucous membrane contact by entering the eye, mouth, or nose, shall be quarantined by the owner for ten days in accordance with a quarantine agreement with the county health department. Any such animal which breaks the quarantine shall be impounded at the Eastern Shore Regional Animal Control Facility for the remainder of the quarantine period.

If the quarantined animal becomes ill, escapes, or dies during the quarantine period, the owner shall immediately (within 24 hours) report this to the county health department. The district health director has the right to order any biting dog or cat to be quarantined for ten days under competent observation at the Eastern Shore Regional Animal Control Facility.

The owner of any animal quarantined at the Eastern Shore Regional Animal Control Facility pursuant to this section shall execute an affidavit of ownership, present the proper dog license and proof of current rabies vaccination, pay all of the expenses incurred in keeping the animal confined; and reclaim the animal within seven days of the end of the quarantine period, or the animal shall become the property of the Eastern Shore Regional Animal Control Facility.
(Ord. of 1-15-2003)

Accomack County Ambassadors Program

Mr. Miner gave a briefing relative to the creation of an outstanding service award as part of the Accomack Ambassadors Program and responded to questions. Mr. Duncan made a motion to direct the County Administrator to prepare a Resolution and contact the School System in this regard. Mrs. Mears seconded the motion. Ayes: Mr. Hart, Mr. Duncan, Mrs. Thornton, Mr. Wolff, Mrs. Cropper, Mrs. Mears, Mr. Mallette, and Miss Major. Nays: Mrs. Gordy.

National Association of Counties

Following a briefing by County Administrator Steven B. Miner, Mr. Wolff made a motion to authorize Mr. Hart's attendance at the NACo Conference to be held in Chicago, IL. Ayes: Mr. Duncan, Mrs. Thornton, Mr. Wolff, Mrs. Cropper, Mrs. Mears, Mr. Mallette, Mrs. Gordy. Nays: None. Abstentions: Mr. Hart.

E. D. 2 Constituents Meeting

Mr. Wolff informed the Board that at his monthly constituents meeting, a representative from Delmarva Power was the guest speaker.

Regular Meeting Place

A conversation took place regarding moving the meeting place back to the Board Chambers in Accomac.

Mrs. Mears made a motion to remain at Metompkin until the end of the year. Mr. Mallette seconded the motion.

A discussion ensued.

Mrs. Thornton amended the motion to include that more comfortable chairs be considered if the Board was to remain at Metompkin. Mrs. Mears did not accept the amendment. Mrs. Thornton then withdrew the amendment. The vote on the motion. Ayes: Mr. Hart, Mr. Duncan, Mr. Wolff, Mrs. Mears, Mr. Mallette, and Mrs. Gordy. Nays: Mrs. Thornton, Mrs. Cropper, Miss Major.

Julia E. Major Award

Following discussion, it was the consensus of the Board that the Julia E. Major Memorial Committee will plan the Dedication Service for Ms. Major and Mr. Matthews and bring back the plan for the Board's review at the August meeting.

Audio Format for Meeting

Following comments by Ms. Thornton, the consensus was to have the County Administrator look into the possibility of audio transmission of the Board meetings on the internet.

Agricultural and Forestal Districts – Delinquent Taxpayers

By consensus, the Board authorized the Planning Department to look into persons who are delinquent in taxes to be removed from agricultural and forestal district designations.

Subdivision Ordinance Appeals Process

Mrs. Thornton made a motion to have information related to Subdivision Ordinance appeals process placed on the agenda for the August meeting. Mrs. Cropper seconded the motion. The motion passed unanimously.

Recess

There being no objection, the Chair declared the meeting adjourned for dinner until 7:30 p.m.

Call to Order

The Chair called the meeting back to order.

Closed Session

Mrs. Thornton 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. Mrs. Cropper seconded the motion. The motion passed unanimously.

1. (A) (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation related to annexation
2. (A) (4) The protection of the privacy of individuals in personal matters not related to public business.
3. (A) (5) Discussion concerning a prospective business or industry of the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
4. (A) (1) Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body

Open Meeting

The Chair declared the meeting open to the public.

Certification of Closed Meeting

A motion was made by Mr. Hart and seconded by Mrs. Gordy, pursuant to Section 2.2-3712 (D) of the Code of Virginia immediately after reconvening in Open Meeting, certifying 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. The motion passed unopposed.

Tangier Airport

A motion was made by Mr. Wolff to postpone the Tangier Airport matter until the August meeting. Mr. Mallette seconded the motion. The motion passed unopposed

Bridge Hill Rezoning Application

Mrs. Gordy made a motion to rescind the June 21st action denying the Bridge Hill Rezoning Application. Mrs. Cropper seconded the motion. Ayes: Mr. Hart, Mr. Duncan, Mr. Wolff, Mrs. Cropper, Mrs. Mears, Mr. Mallette, Mrs. Gordy, Miss Major; Nays, Mrs. Thornton.

Mrs. Cropper then withdrew her original motion regarding Bridge Hill.

Mrs. Gordy made a motion to approve the Bridge Hill Rezoning Request. Mrs. Mears seconded the motion. Ayes: Mrs. Mears, Mr. Hart, Mr. Duncan, Miss Major, Mrs. Gordy. Nays: Mrs. Thornton, Mrs. Cropper. Abstentions: Mr. Wolff, Mr. Mallette.

Adjournment

Miss Major made a motion to adjourn at 11:05 p.m. Mrs. Thornton seconded the motion. The motion passed unanimously.

Chair