

VIRGINIA: At a regular Meeting of the Board of Supervisors for the County of Accomack  
held in the Cafetorium of Metompkin Elementary School on the 16<sup>th</sup> day of August,  
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 Rev. Broad, after which the Pledge of Allegiance to the Flag was recited.

### **Chair's Comments**

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

*13.d – remove in its entirety and replace it with 7.f, Pump and Haul application for the A-N Transportation District Commission for the location of new StarTransit Office at Tasley*

### **Adoption of Agenda**

Mrs. Thornton made a motion to adopt the agenda as amended. Mrs. Mears seconded the motion. The motion passed unanimously.

### **Minutes**

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

### **Consent Agenda**

Mr. Mallette requested that Item 7.2 be removed from the Consent Agenda. The Board concurred.

Mrs. Thornton made a motion to approve the following Items under the Consent Agenda. Miss Major seconded the motion. The motion passed unanimously.

- a. To award IFB #584 for revised amount for Jet A Fuel System,
- b. To award IFB # 542 for contract extension with Holt Paper Company for custodial supplies,
- c. To approve the draft Operational Guidelines of the Eastern Shore Regional Fire Training Center,

- d. To approve a drainage project in E. D. 4,
- e. To approve the following Resolution to the Circuit Court Judge to Order an election to be held on the date of the next general election, November 7, 2006, upon the question of authorizing a food and beverage tax in Accomack County
- f. Added and approved a Pump & Haul application for the A-N Transportation District Commission for the location of new StarTransit Office at Tasley.

**Food and Beverage Tax**

Following a brief discussion, Mr. Mallette made a motion that staff be directed to determine the estimated revenue, expenses and the responsibility for acceptance of the proposed food and beverage tax. Mrs. Mears seconded the motion.

Discussion continued with comments of explanation related to the proposed tax by Finance Director Reed M. Ennis and Deputy Finance Director Michael Mason.

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

Mrs. Cropper made a motion to adopt the following Resolution. Mrs. Thornton seconded the motion.

A discussion ensued.

The vote on the motion to adopt the following Resolution: Ayes: Mrs. Thornton, Mr. Wolff, Ms. Cropper, Mr. Duncan, Mr. Hart, Miss Major. Nays: Mr. Wolff, Mrs. Mears, Mr. Mallette, Mrs. Gordy.

**BE IT RESOLVED BY THE ACCOMACK BOARD OF SUPERVISORS:**

It is hereby determined that it is advisable for the citizens of Accomack County to consider at referendum whether Accomack County should be authorized to levy a 4% tax on food and beverages pursuant to Code of Virginia Section 58.1-3833; and

That 50% of the food and beverage 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; and

That the remaining 50% of the food and beverage tax money go into the County's general operating funds; and

Therefore, the Circuit Court of Accomack County is hereby requested to order an election to be held on the date of the general election on November 7, 2006, upon the question of authorizing the aforementioned food and beverage tax; and

That the County Attorney is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Accomack County; and

That the resolution shall take effect immediately.

**Highway Matters**

Mr. Tim Holloway, Assistant Resident Engineer, Virginia Department of Transportation, reported on various road projects and responded to questions.

**Employee Recognition**

Assistant County Administrator Linda Martin Warner presented an Employee of the Month Award to William E. Savage, Ditch Maintenance Supervisor, for exceptional customer service and serving as a model employee.

**Treasurer's report**

Dana T. Bundick, Treasurer, responded to comments and questions from the Board.

She requested an extension until September to provide the list of all delinquent taxpayers which was granted.

Mrs. Bundick told the Board that delinquent personal property tax notices had been mailed and asked if there were concerns from citizens that her office be contacted.

**Accomack County Public Schools**

W. Richard Bull, Division Superintendent, Accomack County Public Schools, reported that both of the construction projects are on schedule, and opened the floor to questions and discussion. Ms. Cropper inquired as to the Waller, Todd & Sadler report given to the School Board, and when the Board of Supervisors might have a copy of the report for their perusal. Mr. Bull advised that no discussion of the report had yet occurred, but would be shared with the Supervisors when such a discussion does take place.

By consensus, the Board requested that the School Board provide a copy of their comments to the Board following its review of the space needs study.

**Robbie Lewis, Area Forester**

Mr. Lewis presented the Annual Forestry report of activities in land management, both current and future. He advised that the Smokey Program is still being carried out in schools, along with other wildlife and forestry management issues for conservation. He advised a need for a Burn Ban warning system. The Chair made note of the request and told Mr. Lewis that when such an item is put on the agenda, he would be invited to participate.

### **Industrial Development Authority - Copper Matter**

Dr. W. H. Turner of Turner Sculpture briefed the Board on concerns regarding interactions with the Industrial Development Authority, the ongoing problems with copper disposal, presented charts and figures showing copper disposal from various entities, and disparities that occurred in the results. At the end of his allotted 30 minutes, the Chair moved for recess for the dinner break. Dr. Turner continued his presentation in protest over being allotted 30 minutes.

### **Call to Order**

The Chair called the meeting back to order and noted, for the record, that while emotions can run high when certain subjects are debated, Dr. Turner received the amount of time he had asked for, 30 minutes, which is more than is normally granted to public speakers. The Board will digest his information and make a response back to him.

### **Industrial Development Authority - Continuation of IDA Copper Matter –**

The Chair then introduced the speaker for the Industrial Development Authority, Chairman Mr. Robert Marshall. Mr. Marshall read a prepared statement to the Board regarding the job of the IDA with regard to the transportation, not treatment, of sewage water and the impact of copper in the sewage. The issues with Dr. Turner were also addressed and interactions with him were outlined. Letters from Dr. Turner to the IDA and from the IDA to Dr. Turner were also read into the record, outlining the intentions of each.

Melissa Mulholland, Director, Airport/IDA, reported on Dr. Turner's issues regarding the Freedom of Information Act requests. She told the Board that since April, her office had received 45 letters with 91 requests, which had been responded in a timely manner.

A general discussion ensued.

### **Director of Planning**

James M. McGowan, Director of Planning, gave his monthly report and responded to questions from the Board on the following topics:

- **Carey Distributors Conditional Use Permit Application (District 3)**

Mr. Mallette made a motion to hold a Public Hearing beginning at 7:30 p.m. on September 20, 2006, in the Cafetorium of Metompkin Elementary School to afford interested persons the opportunity to be heard or to present written comments concerning a Conditional Use Permit application for light warehouse storage by Carey Distributors. The property, Tax Parcel 41-A-144A, is located along Saxis Road, West of its intersection with

U.S. Route 13 (Lankford Highway) in the Temperanceville area. Mrs. Mears seconded the motion. The vote on the motion passed unanimously.

- **Draft Subdivision Ordinance Amendment on Appeals Process**

Mr. Wolff made a motion to hold a Public Hearing beginning at 7:30 p.m. on September 20, 2006, in the Cafetorium of Metompkin Elementary School to afford interested persons the opportunity to be heard or to present written comments concerning the following draft amendment to Section 78-4. Administration (b) *Review* of Chapter 78 - Subdivision Ordinance of the Code of the County of Accomack, Virginia. Mrs. Gordy seconded the motion. The motion passed unanimously.

**Section 78-4. Administration.**

(b) *Review*. ~~In the event that a plan for a subdivision is disapproved by the agent~~ If the commission or Agent fails to approve or disapprove the subdivision plat within the timeframes provided by law, the subdivider, after 10 days notice to the commission or Agent, may appeal his subdivision plan directly to the board of supervisors. All appeals must be made within 60 days of the date of disapproval or the subdivider will forfeit the right to have his subdivision plan reviewed. petition the circuit court to decide whether the plat should or should not be approved. If the commission or the Agent disapproves a subdivision plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the subdivider may appeal to the circuit court within 60 days of the written disapproval by the commission or Agent.

Mr. McGowan updated the Board on the following issues:

- Wal-Mart Conditional Use Permit Application (Districts 7 and 8),
- Planning Commission Work Session August 22<sup>nd</sup> with a representative from Tidewater Utilities who will address decentralized waste water treatment,
- Planning Commission work session is scheduled for August 22<sup>nd</sup>. A representative of Tidewater Utilities will speak about decentralized waste water treatment,
- Two Comprehensive Plan Public Workshops scheduled for September 25<sup>th</sup> and 26<sup>th</sup> at the Nandua High School and Arcadia High School, respectively,
- The Planning consultant continues to work on the Comprehensive Plan Update,
- The GIS consultant has delivered the draft GIS data, which is being reviewed, and
- Interviews for the Erosion and Sediment Control Inspection position were held on July 17<sup>th</sup>. The Land Use Planner position is being advertised.

**Public Participation**

The following persons offered comments during public participation.

Mrs. Joan Keene in support of Dr. Turner

Mrs. Lois Cooper in support of Wal-Mart Conditional Use Permit application

### **Reassessment Program**

Mr. Bill Colson, Tri-County Appraisals, Inc. gave an update on the County's new reassessment program and responded to questions.

### **Space Needs Study**

Mr. Howard Collins of Waller, Todd & Sadler Architects, along with Patrick Higley and Sherry Henley of his firm, gave a presentation on space needs in the County as a follow-up to their previous presentation in April.

A discussion took place with Mr. Collins responding to questions.

By consensus, the Board requested that Mr. Collins provide designs to consider co-locating School Board Administration and all County Administration offices on the Accomac Primary property.

### **Enterprise Zone Amendment**

Melissa Mulholland, Director, Airport/IDA, presented a proposed Amendment to expand the Enterprise Zone areas in Onancock and New Church, and submission of notification to the Department of Housing and Community Development.

Mrs. Gordy made a motion to schedule a Public Hearing beginning at 7:30 p.m. on September 20, 2006, to afford interested persons the opportunity to be heard or to present written comments concerning proposed changes to the Enterprise Zone. Ms. Cropper seconded the motion.

A brief discussion ensued. The motion passed unanimously.

### **Annual Employee Breakfast**

Following commenting by Assistant County Administrator Linda Martin Warner, Mrs. Thornton made a motion that the Annual Employee Breakfast be held on Wednesday, October 25, 2006, from 8:30 a.m. to 11:30 a.m. at the Eastern Shore Country Club with County offices being closed until Noon, that Landfills must remain open and to follow protocol as in years past. Mr. Wolff seconded the motion. The motion passed unanimously.

### **Onley/Onancock Joint Resolution on Boundary Adjustments**

The Chair noted that there has been a request from the towns of Onley and Onancock for a presentation of their Joint Resolution on Boundary Adjustments. There being no objection, Cela Burge, the representative of Onley gave comments on the Joint Resolution, and presented same to the Board. No action was taken.

**Central Accomack County Wastewater Options**

Mr. Stewart Hall, Director of Public Works, gave a PowerPoint presentation on the need to consider wastewater options for Central Accomack County and the need for a strategic plan for same.

A discussion took place with Mr. Hall responding to questions.

Mrs. Thornton made a motion to proceed with preliminary soil testing. Mr. Mallette seconded the motion. The motion passed unanimously.

**Landfill Hours**

Following a discussion related to extending landfill hours by opening one hour earlier, it was the consensus of the Board to request the Public Works Director provide an analysis of the estimated costs associated with extended landfill hours.

**Roadside Litter Program – Litter Control Officer**

Following a brief discussion, Mrs. Mears made a motion to budget and appropriate \$25,000 from Contingencies to the Department of Public Works to hire a part-time Litter Control Officer. Mr. Wolff seconded the motion. The motion passed unanimously.

**Pump and Haul Application – A-N Transportation District Commission**

Following a briefing by County Administrator Steven B. Miner, Mr. Duncan made a motion to approve a Pump and Haul Application for the A-N Transportation District Commission for the location of a new StarTransit office at Tasley. Mr. Wolff seconded the motion. The motion passed unanimously.

**Eastern Shore Hazard Mitigation Plan Dated June 2006**

Mrs. Thornton made a motion to approve the following Resolution for the Hazard Mitigation Plan of Accomack County. Ms. Major seconded the motion. The motion passed unanimously.

**RESOLUTION  
HAZARD MITIGATION PLAN  
COUNTY OF ACCOMACK, VIRGINIA**

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

WHEREAS, an Eastern Shore Hazard Mitigation Planning Committee comprised of members of the business community and non-profit organizations, and local officials was convened in order to study the County’s risks from and vulnerabilities to natural Hazard, and to make

recommendations on mitigating the effects of such Hazard on the County; and

WHEREAS, the Accomack-Northampton Planning District Commission developed a regional Hazard Mitigation Plan including Accomack County; and

WHEREAS, the efforts of the Accomack County, Eastern Shore of Virginia Hazard Mitigation Plan Committee members and the Accomack-Northampton Planning District Commission have resulted in the development of regional Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Accomack, Virginia, that the sections pertaining to Accomack County in the Eastern Shore Hazard Mitigation Plan dated June 2006, is hereby approved and adopted for the County of Accomack, Virginia.

#### **Industrial Development Authority - Appointment**

Ms. Major made a motion to reappoint Iravon Ashby-Hope to the Industrial Development Authority for a four-year term beginning immediately and ending February 18, 2010. Mr. Hart seconded the motion. The motion passed unanimously.

#### **Parks and Recreation Advisory Commission - Appointment**

Mr. Duncan made a motion to reappoint Florence Parsons to the Parks and Recreation Advisory Commission for a four-year term beginning immediately and ending June 30, 2010. Ms. Major seconded the motion. The motion passed unanimously.

#### **Eastern Shore Community College Board - Appointment**

Mr. Duncan made a motion to appoint Marcie White to the Eastern Shore Community College Board for a four-year term beginning immediately and ending on June 30, 2010.

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

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

Mr. Miner presented the County Administrator's Report and responded to questions regarding the following:

- A request to consider an invitation from Senator George Allen for breakfast and a Town Hall Meeting on August 30, 2006,
- Memorial Ceremony for the late Ms. Julia Majors and Mr. Thomas J. Matthews, tentatively scheduled for either September 5 or 6 at the County Administration Building, with a reception to follow. Mr. Miner also suggested that the Work Session be scheduled following whichever date chosen.

Mr. Duncan made a motion to hold the Memorial Ceremony for the late Julia E. Major and Thomas J. Matthews September 6, 2006, at 3:00 p.m. with the Board's work session to follow at

4:00 p.m. in the Board Chambers. Mrs. Mears seconded the motion. The motion passed unanimously.

- Meeting scheduled at the Wallops Island facility with members of the State Economic Development team and Lockheed-Martin/NASA officials for the purpose of creating an action plan and development of the Wallops Island Research Park,
- Issues relating to economic development,
- Freedom of Information Act requests, and
- Linhaven Circle

### **Resolution of Recognition**

Mrs. Thornton made a motion that staff prepare a Resolution of Recognition for an unnamed person who will soon be 100 years old. Mr. Wolff seconded the motion. The motion passed unanimously.

### **E.D. 2 Constituents Meeting**

Mr. Wolff announced that Mr. Hart was the guest speaker at his monthly constituents meeting, and discussed his visit to Tangier Island and the Mayor of the Island.

### **NACo Convention – Chicago, IL**

Mr. Hart reported on his attendance at the NACo convention in Chicago.

### **Broadband Communications Grant**

Mr. Mallette made a motion to budget and appropriate a \$25,000 Community Development Improvement Grant to develop a comprehensive plan to address broadband telecommunication needs within the County and authorize the County Administrator to enter into necessary agreements. Mr. Wolff seconded the motion. The motion passed unanimously.

### **Budget Items**

Mr. Mallette moved to approve the following budgetary and appropriation items. Mr. Wolff seconded the motion. The motion passed unanimously.

#### *FISCAL YEAR 2007*

#### **Grants, Etc.**

#### **Increase Revenues**

From the Commonwealth \$86,187

#### **Increase Expenditures**

Community Corrections \$86,187

- FY07 grant award

#### **Increase Revenues**

From the Commonwealth \$26,440

#### **Increase Expenditures**

Volunteer Fire and Rescue \$26,440

- FY07 "Four for Life" Grant Award

<b>Decrease Revenues</b>	
From the Commonwealth and Northampton	\$52,534
<b>Decrease Expenditures</b>	
CSA	\$52,534
- FY07 CSA base pool allocation adjustment	
<b>Increase Revenues</b>	
From the Commonwealth	\$ 6,782
<b>Increase Expenditures</b>	
Emergency Services	\$ 6,782
- LEMPG funding award	
<b>Increase Revenues</b>	
From the Commonwealth	\$25,000
<b>Increase Expenditures</b>	
Community Development	\$25,000
- FY07 CDBG broadband grant award.	
<b>From Contingencies (\$147,081 unappropriated balance As of 8/1/06)</b>	
None	
<b>Other</b>	
<b>Decrease Expenditures</b>	
Volunteer Fire & Rescue Dept. ( <i>General Fund</i> )	\$41,476
<b>Increase Expenditures</b>	
Sheriff	\$ 2,910
E-911	\$37,111
EMS	\$ 1,455
- Reclassify select Volunteer Fire & Rescue Department funds to recognize use of funds.	
<b>Increase Expenditures</b>	
Donations – Private Sources	\$28,000
<b>Increase Expenditures</b>	
EMS	\$28,000
- Restricted funds from Oak Hall Volunteer Rescue Dept., Inc. earmarked for the employment of 2 additional Firemedics.	
<b>Decrease Expenditures</b>	
Capital Reserve	\$31,625
<b>Increase Expenditures</b>	
Economic Development	\$31,625
- Carryover unspent economic development funds previously appropriated to the Economic Development Commission.	

*FISCAL YEAR 2006*

<b>Other</b>	
<b>Increase Revenues</b>	
Insurance Recoveries	\$ 1,300
<b>Increase Expenditures</b>	
Sheriff	\$ 1,300
- Auto insurance recoveries	
<b>Increase Revenues</b>	
Charges for Services	\$209,000

<b>Increase Expenditures</b>	
School Food Service	\$209,000
- Revenue in excess of estimate	
<b>Grants</b>	
<b>Increase Revenues</b>	
From the Federal Government	\$ 23,310
<b>Increase Expenditures</b>	
EMS	\$ 23,310
- Rural access to emergency devices grant Award – 2005/2006	

**Payables**

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

**Closed Session**

Mr. Mallette made a motion that the Board go into closed meeting pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended for (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. Mrs. Mears seconded the motion. The motion passed unanimously.

**Open Meeting**

The Chair declared the meeting open to the public.

**Certification of Closed Meeting**

A motion was made by Mrs. Thornton and seconded by Mrs. Cropper, 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 as follows. The motion passed unanimously with Mrs. Mears and Mr. Mallette absent.

**Personnel Reclassification**

Ms. Cropper proposed a motion to authorize transfer of an amount up to \$29,000 from Contingencies to Personnel line items to support reclassifications, retroactive to July 1, 2006. The motion was seconded by Mrs. Thornton, and upon vote, passed as follows: The motion passed with Mrs. Mears and Mr. Mallette absent.

**Eastern Shore of Virginia Tourism Commission**

Mrs. Thornton made a motion to appoint C. Reneta Major to the Eastern Shore of Virginia Tourism Commission to fill out the unexpired term of Jean Burton. Mrs. Cropper seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Ms. Cropper, Mr. Duncan, Mr. Hart, Miss Major. Nays: None. Abstention: Mrs. Gordy. Absent: Mrs. Mears, Mr. Mallette.

**Adjournment**

Mr. Wolff made a motion to adjourn at 11:40 p.m. Mrs. Cropper seconded the motion. The motion passed unanimously with Mrs. Mears and Mr. Mallette absent.

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Chair