

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack held in the Cafetorium of Metompkin Elementary School in Parksley on the 16th day of June, A.D., 2008.

Members Present: Ron S. Wolff, Chair
Steve D. Mallette, Vice Chair
Wanda J. Thornton
Grayson Chesser
Sandra Hart Mears
John Charles "Jack" Gray
E. Philip McCaleb

Members Absent: Laura Belle Gordy
Donald L. Hart, Jr.

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

Closed Meeting

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. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

1. Pursuant to subsection (A) (1) for discussion of a specific assignment of possible appointments to a Public Service Authority.
2. Pursuant to §2.2-3711(A) (3) of the Code of Virginia of 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, regarding:
 - (1) Central Middle School property
3. Pursuant to subsection (A) (1) for discussion of the assignment and performance of specific public employees. County Attorney Mark Taylor stated that the Board would reconvene in closed session at the end of the regular business.

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. Gray, 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 Mrs. Mears Mr. McCaleb Absent: Mrs. Gordy
 Mr. Wolff Mr. Gray Mr. Hart
 Mr. Chesser Mr. Mallette

Public Session

Call to Order

The meeting was called to order by the Chair and opened with a prayer by Rev.

Broad, after which the Pledge of Allegiance to the Flag was recited.

Adoption of Agenda

The Chair requested the following amendments to the Agenda.

- i. Add under Public Comment – Jody Bagwell, Bloxom Fire and Rescue Company.
- ii. Remove from Consent Agenda – Item 8c;
- iii. Add under Public Hearings – Conduct a Public Hearing to receive public comment concerning a proposed amendment to the Fiscal Year 2007/2008 Budget to reflect additional school funding;
- iv. Add under New Business – Item 14d, Consider authorizing the advertising and hiring of one Full-Time Scale Operator and two Part-Time Convenience Center Attendants;
- v. Add under New Business Item 14e – Consider applying for a FEMA Grant for Bloxom Paid EMS Providers
- vi. Add under Budget Items – Consider budgeting and appropriating \$1,060 from Contingencies to Public Safety for the Fire and Safety House;
- vii. Remove from Item 10 – Donna West;
- viii. Add to the Agenda – Congratulations and Presentation to the Fire Academy Graduates.

Mr. Mallette made a motion to adopt the Agenda as amended. Mr. Gray seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Public Participation

The Chair read the rules governing Public Participation.

The following person submitted a request for the Board to consider the Application for a FEMA SAFER Grant on behalf of the Bloxom Fire and Rescue Company (BFRC):

Jody Bagwell

The following person addressed the Board concerning the adoption of the Strategic Plan:

Laura Lucas

The following person read a statement of her opposition to the proposed Public Service Authority (PSA), including a request under the Freedom of Information Act for copies of all studies and reports on the subject of water and sewer made for the County from January 1, 2002 to May 31, 2008:

Toni Trepénair

The following person stated concerns regarding appointments to the proposed PSA:

Maria Paccioretti

The following person addressed the Board regarding the Boundary Adjustment/Annexation between the County and the Town of Onley:

Todd Thornes

The following person expressed his opposition to the proposed PSA:

Jim Frese

The following person presented a letter to be made part of the record, and offered comments about the proposed PSA:

Lois Cooper

Representing Tucker Robbins concerning the purchase of Central High School:

Richard Williams

Chair's Comments

The Chair reported Senator Northam was the guest speaker at the E. D. 3 regular monthly meeting, with approximately 30 residents in attendance.

He noted that the contract was finalized with the Wallops Flight Facility, the Mid-Atlantic Regional Spaceport, and the Orbital Science on Monday June 9, 2008.

Consent Agenda

Mrs. Thornton requested that the following item be removed from the Consent Agenda to be discussed separately.

- d. Consider ratifying the preparation of a Resolution of Commendation for recognition of the Valedictorian of Tangier High School

Mrs. Thornton made a motion to approve the following Items under the Consent Agenda. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

- a. Approved award of IFB #610 for a new, heavy duty, slope mower for use at the North and South Landfills
- b. Approved items on the surplus list to be disposed of at auction or sealed bid, as appropriate
- e. Approved requesting the Virginia Department of Transportation to install "Watch for Children" signs near 24360 Matthews Road
- f. Approved the following Resolution requesting the Governor of Virginia and the Virginia General Assembly during the forthcoming transportation special session to enact a significant transportation funding package to address the Commonwealth's documented transportation infrastructure needs

RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA FOR TRANSPORTATION FUNDING

The Board of Supervisors of Accomack County, Virginia, in regular meeting on the 18th day of June, 2008, adopted the following:

RESOLUTION

WHEREAS, an efficient transportation network is crucial to sustainable economic growth in the Commonwealth, a cleaner environment and enhanced public safety and quality of life; and

WHEREAS, the Commonwealth faces a documented transportation funding shortfall including a recurring and inflating road maintenance funding shortfall resulting in the Commonwealth Transportation Board eliminating and reducing programmed project spending totaling \$1.1 billion in the new six-year transportation program; and

WHEREAS, the Virginia Department of Transportation is transferring almost \$400 million in Fiscal Year 2008 from road construction funds to support road maintenance activities; and

WHEREAS, the eliminated and stalled project monies include primary, urban, and secondary construction funding reductions to regions and localities of up to 44 percent for Fiscal Year 2009; and

WHEREAS, funding for new highway and bridge construction is diminished as the annual road maintenance shortfall continues to escalate and the estimate to repair the Commonwealth's 1,700 deficient bridges totals more than \$3 billion; and

WHEREAS, regions of economic importance to the Commonwealth, including Hampton Roads and Northern Virginia, confront major transportation funding challenges in addition to those shared by all other areas of the Commonwealth; and

WHEREAS, transferring state general funds to transportation neither adequately supports documented and recurring transportation infrastructure investment needs, nor serves to protect the Commonwealth's additional core services including public education, health care, mental health and retardation, and public safety; and

WHEREAS, Virginia has the nation's seventh lowest motor vehicle sales tax rate and the Commonwealth last enacted dedicated, new, significant and recurring annual statewide revenues for transportation in 1986, including the last increase in Virginia's modestly low gas tax rate of 17.5 cents per gallon; and

WHEREAS, since 2006 the Commonwealth has enacted significant reforms to improve the coordination between transportation and local land-use planning;

NOW, THEREFORE, BE IT RESOLVED, that the County of Accomack hereby calls on the Governor of Virginia and the Virginia General Assembly during the forthcoming transportation special session to enact a significant transportation funding package to include dedicated, new, significant and recurring annual revenues to address the Commonwealth's documented transportation infrastructure needs.

AND BE IT FURTHER RESOLVED, that the Governor of Virginia and the Virginia General Assembly are urged to enact dedicated, new, significant and recurring annual revenues to eliminate the road maintenance shortfall; increase funding directed to interstate and primary highways, urban and secondary roads, and transit projects; guard against the transfer of general funds to transportation; and address the unique transportation needs of specific regions of the Commonwealth including initially Hampton Roads and Northern Virginia.

- g. Approved the following Resolution as Host Jurisdiction the Proposed Renovation & Expansion of Marine Science Consortium, Inc.

ACCOMACK COUNTY BOARD OF SUPERVISORS

COMMONWEALTH OF VIRGINIA

**APPROVING AS HOST JURISDICTION THE
PROPOSED RENOVATION & EXPANSION OF
MARINE SCIENCE CONSORTIUM INC.**

WHEREAS, at the request of Marine Science Consortium, Inc., a public hearing was held on June 11, 2008, at 9:00 a.m. (the “Hearing”), following publication of notice of the such hearing on May 24, 2008 and May 31, 2008, in connection with the proposed issuance by Pennsylvania Higher Educational Facilities Authority (the “Authority”) of its tax-exempt bonds, in one or more series, (the “Bonds”) pursuant to a plan of finance in an aggregate principal amount not to exceed \$15,000,000 and in furtherance of its compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, no citizens appeared at the Hearing, and no public comments have been received in connection therewith; and

WHEREAS, Marine Science Consortium, Inc. indicates that the proceeds of the Bonds will be used to: (1) finance or reimburse the costs of a campus revitalization project, consisting of the demolition of certain existing facilities and construction of new facilities, including a maintenance building, dormitories, staff apartment complexes, and an administrative, classroom and laboratory building, and an advanced laboratory building, all located at the Marine Science Consortium Inc. campus on Kearsage Circle, with a mailing address of 7278 Enterprise Street, Wallops Island VA 23337 (collectively, “the Facilities”), and (2) fund costs of issuance of the Bonds; and

WHEREAS, the Bonds shall not constitute in any manner – neither contractual, moral, or otherwise – an obligation of Accomack County, Virginia, which County shall be without any obligation in connection with their repayment; and

WHEREAS, Marine Science Consortium, Inc. has requested the approval of the Accomack County Board of Supervisors as the host jurisdiction of its issuance of the Bonds by the Authority to finance the revitalization project to improve the Facilities; and

WHEREAS, the Accomack County Board of Supervisors is the elected legislative body of Accomack County, the local governmental having jurisdiction over the facilities located in Accomack County.

NOW, THEREFORE, BE IT RESOLVED that the Accomack County Board of Supervisors hereby states its approval of the Marine Science Consortium, Inc.’s revitalization project and financing of the same using Bonds to be issued by the Authority in a total aggregate principal not to exceed \$15,000,000, and otherwise in accordance with law.

Highway Matters

Mr. Timothy Holloway, Acting Resident Administrator, Virginia Department of Transportation (VDOT), presented an update on the Six-Year Plan, including the suggestion of reallocating funding for the Route 609 project that did not qualify for federal funding to the Route 709 project that had received federal funding. The purpose of the reallocation was to fund completion of the Route 709 project.

Mr. Mallette made a motion to reallocate funding in the Six-Year Plan from the proposed Route 609 project to the ongoing Route 709 project. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Mr. Gray made a motion to request a Watch for Children sign on Route 687, Bethel Church Road. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Mr. Holloway reported on various road projects, and responded to questions.

Acknowledgement of Praise

The Chair explained that Mrs. Gordy was absent due to illness, and had asked him to read and present the following Acknowledgement of Praise for Mr. Cody Halliday in recognition of his rescuing his family from the fire that destroyed their home on May 5, 2008.

***ACKNOWLEDGEMENT OF PRAISE
TO
CODY HALLIDAY
For
BRAVE AND HEROIC ACTIONS
In saving the lives of his family during a recent fire***

Acknowledged by the Accomack County Board of Supervisors at its meeting on June 18, 2008.

Recognition of Fire Academy Graduates

The Chair read the names of the recent graduates of the Fire Academy in recognition of their service to the residents of Accomack County.

James Winsell; Nicole Simpson; Shannon Lewis; Tyler Watkinson; William Shield; Steven Phillips; Rebecca Roll; Edward 'Peanut' White; Jody Carr; Tyler Warren; Megan Harrison; Adam James; Curtis Nock; Trey Jones; Spencer Davis; Arthur Schwendeman; and Ryan Horner.

Director of Planning

James M. McGowan, Director of Planning, presented the monthly report on the following matters and responded to questions from the Board.

Mr. McGowan reported that the Agricultural and Forestal District (AFD) Committee had forwarded the request to remove Tax Map Parcel 118-A-63A from the Shields AFD to the Board with a recommendation for approval. The recommendation was based on the property owner's stated intention to subdivide the parcel into a minor cluster subdivision.

Mrs. Thornton made a motion to schedule a Public Hearing at 7:30 p.m. on Wednesday, July 16, 2008, in the Cafetorium of Metompkin Elementary School to afford interested persons the opportunity to be heard or to present written comments concerning the

removal of Tax Parcel 118-A-63A from the Shields AFD. Mr. Chesser seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Mr. McGowan introduced Norman Pitt, County Environmental Planner. Mr. Pitt offered a PowerPoint presentation addressing Erosion and Sediment Control (ESC) and Stormwater Management (SWM) Issues. Following the presentation, Mr. Pitt responded to comments and questions from the Board.

Mr. Mallette made a motion to direct Mr. Pitt and Mr. McGowan to work with Mark Taylor, County Attorney, to address the ESC and SWM issues and to return to the Board with recommendations for changes to County ordinances. Mr. McCaleb seconded the motion.

Mrs. Thornton stated that because this was not an Agenda item, no action could be taken. Mr. Mallette withdrew the motion, and requested that discussion of the need for ordinance changes as related to ESC and SWM issues be placed on the Agenda for the next monthly meeting.

Accomack County Strategic Plan #2: 2008-2011

Mr. Miner explained the process involved in the review of the Accomack County Strategic Plan #2: 2008-2011 and introduced Mr. E. Franklin Dukes of the Institute for Environmental Negotiation at the University of Virginia.

Mr. Dukes highlighted the changes incorporated into the Accomack County Strategic Plan #2 at the previous Board review.

Mr. Mallette made a motion to adopt the Accomack County Strategic Plan #2: 2008-2011 as presented Mr. McCaleb seconded the motion.

Following discussion, Mrs. Thornton offered a friendly amendment to the motion to schedule a brief Work Session to review the Accomack County Strategic Plan #2: 2008-2011 as amended. Mr. Mallette did not accept the amendment, stating instead that discussion could be placed on the Agenda for the next monthly meeting. Ayes: Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Mallette, and Mr. McCaleb. Nay: Mrs. Thornton. Absent: Mrs. Gordy and Mr. Hart.

Northampton County's Solid Waste RFP

Stewart Hall, County Director of Public Works, reported that Northampton County had not reached a decision concerning that county's Solid Waste Request for Proposals

(RFP). Mr. Hall stated the he was scheduled to meet with Northampton County officials to discuss the RFP. He requested that the item be placed on the Agenda for the next monthly meeting, at which time he could provide an update.

Mr. Miner added a statement emphasizing the impact of Northampton County's Solid Waste RFP on Accomack County's budget and fees charged to its residents.

Public Hearings

The Chair read the rules governing Public Hearings.

Proposed Abandonment of Route 841 a .10 mile of Route 840 (Cutler Lane), Previously Abandoned

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed abandonment of Route 841, a .10 mile of Route 840 (Cutler Lane), previously abandoned, from the Secondary System of State Highways pursuant to §a33.1.151 of the Code of Virginia of 1950, as amended.

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

Mr. McCaleb made a motion to adopt the following Resolution. Mrs. Thornton seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

RESOLUTION

WHEREAS, no public necessity exists for the continuance as a public secondary road; and

WHEREAS, maintenance of State Route 841, by the Commonwealth of Virginia is no longer necessary or appropriate; and

WHEREAS, a public notice was given as prescribed under Section 33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning discontinuance of the road described herein from the Secondary System of State Highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject road, and

WHEREAS, upon such public hearing and consideration of all evidence presented, this Board is satisfied that no public necessity exists for the continuance of Route 841, and hereby deems that road, being the entirety of Route 841, no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, this Board abandon the above described road and removes it from the Secondary System of State Highways, pursuant to Section 33.1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded the Resident Engineer of the Virginia Department of Transportation.

A & N Easement - Airport Drive, Melfa, VA

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the granting of an easement to A & N Electric for underground wire on property on Airport Drive, Melfa, VA.

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

Mr. Mallette made a motion to grant the easement to A & N Electric for underground wire on property on Airport Drive, Melfa, VA. Mr. McCaleb seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Proposed amendment to Chapter 56, Article II, Parking, Section 56-32. "Fire Lanes" of the Code of the County of Accomack, Virginia

Following comments by County Attorney Mark B. Taylor, the Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the proposed amendment to Chapter 56, Article II, Parking, Section 56-32 "Fire Lanes" of the Code of the County of Accomack, Virginia.

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

Mr. Mallette made a motion to approve the following amendment to Chapter 56, Article II, Parking, Section 56-32 "Fire Lanes" of the Code of the County of Accomack, Virginia. Mr. McCaleb seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

AN ORDINANCE TO AMEND CHAPTER 56, ARTICLE II, PARKING, SEC. 56-32. "FIRE LANES" OF THE ACCOMACK COUNTY CODE

WHEREAS, the Board of Supervisors of Accomack County finds that the maintenance of Fire Lanes free from parked vehicles promotes the safety and general welfare of the citizens of Accomack County; and

WHEREAS, the Board of Supervisors of Accomack County finds that Chapter 56, Motor Vehicles and Traffic, of the Accomack County Code requires amendment to secure Fire Lanes for emergency use by the prohibition of parking in areas of the County so designated; and

WHEREAS, the Board of Supervisors is of the opinion that the Accomack County Code governing Motor Vehicles and Traffic should be amended to add an Article II, Parking.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Accomack County Board of Supervisors this 18th day of June, 2008, that Chapter 56, Article II, Parking, Sec. 56-32 of the Accomack County Code entitled "Fire Lanes," is hereby amended as follows:

ARTICLE II, PARKING

Sec. 56-32. Fire Lanes.

(a) No vehicles except emergency or law enforcement vehicles shall be parked in any area clearly marked “Fire Lane” within a privately owned parking lot or facility. For the purposes of this section, emergency vehicles shall include fire trucks, ambulances and vehicles being actively used for some purpose relating to the fight of fire or other delivery of emergency services.

(b) No person shall be considered to have violated this section unless the area in which parking is prohibited is clearly identified and marked with the words, “Fire Lane.”

(c) A summons or parking ticket charging an offense under this section may be issued by law enforcement officers and other uniformed personnel employed by the County to enforce parking regulations without the necessity of a warrant being obtained by the owner of a private parking area.

(d) In any prosecution charging a violation of this section, proof that the vehicles described in the complaint, summons, parking ticket citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Code of Virginia, §46.2-600 et seq., shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

(e) Any person violating this section shall be guilty of a Class 2 Misdemeanor.

(f) The provisions of this Article shall not be applicable within the corporate limits of any incorporated town within Accomack County in which parking in fire lanes is regulated by town ordinances, provided, however, that the provisions hereof shall be applicable on property owned by Accomack County and located within said corporate limits and within the limits of any incorporated town in which parking in fire lanes is not regulated by town ordinances.

(State law reference – Code of Virginia, §46.2-1221; §52-22)

This Ordinance is effective upon adoption.

Proposed Amendment to Chapter 82, Article VI., Consumer Utility Taxes, Sec. 82-237, “Tax Rate; Levy; Procedure as to Payment of the Code of the County of Accomack, Virginia

Following comments by County Attorney Mark B. Taylor, the Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Amendment to Chapter 82, Article VI., Consumer Utility Taxes, Sec. 82-237, “Tax Rate; Levy; Procedure as to Payment of the Code of the County of Accomack, Virginia.

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

Mr. Mallette made a motion to approve the following amendment to Chapter 82, Article VI., Consumer Utility Taxes, Sec. 82-237, “Tax Rate; Levy; Procedure as to Payment of the Code of the County of Accomack, Virginia. Mrs. Mears seconded the motion. Ayes: Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Mallette, and Mr. McCaleb. Nay: Mrs. Thornton. Absent: Mrs. Gordy and Mr. Hart.

**AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE VI,
CONSUMER UTILITY TAXES, SEC. 82-237.,
“TAX RATE; LEVY; PROCEDURE AS TO PAYMENT”
OF THE ACCOMACK COUNTY CODE**

WHEREAS, the Board of Supervisors of Accomack County finds that Chapter 82, Article VI, Consumer Utility Taxes, of the Accomack County Code requires amendment to update said Ordinance pursuant to Virginia Code §10.1-1411.D.2.; and

WHEREAS, the Board of Supervisors is of the opinion that the Accomack County Code governing Consumer Utility Taxes should be amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Accomack County Board of Supervisors this 18th day of June, 2008, that Chapter 82, Article VI, Consumer Utility Taxes, Sec. 82-237 of the Accomack County Code entitled “Tax rate; levy; procedure as to payment,” is hereby amended as follows:

ARTICLE VI. CONSUMER UTILITY TAXES

Sec. 82-237. Tax rate; levy; procedure as to payment.

Beginning with every invoice rendered after August 1, 1970, and continuing thereafter unless otherwise changed, there is imposed and levied by the county upon each and every purchase of a utility service, a tax for general purposes, such revenues, to the extent necessary, to be used for solid waste disposal, in the following amounts:

(1) On purchasers of telephone service for residential purposes, the tax shall be in the amount of ten percent of the charge billed on or after August 1, 1970, exclusive of any federal or state tax on such service; made by the seller against the purchaser with respect to such residential telephone service; however; if a monthly bill submitted by the seller for telephone service for residential purposes shall exceed \$15.00, the tax computed on so much of such bill as shall exceed \$15.00 shall be two percent.

(2) On purchasers of telephone service for commercial or industrial purposes, the tax shall be in the amount of ten percent of the charge billed on or after August 1, 1970, exclusive of any federal or state tax on such service, made by the seller against the purchaser with respect to such commercial or industrial telephone service; however, if any monthly bill submitted by the seller for telephone service for commercial or industrial purposes shall exceed \$100.00, the tax computed on so much of such bill as shall exceed \$100.00, shall be two percent.

(3) On purchasers of gas service for residential purposes, the tax shall be in the amount of ten percent of the charge on meter readings and flat rate service billed on or after August 1, 1970, exclusive of any federal or state tax on such service, made by the seller against the purchaser with respect to such residential gas service; however, if a monthly bill submitted by the seller for gas service for residential purposes shall exceed \$15.00, the tax computed on so much of such bill as shall exceed \$15.00 shall be two percent.

(4) On purchasers of gas service for commercial or industrial purposes, the tax shall be in the amount of ten percent of the charge on meter readings and flat rate service billed on or after August 1, 1970, exclusive of any federal or state tax on such service, made by the seller against the purchaser with respect to commercial or industrial gas service; however, if a monthly bill submitted by the seller for gas service for commercial or industrial purposes shall exceed \$100.00, the tax computed on so much of such bill as shall exceed \$100.00 shall be two percent.

(5) On all purchasers of telephone service and gas service for any purposes not otherwise provided for in this section, the tax shall be in the amount of ten percent of the charge on meter readings and flat rate service billed on or after August 1, 1971, exclusive of any federal or state tax on such services, made by the seller against the purchaser with respect to such services; however, if any monthly bill submitted by the seller for services for any

purposes not otherwise provided for in this section shall exceed \$100.00, the tax computed on so much of such bill as shall exceed \$100.00 shall be two percent.

(Code 1982, § 19.1(2); Ord. of 10-18-2000(2) and Va. Code §10.1-1411.D.2.)

This Ordinance is effective upon adoption.

Proposed Amendment to Chapter 2, Administration, Article I, in General of the Code of the County of Accomack, Virginia

Following comments by County Attorney Mark B. Taylor, the Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Amendment to Chapter 2, Administration, Article I, in General of the Code of the County of Accomack, Virginia.

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

Mrs. Mears made a motion to approve the proposed amendment to Chapter 2, Administration, Article I, in General of the Code of the County of Accomack, Virginia. Mr. Chesser seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Proposed Ordinance of the Board of Supervisors of Accomack County, Virginia Pertaining to Salaries

Following comments by County Attorney Mark B. Taylor and responses to questions, the Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Ordinance of the Board of Supervisors of Accomack County, Virginia Pertaining to Salaries.

Comments were offered by:

Maria Paccioretti – Attorney General’s opinion regarding fully paid health insurance

for members of the Board of Supervisors

Jim Frese – Health insurance coverage for members of the Board and postpone action

voting on the salaries until an answer had been received and public comment offered

The Chair stated that the Board did not normally respond to questions from a Public Hearing. After receiving approval from the County Attorney to respond, the Chair reported that prior to the start of the present meeting the Board had received a copy of Mr. Taylor's letter to the Attorney General's Office requesting an opinion on the health insurance coverage in question. He further explained that the vote could not be postponed because salaries were required to be set in June, and properly advertised for Public Hearing.

The Chair closed the Public Hearing.

Discussion followed.

Mr. Mallette made a motion to approve the following Ordinance of the Board of Supervisors of Accomack County, Virginia Pertaining to Salaries to set the annual salary of the Board of Supervisors for Accomack County, Virginia for the upcoming fiscal year at \$7,000.00 as stated in Section 15.2-1414.3. Mr. McCaleb seconded the motion.

Further discussion followed.

The motion passed with the following vote. Ayes: Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Mallette, and Mr. McCaleb. Nay: Mrs. Thornton. Absent: Mrs. Gordy and Mr. Hart.

**ORDINANCE OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY,
VIRGINIA PERTAINING TO SALARIES**

WHEREAS, pursuant to Virginia Code § 15.2-1414.3 the Board of Supervisors is authorized to establish salaries for its members annually; and

WHEREAS, a public notice was given as prescribed under Section 15.2-1414.3, Code of Virginia, announcing a public hearing to receive comments concerning the salaries being set; and

WHEREAS, upon such public hearing and consideration of all evidence presented, this Board is satisfied that all the appropriate notices have been given and the public has been able to speak at the aforesaid public hearing.

NOW, THEREFORE, BE IT ORDAINED, that this Board hereby sets the annual salary of the Board of Supervisors for Accomack County, Virginia for the upcoming fiscal year at \$7,000.00 as stated in Section 15.2-1414.3.

Proposed Amendment to the Fiscal Year 2007/2008 Budget to Reflect Additional School Funding

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Amendment to the Fiscal Year 2007/2008 Budget to Reflect Additional School Funding.

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

Mr. McCaleb made a motion to approve the Proposed Amendment to the Fiscal Year 2007/2008 Budget to Reflect Additional School Funding as follows. Mr. Mallette seconded the motion.

Discussion followed.

The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

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| a. "No Child Left Behind" Programs and Initiatives | \$2,492,457 |
| b. State Grant Programs | 2,024,093 |
| c. Occupational therapy & other Medicaid eligible Services | 100,000 |
| d. Special Education Programs | 1,112,650 |

Accomack-Northampton Regional Housing Authority

Mrs. Mears made a motion to reappoint Mr. William T. Brown to the Accomack-Northampton Housing and Redevelopment Corporation Board of Directors for a three-year term beginning July 1, 2008, and ending on June 30, 2011. Mr. Gray seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Administrative Fee for Retiree Health Insurance

Mr. Mallette made a motion to approve as a benefit the waiving of the 2% administration fee the County has charged for several years to County retirees for the administration of health insurance payments and benefits until such time as the administration has been turned over to a private provider, which may be ten to fifteen years, based upon the analysis provided. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Comprehensive Parks and Recreation Plan for Accomack County

Mr. Bill Allen, County Director of Parks and Recreation, requested the Board's careful review and consideration of the proposed Comprehensive Parks and Recreation Plan for Accomack County. Mr. Allen responded to comments and questions from the Board.

Mr. Mallette made a motion to adopt the proposed Comprehensive Parks and Recreation Plan for Accomack County as presented. Mr. McCaleb seconded the motion.

Discussion followed.

Mrs. Thornton offered a friendly amendment to the motion that the money figure be removed from the plan. Mr. Mallette rejected the amendment, stating that the figures were beneficial and served as benchmarks for decision-making.

Further discussion followed.

Mrs. Thornton offered a second friendly amendment to the motion to remove the Funding Schedule, as suggested by Mr. Miner. Mr. Mallette accepted the amendment to the motion. The motion passed with the following vote. Ayes: Mrs. Thornton, Mr. Chesser, Mrs. Mears, Mr. Mallette, and Mr. McCaleb. Nay: Mr. Gray. Absent: Mrs. Gordy and Mr. Hart.

Emergency Management Items

Jason Loftus, County Director of Public Safety, introduced Mrs. Sarah Seaman, County Emergency Management Coordinator. Mrs. Seaman reviewed the Public Awareness Campaign, designed to stress the need for personal emergency preparedness plans and a Point of Distribution (POD) exercise planned for September 6, 2008. A POD was described as a pre-selected location for distribution of essential items following a disaster event. Mrs. Seaman responded to comments from the Board.

Mr. Loftus explained that Presidential Directive Number 5 established mandatory emergency management training for elected officials. The dates of August 6 and August 13 were selected to conduct a one-night seminar to meet the requirement of the National Incident Management System (NIMS). The seminar would begin at 6:00pm in the Board Chambers in Accomac.

Advertising and Hiring of One Full-Time Scale Operator and Two Part-Time Convenience Center Attendants

Mr. Hall explained that the positions being requested were funded in the existing budget being brought before the Board as a result of the hiring freeze. The request was modified to state that one Part-Time Convenience Center Attendant was required immediately due to the resignation of an existing Attendant. The other two positions would not be required until the completion of the next convenience center.

Mr. McCaleb made a motion to authorize the advertising and hiring of the positions in the Public Works Department as presented. Mrs. Mears seconded the motion.

Discussion followed.

The motion passed with the following vote. Ayes: Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Mallette, and Mr. McCaleb. Nay: Mrs. Thornton. Absent: Mrs. Gordy and Mr. Hart.

Applying for a FEMA Grant for Bloxom Paid EMS Providers

Jason Loftus reported that Bloxom Volunteer Fire and Rescue Department Chief Jody Bagwell had requested that the County apply for a FEMA grant for funding to provide four paid Emergency Medical Services (EMS) Providers to the Bloxom Volunteer Fire and Rescue Department. Mr. Miner stated that the Board would be authorizing the Department of Public Safety to apply for the grant, and the personnel would be County employees that would work at the Bloxom station.

Mrs. Mears made a motion to authorize the application for a FEMA Grant for Bloxom Paid EMS Providers. Mr. Chesser seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Certificate of Achievement -Government Finance Officers Association

Mr. Miner reported that Accomack County had again received a Certificate of Achievement from the Government Finance Officers Association for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2007, an indication of the dedication and diligence of the Finance Department staff. The Certificate was awarded to Deputy Finance Director Michael Mason.

State Budget Reductions

Mr. Miner stated that the County had received notice of the anticipated budget cuts from the State budget process. The cuts affected constitutional offices, and Constitutional Officers had been informed of the cuts. The State Budget Officer advised that the cuts would be in effect beyond this biennium, but were expected to become permanent.

Staff Needs Study for the County Real Estate Assessor's Office

Mr. Miner introduced Dan Hillman of Cedar Grove Associates who provided an overview of the study performed in the County Real Estate Assessor's Office. He reported that the County Real Estate Assessor's Office could not perform an annual in-house reassessment with current staff and resources and responded to comments and questions from the Board.

County Attorney's Report

Mr. Taylor reported that Judge Tyler will hold a non-evidentiary hearing on Tuesday June 24 at 1:30PM in the Accomack County Circuit Court, regarding the process of the 2008 Reassessment and pending appeal that was initiated from Chincoteague by a Citizens' Petition. Mr. Taylor responded to comments and questions from the Board.

Board of Supervisors Comment Period

Mr. Chesser expressed his appreciation to Randy Fisher, County Litter Officer, and the road crew that had done an outstanding job of cleaning Route 695, Saxis Road.

Mr. Mallette thanked the County Departments for working together in the tough economic times to keep the County moving in the right direction.

Mrs. Mears stated that all Board members should receive copies of Action Agenda following the meetings.

Mrs. Thornton asked about the status of a meeting between Mr. Mallette, Mr. McCaleb, and representatives from the Accomack County Health Department concerning the expanded fee list requirement for a survey and a plat for the installation of a well and/or septic system. Mr. Mallette replied that Mrs. Thornton had been present at the last meeting involving the Health Department.

Mrs. Thornton reported that she would resign her position on the Delmarva Water Transport Committee effective July 1, and asked to have Public Works Director Stewart Hall appointed as her replacement placed on the Agenda for the next monthly meeting.

Other Matters

Mr. Wolff made a motion to budget and appropriate \$1,060 from Contingencies to Public Safety for the Fire and Safety House. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Gordy and Mr. Hart absent.

Mrs. Thornton made a motion to authorize the County Administrator to approve the Transition Agreement with Assistant County Administrator Linda Warner. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Budget and Appropriation Items

Mrs. Thornton made a motion to approve the following budget and appropriation items. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

FISCAL YEAR 2008

Grants, Etc.

Increase Revenues

From the Commonwealth \$40,000

Increase Expenditures

Wallops Research Park \$40,000

--Wallops Island Workforce Education Center planning grant

Increase Revenues	
From the Commonwealth	\$21,650
Decrease Revenues	
From the Federal Government	\$123,238
Decrease Expenditures	
Social Services	\$101,588
--State allocation adjustment	

From Contingencies (\$21,355 Operating and \$38,070 Capital contingency unappropriated balances as of 6/3/08)

Increase Contingencies	
Operating Contingency	\$27,120

Decrease Expenditures	
School Board Local Funding Transfer	\$27,120
--Reduce FY08 School Board local funds transfer earmarked for health insurance per School Board May 6, 2008 memo. A corresponding reduction to the FY09 School Board local funds transfer is located on page 3 of these budget items.	

Decrease Contingencies	
Operating Contingency	\$3,260

Increase Expenditures	
Building & Grounds	\$3,260
--Periodic maintenance required at Fire Training Center site (per fire training center maintenance policy)	

Decrease Contingencies	
Capital Contingency	\$20,900

Increase Expenditures	
Building & Grounds	\$20,900
--Repairs performed at the Fire Training Center site.	

Other

Increase Revenues	
Insurance Recoveries	\$478

Increase Expenditures	
Sheriff	\$478
--Insurance reimbursements for sheriff vehicle repair.	

Increase Revenues	
Insurance Recoveries	\$48,585

Increase Expenditures	
Central Accounting	\$48,585
--Insurance reimbursement for Treasurer's System crash. Funds to be used for CAMA interface project and future administrating software replacement.	

Increase Revenues	
Miscellaneous Contributions	\$7,000

Increase Expenditures	
Fire Training Center/Volunteer Training	\$7,000
--Funding received from the ANFA for volunteer training.	

Decrease Expenditures	
North Landfill	\$40,000

Increase Expenditures	
Wastewater	\$40,000
--Transfer excess local funding from North Landfill Septage Project to Central Accomack Wastewater Project.	

Public Hearing Related (Public Hearing to be held on 6/18/08)

Increase Expenditures

Charges for Services	\$100,000
Revenue from the Federal Government	\$3,605,107
Revenue from the Commonwealth	\$2,024,093

Increase Expenditures

Education	\$5,729,200
--Multiple school grant awards.	

FISCAL YEAR 2009

From Contingencies (\$55,113 Operating and \$525,000 Capital contingency unappropriated balances as of 6/6/08)

Decrease Contingencies

Operating Contingency	\$13,040
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Increase Expenditures

Building & Grounds	\$13,040
--Periodic maintenance required at Fire Training Center site per Fire Training Center maintenance policy.	

Increase Contingencies

Operating Contingency	\$27,120
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Decrease Expenditures

School Board Local Funding Transfer	\$27,120
--Reduce FY09 School Board local funds transfer earmarked for health insurance.	

Other

Increase Expenditures

Central Accounting	\$10,710
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Decrease Expenditures

Treasurer	\$10,710
Consolidate maintenance software maintenance agreements.	

Payables

Mrs. Thornton made a motion to authorize the payment of invoices. Mr. McCaleb seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

Closed Meeting

Mr. Wolff announced that the Board would be returning to Closed Session to complete items unfinished earlier in the evening.

Mrs. Mears made a motion that the Board reconvene in closed session for the following purposes pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended. Mrs. Thornton seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent.

1. Pursuant to subsection (A) (1) for discussion of the assignment and performance of specific public employees.

The Chair declared the meeting open to the public.

Certification of Closed Meeting

On a motion by Mrs. Thornton and seconded by Mr. McCaleb, 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	Mrs. Mears	Mr. McCaleb	Absent:	Mrs. Gordy
	Mr. Wolff	Mr. Gray			Mr. Hart
	Mr. Chesser	Mr. Mallette			

Adjournment

Mrs. Thornton made a motion to adjourn. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy and Mr. Hart absent. The meeting adjourned at 9:20 p.m.

Chair