

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 19th day of November, 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
Laura Belle Gordy
Donald L. Hart, Jr.
E. Philip McCaleb

Others Present: Steven B. Miner, County Administrator
Yvonne N. Pennell, Administrative Assistant
Mark B. Taylor, County Attorney

Closed Meeting

County Attorney Mark Taylor requested the addition of §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 to the Closed Meeting.

Mr. McCaleb 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.

1. Pursuant to subsection (A) (1) for discussion of specific public officers, being specifically the Board Personnel Committee report on the County Administrator and County Attorney performance evaluations.
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.

Open Meeting

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Hart made a motion, seconded by Mrs. Thornton, to reconvene in Open Meeting and to Certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, that to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully exempted from Open Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened.

Aye: Mrs. Thornton Mrs. Mears Mrs. Gordy
 Mr. Wolff Mr. Gray Mr. Hart
 Mr. Chesser Mr. Mallette Mr. McCaleb

Public Session

Call to Order

The meeting was called to order at 6:10 p.m. by the Chair and with the Chair leading in The Lord's Prayer, after which the Pledge of Allegiance to the Flag was recited.

Adoption of Agenda

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

Public Participation

The Chair read the rules governing Public Participation.

The following person addressed the Board concerning a recent altercation between himself and an unidentified Accomack County Deputy:

David Steelman

The following persons urged the Board to approve the Regional Library Agreement, to be considered later on the Agenda:

Laura Lucas

John Jester

The following person addressed the Board concerning the following issues:

1. Proposed Chesapeake/Atlantic Protection Area Ordinance and the proposed Model Stormwater Ordinance
2. Coal Kiln Convenience Center
3. Sale of Central School
4. Budget

Toni Trepanier

The following person spoke in support of the proposed Chesapeake/Atlantic Protection Area Ordinance:

George Hendricks

The following person expressed concern that speaker David Steelman was not allowed additional time, and requested that the sponsor of each Agenda Item be listed:

Thomas Clark

Chair's Comments

The Chair welcomed back Mrs. Thornton and Mr. Gray from recent illnesses.

The Chair briefed the Board regarding the recently held Virginia Association of Counties Annual Meeting.

Budget Redevelopment Committee

The Chair appointed the following persons to serve on the Budget Redevelopment Committee:

Nick Olmsted, Dir. Certification-FAA DER - BaySys
Vernon Brinkley, President - ANEC
Dodd Obenshain, Chair – Social Services Board
Larry Giddens, Sheriff – Accomack County
Al McMath, Chair – Accomack County School Board
Ron S. Wolff, Chair – Accomack County Board of Supervisors

Consideration of Minutes

Mrs. Mears made a motion to approve the Minutes of the September 17, 2008, meeting. Mrs. Thornton seconded the motion. The motion passed unanimously.

Consent Agenda

Mr. Hart made a motion to approve the following items under the Consent Agenda, with Item b, removed for discussion. Mrs. Mears seconded the motion. The motion passed unanimously.

- a. Issuing the FY-2010 Budget Call Pursuant to Sections 15.2–2503, 15.2–2504 and 15.2–2508 of the Code of Virginia of 1950, as amended
- c. The following Resolution of Acceptance for the 2007 State Homeland Security Program Grant in the amount of \$31,000:

GOVERNING BODY RESOLUTION

BE IT RESOLVED BY THE Board of Supervisors of the County of Accomack that Steven B. Miner, County Administrator, is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 19th day of November, 2008.

- d. Authorized scheduling a Public Hearing relating to an Ordinance Amendment to County Code, Chapter 58, Offenses and Miscellaneous Provisions
- e. Approved the following Resolution authorizing biennial real estate assessments

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY,
VIRGINIA REGARDING ASSESSMENT OF REAL ESTATE TAXES**

RESOLUTION

WHEREAS, by Resolution of April 18, 1979, the Accomack County Board of Supervisors established a Department of Real Estate Assessment; and

WHEREAS, by the aforesaid Resolution of April 18, 1979, the Accomack County Board of Supervisors also directed that the assessment shall be performed annually; and

WHEREAS, pursuant to Virginia Code §58.1-3270, the Accomack County Board of Supervisors desires to have the real estate assessments performed biennially, with the next assessment to be completed as of January 1, 2010.

NOW, THEREFORE, BE IT RESOLVED, this Board declares that the Department of Assessment shall prepare biennial assessments of all real estate in Accomack County, Virginia, with the next assessment to be completed and effective as of January 1, 2010, and thereafter.

- f. Approved supporting an application for USDA Rural Development assistance for:
 - i. Sheriff's Department for the purchase of police vehicles and related equipment (to reimburse the County)
 - ii. Town of Bloxom for the purchase of police vehicle with Instant Base Reporting System
- g. Approved scheduling a Public Hearing to receive public comment concerning the removal of Tax Parcels 92-10-B1A and 92-10-B1B from the Pungoteague Agricultural & Forestal District
- h. Authorized the County Administrator to approve the Virginia Coastal Program Grant Contract for \$12,500 to pay for landowner notification letters and newspaper ads for the Chesapeake/Atlantic Preservation Area Ordinance and Map amendment

Solid Waste Tipping Fee

Mrs. Thornton made a motion to schedule a Public Hearing at 7:30 p.m. on Wednesday, December 17, 2008, in the Cafetorium of Metompkin Elementary School to afford interested persons the opportunity to be heard or to present written comments concerning the following proposed Resolution Relative to Increasing the Solid Waste Tipping Fee. Mrs. Gordy seconded the motion.

Discussion followed, with Acting County Finance Director Michael Mason and County Director of Public Works Stewart Hall responding to comments and questions from the Board.

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA, RELATIVE TO INCREASING THE SOLID WASTE TIPPING FEE

WHEREAS, The Board of Supervisors of Accomack County finds the need for an increase in the Accomack County Landfill Tipping Fee;

WHEREAS, the current tipping fee for "other solid waste" is \$57.89 per ton and should be increased to \$66.00 per ton for other solid waste to cover costs and expenses.

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

1. The Accomack County tipping fee for other solid waste is increased from **\$57.89** per ton to **\$66.00** per ton.
2. This Resolution shall take effect immediately upon its adoption.

Mr. Gray stated that he wanted to be on record as agreeing with speaker Thomas Clark concerning the listing of sponsoring departments or individuals for each Agenda Item, and that speaker David Steelman should be invited to return and complete his statements.

Highway Matters

Monthly Report

Mr. Timothy Holloway, Acting Resident Administrator, Virginia Department of Transportation (VDOT), responded to questions and comments from the Board.

Resolution of Acceptance of the Roads in the Woodfield Subdivision into the Secondary System of Highways

Mr. Gray made a motion to approve the following Resolution of Acceptance of the Roads in the Woodfield Subdivision into the Secondary System of Highways. Mrs. Mears seconded the motion. The motion passed unanimously.

Resolution

The Board of Supervisors of Accomack County, in regular meeting on the 19th Day of November, 2008, adopted the following:

WHEREAS, the streets described on the attached Form AM-4.3 fully incorporated herein by referenced are shown on plats recorded in the Clerk's Office of the Circuit Court of Accomack County, and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described on the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.1-229, Code of Virginia and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described and any necessary easements for cuts, fills and drainage and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

Mr. Holloway concluded his report by announcing his resignation as the VDOT Residency Administrator effective November 28, 2008. Several Board members expressed appreciation of his services as Residency Administrator, and wished him well.

Virginia Association of Counties

Board member Donald L. Hart, Jr. recently elected as President of the Virginia Association of Counties (VACO), presented an update on VACO activities.

Virginia Housing Development Authority

Mr. Allen Andrs, Mobile Mortgage Field Originator and Ms. Amy F. Schwartz, Direct Origination Manager, Virginia Housing Development Authority, presented information regarding mobile mortgage operations on the Eastern Shore.

Eastern Shore Rural Health

Anne Crabbe, Chief Operations Officer of Eastern Shore Rural Health (ESRH) and Kitty Croke, President of ESRH Board, presented an update on the plans for the new Onley Community Health Center and other ESRH activities and services.

Treasurer's Report

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

Director of Planning

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

Strategic Goals related to Litter Control & Recycling

County Litter Control Officer Randy Fischer gave an update on the Strategic Goals related to Litter Control & Recycling.

Mrs. Thornton made a motion to designate the first Saturday in May and the first Saturday in October as Accomack County Clean Up Days and to waive tipping fees for private citizens on those days. Mrs. Mears seconded the motion. The motion passed unanimously.

Mr. Mallette made a motion to direct the County Litter Control Officer and the County Attorney to prepare a draft amendment to enact a minimum \$500 fine for littering, and that the amendment be presented at the January Board Meeting. Mr. Hart seconded the motion. The motion passed unanimously.

Stormwater Management Recommendations

Mr. McGowan presented a background report of and reviewed the Draft Model Stormwater Management Ordinance and related recommendations and requirements. Mr. McGowan and Mr. Taylor responded to comments and questions from the Board.

Discussion was tabled until the end of the Public Hearings.

Public Hearings

The Chair read the rules governing Public Hearings.

Proposed amendment to Accomack County Code, Chapter 70, to Require the Disposal of Solid Waste Collected or Generated in the County at Facilities Designated by the County

Mr. Hall presented an overview of the Proposed Amendment to Accomack County Code, Chapter 70, to Require the Disposal of Solid Waste Collected or Generated in the County at Facilities Designated by the County. Mr. Hall and Mr. Taylor responded to comments and questions from the Board.

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Amendment to Accomack County Code, Chapter 70, to Require the Disposal of Solid Waste Collected or Generated in the County at Facilities Designated by the County.

The following person spoke in opposition to the proposed amendment:

Thomas Clark
John Jester
Michael Davis
Pierce Taylor
Pete Davis

The Chair closed the Public Hearing.

Mr. Hall and Mr. Mason responded to questions from the Board.

Mrs. Thornton made a motion that the Board not approve the following Proposed Amendment to Accomack County Code, Chapter 70, to Require the Disposal of Solid Waste Collected or Generated in the County at Facilities Designated by the County. Mrs. Gordy seconded the motion.

Further discussion followed.

Mr. McCaleb made a motion to postpone the matter for six months. Following Mr. McCaleb's statement that a motion to postpone pre-empted any other motion, Mrs. Gordy seconded the motion. Mr. Hart clarified the effect of a motion to postpone by stating that it would only postpone Mrs. Thornton's motion.

Mr. McCaleb offered the friendly amendment to Mrs. Thornton's original motion that the Board not approve the following Proposed Amendment to Accomack County Code, Chapter 70, to Require the Disposal of Solid Waste Collected or Generated in the County at Facilities Designated by the County to add that the matter be postponed for six months. Mrs.

Thornton and Mrs. Gordy accepted the amendment. Ayes: Mrs. Thornton, Mr. Wolff, Mrs. Mears, Mr. Gray, Mr. Mallette, Mrs. Gordy, Mr. Hart, and Mr. McCaleb. Nay: Mr. Chesser.

**AN ORDINANCE TO REQUIRE THE DISPOSAL OF SOLID
WASTE COLLECTED OR GENERATED IN THE COUNTY
AT FACILITIES DESIGNATED BY THE COUNTY**

BE IT ORDAINED by the Board of Supervisors of Accomack County, Virginia:

1. That the County of Accomack, Virginia (the "County") has found and determined and does hereby declare that:

(a) The County of Accomack, through the Accomack County Department of Public Works (ACDPW), in order to carry out the common good of county citizens, provides the essential public service of providing for the management and disposal of solid waste in a safe, economical, and environmentally sound manner, which service is typically and traditionally a core function of local government;

(b) The County has constructed and is operating an integrated solid waste management and disposal system including landfill operations, management of yard wastes, disposal of special wastes, recycling programs, and public environmental education;

(c) The County has established solid waste tipping fees and waste disposal charges in an amount sufficient to provide for the financing and operation of the solid waste disposal system, and to provide for the delivery to ACDPW's facilities of the solid waste generated or collected by or within the County;

(d) In reliance upon revenues anticipated from tipping fees and waste disposal charges collected by ACDPW, the County has issued bonds in a substantial amount to finance and construct facilities and has entered into contracts with third parties to assure the safe and environmentally sound management and disposal of the solid waste, all for the benefit of the County and its citizens;

(e) The County is acting through ACDPW to implement and operate programs in order to meet levels of solid waste recycling required by the laws of the Commonwealth of Virginia, and the management and control of the County's waste is critical to the success of those programs and to the ability of the County to meet the requirements of Virginia law;

(f) The assurance of the continued supply of all or substantially all of the solid waste generated within the County is necessary to generate revenue for the successful fulfillment of ACDPW's public mission and is necessary to and in the best interest of the County and its citizens, notwithstanding any anticompetitive effects;

(g) The County reaffirms its commitment to operation of an integrated solid waste disposal system to provide for the benefit of the County and its citizens a safe, environmentally sound, reliable and economical program capable of meeting longterm disposal needs, complying with state recycling requirements and carrying out the public's desire for recycling services;

(h) It is both necessary and appropriate that the County require or cause to be delivered to ACDPW all or substantially all of the solid waste generated or collected by or within the County;

(i) Other waste disposal facilities, including privately owned facilities and regional facilities are (i) unavailable, (ii) inadequate, (iii) unreliable or (iv) not economically feasible to meet the current and anticipated needs of the County for waste disposal capacity;

(j) This ordinance is necessary to ensure the availability of adequate financing for the continuing construction, expansion and/or closing of the County's facilities and the costs incidental or related hereto, and to provide to the County a convenient and effective way to finance an integrated package of waste disposal services;

(k) The adoption of an ordinance to require the disposal of solid waste collected or generated within the County at facilities designated by it is in the best interests of its citizens, and is necessary to the provision of an essential public service;

(l) The power of the County to adopt this ordinance is granted by Section 15.2-931 of the Virginia Code; and

(m) The County affirms and reserves its express power to regulate, by ordinance, the disposal of all of the solid waste generated or collected by or within the jurisdiction of the County or under the control of the County, and the express power to adopt ordinances necessary to give effect to such power.

3. There shall be added to the Accomack County Code the following:

Chapter 70, SOLID WASTE

Sec. 70-49. Disposal of Solid Waste collected or generated in the County.

(a) No person shall operate a private solid waste collection business within the County without first obtaining a permit from the director of public works or his designee.

(b) All solid waste generated or collected within the County shall be disposed of only at the facilities of the Accomack County Department of Public Works or facilities designated by the director of public works or his designee.

(c) Subsection (b) shall not apply to:

(1) Solid waste generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or solid waste-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.

(2) Recyclable materials in volumes reported to the Accomack County Department of Public works, which are those materials that have been source-separated by any person or materials separated from solid waste by any person for utilization in both cases as a raw material to be manufactured into a product other than fuel or energy.

(3) Construction solid waste to be disposed of in a landfill.

(4) Waste oil.

(d) Subsection (b) shall not prevent or prohibit disposal of solid waste at any facility which was issued a solid waste management facility permit by an agency of the Commonwealth on or before July 1, 1991, or for which a Part A permit application for a new solid waste management facility permit, including local governing body certification, was submitted to the Virginia Department of Environmental Quality in accordance with Section 10.1-1408.1B of the Virginia Code on or before December 31, 1991.

(e) It shall be unlawful for any person to dispose of solid waste generated or collected within the County at any place other than those designated pursuant to subsection (b). The director of public works or his designee following a hearing may revoke a permit to operate a private solid waste collection business obtained under subsection (a) for failure to comply with this Section, and shall have the power to

seek and obtain injunctive relief from a court of competent jurisdiction to prevent violations of this Section, without a showing of irreparable harm. Operating a private solid waste collection business without a permit as required herein, and any other violation of this ordinance, shall be punishable as a Class 3 misdemeanor by a fine of \$500.00, with each day in violation constituting a separate offense.

This Ordinance shall be effective on and after January 1, 2009.

Konkel Rezoning Request

County Land Use Planner Robert Testerman read the staff report concerning the request by William A. Konkel to rezone approximately 5.48 acres of land located between Belle Haven and Painter from General Business to Residential. This property, Tax Parcel 119-A-42, is located on the west side of Route 13 (Lankford Highway).

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Rezoning of approximately 5.48 acres of Tax Parcel 119-A-42 between Belle Haven and Painter from General Business to Residential.

Mr. John Konkel, son of the Applicant, addressed the Board concerning the property and the proposed rezoning request.

The Chair closed the Public Hearing.

Mr. McCaleb made a motion to approve the Proposed Rezoning of approximately 5.48 acres of Tax Parcel 119-A-42 between Belle Haven and Painter from General Business to Residential, Proffers as presented with. Mr. Hart seconded the motion. The motion passed unanimously.

Stormwater Management Recommendations

Without objection the discussion Stormwater Management recommendations was lifted from the table.

Discussion of the Draft Model Stormwater Management Ordinance and related recommendations and requirements continued with Mr. McGowan responding to comments and questions from the Board.

Mr. Chesser made a motion to schedule a Public Hearing on a Special Meeting date in January, other than the Regular Meeting date, in the Cafetorium of Metompkin Elementary School, 24501 Parksley Road, Parksley Virginia, to afford interested persons the opportunity to be heard or to present written comments concerning the Draft Model Stormwater Management Ordinance and related recommendations and requirements. Mr.

McCaleb seconded the motion. Ayes: Mr. Wolff; Mr. Chesser; Mrs. Mears; Mr. Gray; Mr. Mallette; Mrs. Gordy; Mr. Hart; and Mr. McCaleb. Nay: Mrs. Thornton.

Appointments

Accomack County Building & Fire Code Board of Appeals

Mrs. Mears moved to accept the action of the Accomack County Building & Fire Code Board of Appeals Committee in its move to approve the recommendation from the County Director of Building and Zoning David Fluhart to remove those persons that had not responded, to direct staff to update the positions with new commencement and expiration dates, and to mark those seats as vacant. Mrs. Gordy seconded the motion. The motion passed unanimously.

Accomack County Social Services Board

Mr. Hart made a motion to appoint Miss Reneta Major to the Accomack County Social Services Board to fill the unexpired term of Shirley Poulson, who resigned. The term will begin immediately and end on June 30, 2012. Mr. McCaleb seconded the motion. The motion passed unanimously.

Accomack-Northampton Transportation District Committee

Mrs. Thornton made a motion to appoint Board member Mr. E. Philip McCaleb to the Accomack-Northampton Transportation District Committee to fill the unexpired term of Board member Donald Hart, who resigned. The term will begin immediately. Mrs. Gordy seconded the motion. Ayes: Mrs. Thornton; Mr. Wolff; Mr. Chesser; Mrs. Mears; Mr. Gray; Mr. Mallette; Mrs. Gordy; and Mr. Hart. Abstain: Mr. McCaleb.

Johnsongrass and Gypsy Moth Control Committee

Mr. Wolff made a motion to appoint Mr. Danny Mills, Mr. Lyn Gayle, and Mr. Eugene Turlington to the Johnsongrass and Gypsy Moth Control Committee. Mrs. Gordy seconded the motion. The motion passed unanimously.

Agricultural & Forestal District Advisory Committee

Mr. Hart made a motion to remove the names of the two individuals previously notified of removal from the committee based on lack of meeting attendance. Mr. McCaleb seconded the motion. The motion passed unanimously.

Sesquicentennial Committee

Mrs. Mears made a motion to appoint the following persons to the Accomack County Sesquicentennial Committee. Mr. McCaleb seconded the motion. The motion passed unanimously.

Mrs. Cynthia Walton, Mr. Lowell Wallace, Ms. Melinda McPeek, Mr. Robert C. Savage, Mr. Gary Turnquist, Mr. Kirk Mariner, Ms. Rachelle Luttig, Mrs. Frances Latimer, Mr. John Jester, Mr. Dennis Custis, and a Tourism Commission representative.

Eastern Shore Regional Library Agreement

Mrs. Mears made a motion to approve the Eastern Shore Regional Library Agreement between Accomack County, Virginia and Northampton County, Virginia as presented. Mr. Mallette seconded the motion. The motion passed unanimously.

Coal Kiln Convenience Center Review

Mr. McGowan read the staff report and Planning Commission comments concerning the Coal Kiln Convenience Center Review. The Planning Commission recommended denial of the Coal Kiln Convenience Center.

Mr. McCaleb made a motion to sustain the Planning Commission recommendation to deny the Coal Kiln Convenience Center. Mr. Hart seconded the motion.

Discussion followed, with Mr. Hall providing further background information.

The motion passed unanimously.

Proposed Ordinance to Amend Chapter 82, Article 3 – Real Property Taxes, Division 2. Elderly and Handicapped Exemption Sec. 82-99. Eligibility for Exemption

Commissioner of the Revenue Leslie Savage presented the Proposed Ordinance to Amend Chapter 82, Article 3– Real Property Taxes, Division 2. Elderly and Handicapped Exemption Sec. 82-99. Eligibility for Exemption, based on legislation passed by the General Assembly in 2008.

Mr. Hart made a motion to schedule a Public Hearing at 7:00 p.m. on Wednesday, December 17, 2008, in the Cafetorium of Metompkin Elementary School to afford interested persons the opportunity to be heard or to present written comments concerning the following Proposed Ordinance to Amend Chapter 82, Article 3– Real Property Taxes, Division 2. Elderly and Handicapped Exemption Sec. 82-99. Eligibility for Exemption. Mrs. Mears seconded the motion. The motion passed unanimously.

**AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE III,
REAL PROPERTY TAXES, DIVISION 2.
ELDERLY AND HANDICAPPED EXEMPTION,
SEC. 82-99. ELIGIBILITY FOR EXEMPTION
OF THE ACCOMACK COUNTY CODE**

WHEREAS, the Board of Supervisors of Accomack County finds that Chapter 82, Article III, Real Property Taxes, Division 2, of the Accomack County Code requires amendment to update said Ordinance pursuant to Virginia Code §§58.1-3211(1)(a); and

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Accomack County Board of Supervisors this 17th day of December, 2008, that Chapter 82, Article III, Real Property Taxes, Division 2, Elderly and Handicapped Exemption, Sec. 82-99, Eligibility for Exemption, of the Accomack County Code is hereby amended as follows:

**ARTICLE III. REAL PROPERTY TAXES
DIVISION 2. ELDERLY AND HANDICAPPED EXEMPTION**

Sec. 82-99. Eligibility for exemption.

Exemption shall be granted persons subject to the following provisions:

- (1) The title to the property for which exemption is claimed is held or partially held, on December 31, immediately preceding the taxable year by the person claiming exemption. If the ownership of the property for which application for exemption is made is not held solely by the applicant, or jointly with the applicant's spouse, the amount of the tax exemption shall be in proportion to the applicant's ownership interest in the subject real property, as that ownership may appear.
- (2) The head of the household occupying the dwelling and owning title, or partial title, is 65 years or older on December 31 of the year immediately preceding the taxable year, or such person is permanently and totally disabled and was so on December 31 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons claiming exemption. A dwelling jointly held by a husband and wife may qualify if either spouse is 65 or over or is permanently and totally disabled.
- (3) The total combined income received from all sources during the year immediately preceding the taxable year by (i) owners of the dwelling who use it as their principal residence; (ii) owner's relatives who live in the dwelling; and (iii) nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide paid caregivers of the owner, shall not exceed the greater of \$22,000.00 or the income limits based upon family size for the respective metropolitan statistical area, annually published by the Department of Housing and Urban Development for qualifying for federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C. §1715z). Provided, however, that any amount up to \$6,500.00 of annual income of each relative who is not the spouse of an owner living in the dwelling and nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide paid caregivers of the owner, and who does qualify for the exemption provided by subdivision 1 b of §58.1-2311 of the Code of Virginia, as amended, may be excluded from the total combined income calculation. Any amount up to \$10,000.00 of income for an owner who is permanently disabled may also be excluded.
- (4) The net combined financial worth, including the present value of all equitable interests, as of December 31 of the immediately preceding taxable year, of the owners and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one acre, upon which its situated shall not exceed \$50,000.00. Furnishings, such as furniture, household appliance and other items typically used in a home, are also excluded.

(5) The person claiming exemption files annually with the commissioner of the revenue an affidavit as provided in section 82-100.

(Code 1982, § 24.3(4); Ord. of 12-20-2000, § 4; Ord. of 12-18-2002(2), § 3; Ord. of 11-14-2007)

Virginia Code §§ 58.1-3211(1)(a).

This Ordinance is effective upon adoption.

Cashville Greenbox Site

Mrs. Gordy made a motion to approve the Cost Saving Option on the Cashville Greenbox Site and close the Cashville Greenbox Site. Mr. Mallette seconded the motion.

The motion passed unanimously.

Automatic External Defibrillators

Mrs. Mears made a motion to approve the following recommended actions from the Department of Public Safety related to Automatic External Defibrillators as presented.

Mr. Miner addressed the Board concerning the recommended actions related to Automatic External Defibrillators in various locations throughout the County, and responded to comments and questions from the Board.

- 1.) Discontinue access and support of all AEDs in the Accomack County Sheriff's Department patrol cars (21).
 - a. Not public access
 - b. Cost of maintaining those devices
- 2.) Send letters to other agencies on record of having devices stating they are responsible for the maintenance and upkeep of said units.
- 3.) Redistribute discontinued devices to Volunteer Fire Departments
 - a. Establish a MOU for volunteers to maintain ownership and maintenance of devices.
- 4.) Accomack County Department of Public Safety maintains the follow devices:
 - a. In public Access locations (see attached listing)
 - i. Develop an MOU with school system that DPS will maintain device readiness.
 - b. Allocate in FY09 \$2,200.00 for new batteries and expired pads in units listed.
 - c. Allocate in FY10 \$1,000.00 for continued maintenance and upgrades to units listed.

Location of Public Access AED's			
1 Chincoteague Municipal	10 General District Court		
2 Chincoteague Combined	11 Circuit Court		
3 Chincoteague Elementary	12 Nandua Middle School		
4 Arcadia High School	13 Nandua High School		
5 Arcadia Middle School	14 Fire Training Center		
6 Kegotank Elementary	15 Onancock Dock		
7 Metompink Elementary	16 Pungoteague Elementary		
8 County Admin Building	17 Tangier School		
9 Accawmacke Elementary			
	Quantity	Cost	Sub-Total
Batteries	11	\$98.60	\$1,084.60
Onsite Adult Pads	17	\$40.12	\$682.04
Onsite Ped Pads	6	\$64.60	\$387.60
Total			\$2,154.24

Mr. Wolff made a motion to approve the use of Election District funds for the cost of maintenance and support of the 17 Automatic External Defibrillators listed. Mrs. Thornton seconded the motion.

Mrs. Mears rescinded her motion to approve the recommended actions from the Department of Public Safety related to Automatic External Defibrillators as presented.

Mr. Hart offered a friendly amendment to divide the total cost of maintenance and support of the 17 Automatic External Defibrillators listed equally among the nine Election Districts. Mrs. Mears seconded the friendly amendment.

Mr. Wolff and Mrs. Thornton accepted the friendly amendment and second. The motion passed unanimously.

Mr. Mallette made a motion to approve the remaining recommended actions from the Department of Public Safety related to Automatic External Defibrillators, as presented. Mr. McCaleb seconded the motion.

Discussion followed.

The motion was tabled pending further information from the Sheriff's Department.

County Administrator's Report

Central School Closing

Mr. Miner announced the sale of the Central School property for the sum of \$150,000. The Accomack County Department of Parks and Recreation will remove the ballpark fencing and lighting equipment for use at a future location.

County Attorney's Report

Mr. Taylor distributed copies of materials concerning the potential use of the Surety Bond for Edgewater Subdivision to complete the public improvements, and responded to questions from the Board.

Board of Supervisors Comment Period

Mr. McCaleb asked the Board to consider directing the County Administrator to review the personnel and staffing throughout all County Departments.

Mr. Mallette asked Mr. Mason if the Revenue Report could be modified to highlight the ten top revenue concerns. Mr. Mason stated that modifications were already in process to

reflect 75-percent of the revenue stream, which would summarize and prioritize revenues sources and potential problems.

Budget Items

Mrs. Mears made a motion to approve the Budget Items. Mrs. Gordy seconded the motion. The motion passed unanimously.

FISCAL YEAR 2009

Grants, Etc.

Increase Revenues

From the Federal Government \$8,000

Increase Expenditures

Translator TV \$8,000

-Digital transmission equipment

Increase Revenues

From the Federal Government \$51,931

Increase Expenditures

CSA/Health Department \$51,931 \$51,931

-Health Families grant award

Increase Revenues

From the Commonwealth \$12,500

Increase Expenditures

Planning \$12,500 \$12,500

-Grant awarded for Seaside Water Quality Protection.

Increase Revenues

From the Commonwealth \$20,055

Increase Expenditures

Litter Control \$20,055 \$20,055

-Litter Prevention and Recycling Program grant award

From Contingencies (\$40,541 remaining in operating contingency 10/30/08)

Decrease contingencies

Operating contingency \$6,500 \$6,500

Increase Expenditures

Legal Services \$6,500

-Initial operating costs for the County Attorney's office were funded as 1-time operating expenditures meaning they were removed from the adopted budget in the following year. In FY09, this department also had to absorb the 5% budget cut. These actions have left the department with basically no operating budget. In fact the department has only \$5,000 to cover all office expenses, travel, and continuing education. If approved, this request would provide enough funds for minimal operations.

Other

Decrease Expenditures

Legal Services \$42,350

Increase Expenditures

Treasurer \$42,350

-Contracted legal collections associated with delinquent tax collection reclassified to Treasurer's office

Payables

Mr. McCaleb made a motion to authorize the payment of invoices. Mr. Hart seconded the motion. The motion passed unanimously.

Adjournment

Mrs. Thornton made a motion to adjourn until the School Board Meeting at 7:00P.M. on Monday November 24, 2008 at the Social Services Building. Mrs. Mears seconded the motion. The motion passed unanimously. The meeting adjourned at 9:50 p.m.

Chair