

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 21st day of January, A.D., 2009.

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

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

Call to Order

The meeting was called to order by the Chair and opened with a Prayer by Mr. Wolff after which, the Pledge of Allegiance to the Flag was recited.

Amendments to Agenda

The Chair asked that the following amendments be made to the Agenda

Consent Agenda –

1. Remove for discussion – Budget schedule
2. Add schedule a Public Hearing to receive public comment on Drake's Landing Rezoning

Old Business

Remove

1. Receipt of Final Report – Assessor's Office
2. Airport Commission appointment

Add - Date for Storm Water hearing

Administrator's Report

Add

1. Request to publish the 50 delinquent tax payers
2. Economic Development issues

Attorney's Report

Will hand out draft of PSA authorization for take-home review

Closed Meeting

Remove

1. Item 1.b Applicants to PSA - advertisement still running
2. Item 2 related to convenience center site acquisition – not ready

Add – Staffing assignment of employees for Item 1

Adoption of Agenda

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

Public Comment

The Chair read the rules governing conduct during the public comment period.

The following commented on public forums:

Toni Trepanier – Public forums

Chair's Comments

The Chair commented on issues related to:

- Working together with the Board and public
- Economic Development
- Strategic Planning
- Work sessions, etc.

Minutes

Mrs. Mears made a motion to approve the Minutes of the December 19, 2008, and January 5, 2009, meetings. Mr. Wolff seconded the motion. The motion passed unanimously.

Consent Agenda

Mrs. Gordy made a motion to approve the following item under the Consent Agenda with the exception of Items 8-e, f, and g concerning district drainage fund. Mrs. Thornton seconded the motion. The motion passed unanimously.

- a. The award of RFP #219 for Engineering Services for Solid Waste activities
- b. To schedule a Public Hearing for Text Amendments to Flood Ordinance
- c. Consider proclaiming January 31, 2009, as Chesapeake Blitz-Sack Hunger Day
- d. To schedule a Public Hearing to receive public comment on the Drake's Landing Rezoning

District Drainage Funds

A lengthy discussion took place concerning the disposition of district drainage funds with Public Works Director Steward Hall offering comments on those projects that had already begun and responding to questions.

Mr. Hart made a motion to leave \$10,000 in each district fund to be used for drainage projects only and that any balances between now and June 30 be placed in the reserve fund.

Discussion continued noting that E. D. 5 could retain its current funding since it was less than \$10,000.

Mr. Wolff amended the motion that \$7,000 remains in each district fund. Mr. Hart accepted the amendment. The motion, as amended, passed unanimously.

Mrs. Thornton made a motion to approve the use of \$7,000 in E. D. 1 District funds to assist the Town of Chincoteague with a drainage project. Mr. Hart seconded the motion. The motion passed unanimously.

Treasurer's Report

A lengthy discussion took place with County Treasurer Dana T. Bundick responding to questions concerning delinquent personal and real estate property taxes.

By consensus, the Board requested the following information:

1. The top fifty (50) delinquent tax payers by the February 4th work session,
2. The percentage of 2008 taxes (personal & real) that have been collected compared to the last two (2) years (2006 & 2007) collections, and
3. The amount of interest and penalties given for the last six (6) months.

Accomack County Public Schools

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

Director of Planning

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

Following a discussion related to the proposed Storm Water Ordinance, it was the consensus of the Board to discuss this issue during the March 4th work session and to let the County Administrator and Planning Director work out the details on who will be making the presentation to the Board.

Report of Solid Waste Committee

Mr. Frank Moore, Chair, Solid Waste Committee, gave a summary of a recent meeting of the Committee related to solid waste issues and in particular, cost saving efforts.

A brief discussion ensued with Mr. Moore responding to questions.

Recess

By unanimous consent, the Chair declared the meeting in recess for dinner for thirty (30) minutes.

Call to Order

The Chair called the meeting back to order.

Public Hearings

The Chair read the rules governing conduct during Public Hearings.

An Ordinance to Amend Chapter 70, Solid Waste, Article I. in General, Sec. 70-1., Dumping of Trash; Littering, of the Accomack County Code

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed Ordinance to Amend Chapter 70, Solid Waste, Article I. in General, Sec. 70-1., Dumping of Trash; Littering, of the Accomack County Code.

Comments of support were offered by:

Toni Trepanier, Hallwood, VA
Greg Pemberton, Parksley, VA

The Chair closed the Public Hearing.

Mr. Wolff made a motion to adopt the following Ordinance. Mrs. Gordy seconded the motion. The motion passed unanimously.

AN ORDINANCE TO AMEND CHAPTER 70, SOLID WASTE, ARTICLE I. IN GENERAL, SEC. 70-1., DUMPING OF TRASH; LITTERING, OF THE ACCOMACK COUNTY CODE

WHEREAS, it has come to the attention of the Board of Supervisors of Accomack County that littering has become a serious problem in Accomack County; and

WHEREAS, the Board of Supervisors of Accomack County is desirous of amending Chapter 70, Solid Waste, Article I. In General, to allow for a minimum fine of \$500.00 for littering as a deterrent from littering, as allowed under Virginia Code §33.1-346, and for the safety, health and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Accomack County Board of Supervisors this 21st day of January, 2009, that Chapter 70, Solid Waste, Article I. In General, Sec. 70-1, Dumping of trash; littering, of the Accomack County is hereby amended as follows:

Chapter 70

SOLID WASTE Article I. In General

Sec. 70-1. Dumping of trash; littering.

(a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter on public property, including a public highway, right-of-way, property adjacent to such highway, right-of-way, or on private property without the written consent of the owner thereof or his agent in Accomack County, Virginia.

(b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or

transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of § 46.2936 of the Code of Virginia in making such arrest.

(c) When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

(d) It is a violation of the provisions of this section for anyone to illegally dump or dispose of matter at a solid waste transfer site.

(e) Any person convicted of a violation of this section shall be guilty of a class 1 misdemeanor and upon conviction thereof, shall be punished by confinement in jail for not more than 12 months and a fine of not less than \$500.00 or more than \$2,500.00, either, or both.

In lieu of the imposition of confinement in jail, the court may order the defendant to perform community service in litter abatement activities.

(Code 1982, § 22.3(1)--(4); Ord. of 10-20-1999(1), §§ 1--5; Ord. of 9-17-2003)
State law references: Similar provisions, Code of Virginia, § 33.1-346.

Pungoteague Agricultural and Forestal District

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a request from Thomas and Mary Belote to remove Tax Parcel 92-10-B1A and 92-10-B1B from the Pungoteague Agricultural and Forestal District.

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

Mr. Hart made a motion to approve the request of Thomas A. and Mary A. Belote to remove Tax Parcels 92-10-B1A and 92-10-B1B from the Pungoteague Agricultural and Forestal District. Mrs. Thornton seconded the motion. The motion passed unanimously.

Rules of Procedure

Mrs. Mears made a motion to approve the final amendments to the Board of Supervisors' Rules of Procedures. Mr. Wolff seconded the motion. The motion passed unanimously.

Accomack-Northampton Planning District Commission – Appointment

Mr. Hart made a motion to appoint Grayson C. Chesser to the Accomack-Northampton Planning District Commission to fill the vacancy of Wanda J. Thornton who resigned. Mr. Wolff seconded the motion. The motion passed unanimously.

Accomack-Northampton Transportation District Commission

Mrs. Thornton made a motion to appoint Ron S. Wolff to the Accomack-Northampton Transportation District Commission to fill the vacancy of Wanda J. Thornton who resigned. Mr. Hart seconded the motion. The motion passed unanimously.

Eastern Shore Disabilities Services Board

Mr. Hart made a motion to appoint Amy Ford to the Eastern Shore Disabilities Services to fill the unexpired term of Linda Martin Warner, the term to begin immediately and end on December 31, 2010. Mrs. Mears seconded the motion. The motion passed unanimously.

Eastern Shore Resource Conservation and Development Council

Mrs. Mears made a motion to appoint Michael A. Starling to the Eastern Shore Resource Conservation and Development Council for a four-year term, the term to begin immediately and end on December 31, 2012. Mr. Wolff seconded the motion. The motion passed unanimously.

Economic Development Authority

Mrs. Gordy made a motion to appoint Rhet Tignor to the Economic Development Authority to fill the unexpired term of George Parker who resigned, the term to begin immediately and end on February 18, 2012. Mr. Hart seconded the motion. The motion passed unanimously.

Employee Incentive and Awards Committee Bylaws

Mr. Wolff made a motion to accept amendments to the Employee Incentive and Awards Committee Bylaws as presented. Mr. Hart seconded the motion. The motion passed unanimously.

County Administrator's Report

County Administrator Steven B. Miner reported on the following issues:

1. Requested the Treasurer to provide a list of the top 50 delinquent taxpayers for review at the February 4th work session
2. The proposed FY2009/2010 budget calendar

Mr. Wolff made a motion to approve the following budget calendar dates. Mr. Hart seconded the motion. The motion passed unanimously.

February 26th at 5:00 p.m. in the Board Chambers to receive the Budget
March 4th at 5:00 p.m. to receive the School Board Budget

3. Briefed the Board regarding maximizing economic development opportunities coming into the County; i.e., BaySys Technologies, Wal-Mart, Sage Restaurant, Northrop Grumman, Tucker Robbins, Orbital Sciences, etc. and the need to address and prepare to meet the required needs for water and sewer services and zoning in the Wallops Research Park area.

A lengthy discussion ensued concerning the establishment of Public Service Authority, service areas, duties of the Authority, an alleged map of the proposed area of the Wallops Research Park with Mr. Miner responding to questions.

Mr. Wolff made a motion to instruct the Planning Commission to look at the zoned land areas referred to by Mr. Miner in his report and provide a recommendation as soon as possible. Mr. Chesser seconded the motion. The motion passed unanimously.

County Attorney's Report

County Attorney Mark B. Taylor, as requested, presented the Board a draft (for review only) of the Public Service Authority Resolution and offered comments on same.

Additionally, Mr. Taylor offered a briefing on the following issues:

- Wallops Research Park negotiations
- Chesapeake/Atlantic Preservation Area
- Federal Medical Leave Act

Board of Supervisors' Comment Period

Mr. Hart updated the Board on the counties he had visited as President of the Virginia Association of Counties.

Mr. McCaleb requested that the County Administrator look into the failure of the Assessor's Office to reclassify land in subdivisions from agriculture to subdivision and collect five (5) years of back taxes and forward a report on same.

Mrs. Thornton requested that any person who is to appear before the Board to give a presentation be asked to submit any written documentation prior to the meeting as provided in the Board's Rules of Procedures.

Mr. Wolff reported that Ms. Cheryl Tyson, Broadband was the guest speaker at his monthly constituents meeting.

Budget and Appropriation Items

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

FISCAL YEAR 2009

Grants, Etc.

Increase Revenues

From the Commonwealth \$ 31,000

Increase Expenditures

Emergency Management \$ 31,000

Citizen's preparedness grant award

Decrease Revenues

From the Commonwealth \$ 35,498

Decrease Expenditures

Social Services \$ 35,498

State allocation revision

From Contingencies (\$20,759 remaining operating contingency as of 12/29/08)

None

Other

Decrease Expenditures

Circuit Court \$ 4,309

Increase Expenditures

Transfers to Law Library \$ 4,309

Reduce Circuit Court budget to cover prior year Law Library deficit

Payables

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

Closed Meeting

Mr. Hart 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,
 - a. County Attorney's Employment Agreement
 - b. Staffing and Assignment of employees
 - c. Economic and Community Development functions employees
2. Pursuant to subsection (A) (5) related to an Economic Development Authority prospect where no public announcement has been previously made.

Open Session

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Hart made a motion, seconded by Mr. Wolff, 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

County Attorney Employment Contract

Mr. Wolff made a motion to accept the amended Contract for the County Attorney. Mr. McCaleb seconded the motion. Ayes: Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Mallette, Mrs. Gordy, Mr. Hart, Mr. McCaleb. Nays: Mrs. Thornton

Adjournment

Mrs. Thornton made a motion to adjourn 9:30 p.m. Mrs. Mears seconded the motion. The motion passed unanimously.

Stephen D. Mallette, Chair