

VIRGINIA: At a Work Session of the Board of Supervisors for the County of Accomack held in the Board Chambers on the 4th day of March, A.D., 2009.

Members Present: Steve D. Mallette, Chair
Laura Belle Gordy, Vice Chair
Wanda J. Thornton
Ron S. Wolff
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 Rev. Broad, after which the Pledge of Allegiance to the Flag was recited.

Adoption of Agenda

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

Chair's Comments

The Chair commented on issues related to:

- County staff assisting the Treasurer's Office
- Outreach on economic development

Accomack County Public Schools

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

Highway Matters

Monthly Report

Mr. Robert (Bobby) Isdell, Acting Residence Administrator, Virginia Department of Transportation (VDOT) gave a report on road issues and responded to questions

Mr. Hart entered the meeting at 4:43PM.

Federal Stimulus Request

County Administrator Steven Miner presented a report on the status of the Federal Stimulus Request and responded to comments and questions from the Board.

Correction of Minutes

Mr. Wolff made a motion to correct the Minutes of the November 12, 2008, meeting to include the following statement of the Chairman. Mrs. Mears seconded the motion. Ayes: Mr. Mallette, Mrs. Gordy, Mr. Wolff, Mr. Chesser, Mrs. Mears, Mr. Gray, Mr. Hart, and Mr. McCaleb. Nays: None. Abstentions: Mrs. Thornton.

Introduction

Thank everyone for attending to voice their feelings on proposed Seaside Water Quality Act.

Ms. Thornton and her voices have made the accusation that I have a personal conflict of interest concerning the topic before us tonight and should not cast a vote because my I perform conservation in my private company.

I have submitted all of the proper financial, economic and conflict of interest disclosures required by law.

Even though I have made complete disclosure, I feel compelled to respond to provide the "rest of the story" so we can move forward with tonight's proceedings.

Point of View

If such a conflict exists, I would suggest Del. Lynwood Lewis could no longer practice law while he's making laws in Richmond.

If such a conflict existed, I would suggest Sen. Northam couldn't deal with issues - health care issues in the General Assembly because he's a physician.

I am a small business person who has managed farms and forestlands for clients, both public and private, for land owners from New Hampshire to Florida including Alabama, Georgia, North Carolina, Mass, MD, PA and 15 counties in Virginia including both bayside of Northampton & Accomack.

The majority of my clients are families who I have served for decades, involving several generations.

The ranges of my services provided by my firm are much broader than just conservation. My firm provides much more than services that may relate to the Seaside Water Quality Act.

The adoption of the Seaside Water Quality Act would have inconsequential impact on the financial condition of my company.

- 1. My client base is widely dispersed beyond just seaside of Accomack County,*
- 2. Services provided by my firm are much broader than just conservation and is not significantly limited to just seaside of Accomack.*
- 3. My existing client base on the seaside of Accomack County has largely adopted many of the basic provisions required by the proposed Seaside Water Quality Improvement Act.*
- 4. I am a member of a larger group including landscapers, nurserymen, soil scientists, surveyors, engineers, septic providers who are currently providing "green services" that may be affected by the adoption of this Act; and I am able to participate in the transaction fairly, objectively, and in the public interest.*

Summary

I have filed all necessary economic, financial and conflict of interest disclosure forms. Due to the nature of my business, I am a member of a group of business and professional services providers who may be affected by enactment of this Ordinance. Regardless, I feel strongly that I can participate in the Board of Supervisors' consideration of this proposed ordinance fairly, objectively, and in the public interest. Under Virginia law, I am free ... and will vote on the Seaside Water Quality Improvement Act at the appropriate time.

Relative to the public's interest, I feel my experience is a public asset not a public liability and I am looking forward to what you have to say tonight.

Public Service Authority

A lengthy discussion took place concerning the advertisement for a Public Hearing for a Resolution addressing the Mutual Service Area for the Public Service Authority. County Attorney Mark B. Taylor explained the advertising requirements and the Resolution.

Service Areas

Mr. Miner, Mr. Taylor, Director of Planning James McGowan, and Utility Costs Committee member Wesley Edwards responded to questions from the Board.

By consensus, the Board agreed to accept the map of the larger southern service area; to not designate areas in the north; and to let the PSA, once formed, make recommendations to the Board for service areas in the north. Mrs. Thornton expressed objections to this option.

Appointments

Mr. McCaleb made a motion to advertise and authorize the Public Service Authority formation, and that Wesley Edwards, David Lumgair, Jane Corson-Lassiter, Stewart Hall, and Steven Miner serve as the named members at this time.

Mrs. Thornton objected to the motion being made out of sequence with the adopted agenda, which listed consideration of appointments before approval of advertising. Mr. Taylor explained that appointments could be considered, but not approved, until after Public Hearing for the adoption of the Resolution for the formation of the PSA.

Mr. Mallette asked for a poll of the Board for voting for the candidates as a group or voting for them individually. Group: Mr. Mallette; Mr. Wolff; Mr. Chesser; Mrs. Mears; and Mr. McCaleb. Individuals: Mrs. Gordy; Mrs. Thornton; Mr. Gray; and Mr. Hart.

Mr. Hart offered a friendly amendment to the original motion to include at the bottom of Paragraph C in the Articles of Incorporation listed within the Resolution, appear the language as follows: Each Member of the Board of Directors shall serve at the pleasure of the Board; individual Directors may be removed with or without cause with a super-majority vote,

or two-thirds vote, of the Board. Following discussion, Mr. McCaleb accepted the amendment. Mr. Wolff seconded the motion and accepted the amendment.

The Board agreed by consensus that Mr. Hall and Mr. Miner would have the shortest terms of office on the PSA Board of Directors. Mr. McCaleb and Mr. Wolff accepted the amendment to the original motion and previous amendment.

Mrs. Thornton stated that she would not support Ms. Corson-Lassiter because Ms. Corson-Lassiter was paid by taxpayers, and serving on the PSA Committee would take her from her job. Following discussion, Mrs. Corson-Lassiter assured the Board that her employer had approved arrangements for the time.

Mr. Mallette requested clarity on the motion. After the motion and amendments were read, the Board set the terms of office for the Board of Directors as ending June 2010 for Mr. Hall and Mr. Miner, and ending June 2012 for Mr. Edwards, Mr. Lumgair, and Mrs. Corson-Lassiter.

The motion to authorize advertisement of the Resolution with the changes made and the people chosen passed. Ayes: Mrs. Gordy; Mr. Wolff; Mr. Chesser; Mrs. Mears; Mr. Hart; and Mr. McCaleb. Nays: Mrs. Thornton and Mr. Gray.

Recess

By consensus, the Board agreed to a five-minute recess, until 6:30PM.

Stormwater Management Presentation

Mr. McGowan introduced John Salm, Consulting Engineer; Jane Corson-Lassiter, District Manager of the Eastern Shore Soil and Water Conservation District; Norman Pitt, Accomack County Environmental Planner; and Arthur Kirkby, Department of Conservation and Recreation. Mark Luckenbach of the Virginia Institute of Marine Science had left to attend another meeting, but had left slides and a statement to be read to the Board.

Mrs. Corson-Lassiter offered a PowerPoint presentation on the importance and necessity of stormwater management, and answered questions from the Board.

Mr. McGowan offered a presentation on the Draft Stormwater Ordinance. Mr. McGowan, Mr. Salm, and Mr. Kirkby responded to comments and questions from the Board.

By consensus, the Board agreed to a field tour to view stormwater management sites.

Greenbox Interim Alternatives

Mr. Hall presented a report on the proposed Greenbox Interim Alternatives of closing some locations prior to the construction and opening of Convenience Centers. Mr. Hall responded to comments and questions from the Board.

Mr. Wolff made a motion to adhere to Mr. Hall's recommendations for closing the Coal Kiln and Savageville greenbox locations, and expanding the Southern Landfill Greenbox site to accommodate the additional waste. Mr. McCaleb seconded the motion. The motion passed unanimously with Mr. Hart absent.

Septage Receiving Station Project

Mr. Wolff made a motion to authorize Mr. Hall to submit applications to the Virginia Department of Environmental Quality federal grants and/or low-interest loans from federal economic stimulus money. Mrs. Mears seconded the motion.

Following questions from the Board, the motion passed unanimously.

Budget Deliberations

Finance Director Michael Mason presented an overview of the departmental budget recommendations provided by Mr. Miner, and responded to comments and questions from the Board.

By consensus, the Board agreed to hold Budget Work Sessions for the purpose of analyzing each departmental budget. Tentative dates of March 9, March 10, and March 11, 2009 were selected, to be determined by Mr. Miner's availability.

Work Session Meeting Time

Mr. Mallette stated that Mr. Hart had expressed concern about missing Work Sessions or arriving late due to the meeting time of 4:00PM.

Mrs. Gordy made a motion to change the Work Session Meetings forward to 5:00PM, to allow Mr. Hart and members of the public an opportunity to attend. Mrs. Thornton seconded the motion.

Following a lengthy debate, by consensus of the Board, Mrs. Gordy withdrew the motion.

Budget Deliberations (cont'd)

Mr. Taylor stated that he had received a confirmation from Mr. Miner that he would be available for a Budget Work Session on Monday March 9, 2009.

Adjournment

Mr. Wolff made a motion to adjourn the meeting to the Budget Work Session at 5:00PM on Monday March 9, 2009, in the Board Chambers in Accomac. Mrs. Thornton seconded the motion. The motion passed unanimously. The meeting adjourned at 8:10 p.m.

Chair