

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 15<sup>th</sup> day of April, A.D., 2009.

Members Present: Steve D. Mallette, 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. McCaleb after which, the Pledge of Allegiance to the Flag was recited.

### **Chair's Comments**

The Chair informed the Board and the public of recent articles related to the continuation of the Space Station program and energy tax incentives for businesses.

### **Amendments to Agenda**

The Chair asked that the Agenda be amended as follows:

#### **REMOVE**

Item 8

#### **UNDER CONSENT AGENDA**

#### **ADD**

Consider a Resolution honoring the crew of the USS New York who will be on the Shore for training – Per Mr. Wolff

#### **UNDER NEW BUSINESS**

Remove Item 13-e

#### **ADD**

**After 17 – Payables**

**Closed Meeting – Pursuant to §2.2-3711 of the Code of Virginia of 1950, as amended, for the following purposes:**

1. Pursuant to Subsection (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.

### **Adoption of Agenda**

Mrs. Gordy made a motion to adopt the Agenda as amended. Mrs. Thornton seconded the motion. The motion passed unanimously.

### **Public Comment**

The County Administrator read the rules governing conduct during the public comment period.

The following persons voiced their concerns related to the Board's use of generic prayer during its meetings:

|                                  |  |
|----------------------------------|--|
| Kevin Ely, Chincoteague, VA      | Billie D. Custis, Mayor, Town of Onley |
| Linda K. Smith, New Church, VA   | Lois Cooper, Pungoteague, VA           |
| Terry Howard, Chincoteague, VA   | Kay Lewis, Leemont, VA - presented a   |
| Jane Lawrence                    | petition containing 635 signatures     |
| Irene Killmon, Wachapreague, VA  | Renee Hinmon, New Church, VA           |
| Jim Frese, Chincoteague, VA      | Billy Graham, Parksley                 |
| Tom Quinn, Chincoteague, VA      | Helen Merritt, Chincoteague, Va        |
| Shirley Zamora, Onancock, VA     | Shelia Goodman, Temperanceville, VA    |
| Phyllis Bell, Greenbackville, VA |  |

The following persons voiced their concerns related to tipping fee rebates:

Billie D. Custis, Mayor, Town of Onley  
Bruce Paone, Mayor, Town of Onancock, representing the Mayor's Association  
Richard E. Cooke, President, Accomack County Taxpayers Association

The following persons voiced their concerns related to proposed tax increases and land use taxation:

Barry Mills, Craddockville, VA  
Jim Frese, Chincoteague, VA  
Danny Mills, Onancock, VA

The following persons voiced their concerns related to the Board's health insurance:

Irene Killmon, Wachapreague, VA  
Billie D. Custis, Mayor, Town of Onley  
Lois Cooper, Pungoteague, VA

The following person voiced their concerns related to the proposed Accomack County Fiscal Year 2010 Annual Fiscal Plan:

Billie D. Custis, Mayor, Town of Onley

The following person voiced their concerns related to the Board's conduct:

Bob Gresham, Accomac, VA

**Resolutions of Acknowledgement**

Mrs. Thornton read into the record for presentation at a later time the following Resolution of Acknowledgement for Rev. William Gregory.

**RESOLUTION OF COMMENDATION**

**WHEREAS**, Rev. William Gregory was a member of the Eastern Shore Community Services Board from September 17, 1997 through December 31, 2008; and

**WHEREAS**, he was a conscientious and devoted member of the Eastern Shore Community Services Board and gave generously of his time and efforts:

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors does hereby recognize and commend the distinguished, faithful and outstanding service of Rev. William Gregory to the Eastern Shore Community Services Board and the citizens County of Accomack; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be spread upon the Minutes and be put upon a plaque to be presented to Rev. Gregory.

The Chair read into the record for presentation as a later time the following Resolution of Acknowledgment for Stella Rohde.

**RESOLUTION OF COMMENDATION**

**WHEREAS**, Stella Rohde was a member of the Accomack County Planning Commission from October 21, 1992 through March 4, 2009; and

**WHEREAS**, she was a conscientious and devoted member of the Accomack County Planning Commission and gave generously of her time and efforts:

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors does hereby recognize and commend the distinguished, faithful and outstanding service of Stella Rohde to the Accomack County Planning Commission and the citizens County of Accomack; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be spread upon the Minutes and be put upon a plaque to be presented to Ms. Rohde.

**Consent Agenda**

Mr. Wolff made a motion to approve the following item under the Consent Agenda and to add 9-h, approval of a Resolution honoring the crew of the USS New York who will be on the Shore on for training. Mrs. Gordy seconded the motion. The motion passed unanimously.

- a. The award of Revenue Anticipation Note/Line of Credit Request for Proposals to SunTrust for FY 2009 and 2010,
- b. The following Resolution to Authorize Issuance & Sale of Revenue Anticipation Note for FY10,

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF ACCOMACK, VIRGINIA  
AUTHORIZING THE ISSUANCE AND SALE OF  
THE COUNTY'S REVENUE ANTICIPATION NOTE**

WHEREAS, the Board of Supervisors of the County of Accomack, Virginia (the "County") proposes to authorize the issuance of a revenue anticipation note in anticipation of the collection of the taxes and revenues of the County for the fiscal year ending June 30, 2010 pursuant to Section 15.2-2629 of the Code of Virginia of 1950, as amended;

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

1. Authorization of Note. The Board of Supervisors hereby authorizes the issuance and sale of the County's revenue anticipation note in the fiscal year ending June 30, 2010 (the "FY 2010 Note") if, in the County Administrator's judgment, the issuance of the FY 2010 Note is necessary or desirable. The FY 2010 Note shall be issued in the maximum principal amount of \$2,000,000. The FY 2010 Note shall be issued in anticipation of the collection of the taxes and revenues of the County for the fiscal year ending June 30, 2010.

2. Details and Sale of Note. The FY 2010 Note shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The FY 2010 Note shall be issued in fully registered form, shall be dated the date of its issuance and delivery and shall be in the form of a single registered note. The FY 2010 Note shall mature not later than twelve months from the date of issuance, subject to prepayment as set forth therein. The County Administrator, or such officer as he may designate, is authorized and directed to accept a proposal for the purchase of the FY 2010 Note and to approve the terms of the FY 2010 Note, provided that the aggregate principal amount of the FY 2010 Note shall not exceed the amount set forth in paragraph 1 and the interest rate on the FY 2010 Note shall not exceed 6.0%.

3. Execution of Note. The County Administrator is authorized and directed to execute an appropriate negotiable FY 2010 Note and to affix the seal of the County thereto and such officer is authorized and directed to deliver the FY 2010 Note to the purchaser thereof.

4. Non-Arbitrage Certificate and Tax Covenants. The County Administrator and such officers and agents of the County as he may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the FY 2010 Note and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds."

5. Bank Qualification. The Board designates the FY 2010 Note as a "qualified tax-exempt obligation" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b) (3) of the Code. The Board does not reasonably anticipate that it and any "subordinate entities" will issue more than \$30,000,000 in tax-exempt obligations during the calendar year in which the FY 2010 Note is issued (not including certain private activity bonds) and the Board will not designate more than \$30,000,000 of qualified tax-exempt obligations pursuant to such Section 265(b) (3) during the calendar year in which the FY 2010 Note is issued.

6. Further Actions. The County Administrator and such officers and agents of the County as he may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the FY 2010 Note and all actions taken by such officers and agents in connection with the issuance and sale of the FY 2010 Note are ratified and confirmed.

7. Effective Date; Applicable Law. This Resolution shall take effect immediately.

- c. The award of IFB #621 for Jail food to the particular vendors based on lowest price per unit of measure and requirements stated in the bid that were in accordance with the needs of the jail,
- d. The following Resolution of Opposition for off-shore drilling off the Coast of Virginia,

## **R E S O L U T I O N**

### **REGARDING LEASING OF CERTAIN OFFSHORE DRILLING RIGHTS NEAR ACCOMACK COUNTY**

**WHEREAS**, the County of Accomack has enjoyed the economic benefits of the Wallops Flight Facility, located at Wallops Island, Virginia, for many years; and

**WHEREAS**, the installation is noteworthy for its historical value to the Nation, as well as its promise for future benefits to the Nation, the Region and the County, containing as it does, research, aeronautical, marine, and Naval Defense components, as well as space launch facilities; and

**WHEREAS**, these components are not only existing, but thriving and growing, and constitute an immense value to the National, Regional and local economy, as well as the security of our Nation; and

**WHEREAS**, the proposal to lease drilling rights off of Accomack's coastline has been opposed by the leadership of NASA and the Mid-Atlantic Regional Spaceport (MARS), as well as the Navy, for well-founded and documented threats to their operational environment, which drilling would threaten to degrade those environments and cause hardship on those who seek to promote the greater interests of the Nation through the unfettered and free access to our own marine and aerospace resources; and

**WHEREAS**, the Board of Supervisors of Accomack County has been called upon to involve itself in the matter of a proposal to lease these rights to others; and

**WHEREAS**, the Board has not indicated any opposition to drilling for any reason other than its probable adverse impact on the operations of the Navy, NASA and MARS, and the likely damage that impact would cause to the local and regional economy, it not being opposed to drilling for other reasons:

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by this Board of Supervisors for Accomack County, that it does now go officially on record as being opposed to the lease of drilling rights offshore as currently proposed and as reflected in the attached NASA document, where the drilling would occur in the very midst of the flight range for launches and having similar impacts on the Navy's use of our near coastline for preparation for our Nation's defense.

- e. Scheduling a Public Hearing to receive public comment on a proposed amendment to Accomack County Code, Chapter 82, Article III, Real Property Taxes, Division 2, Elderly and Handicapped Exemption 82-99, Eligibility for Exemption,
- f. The following Resolution for the installation of Watch for Children signs in the Town of Onley,
- g. A Memorandum of Understanding with the Town of Melfa, and
- h. The following recognition acknowledging the crew of the USS New York.

**CERTIFICATE  
OF  
SPECIAL RECOGNITION**

**PRESENTED TO**

**THE CREW OF THE USS NEW YORK**

**WHEREAS**, the crew of the USS New York is in training at Wallops Island and will be honored by the Eastern Shore Defense Alliance on Thursday, April 23, 2009; and

**WHEREAS**, on September 11, 2001, the citizens of Accomack County and all Americans became New Yorkers; and

**WHEREAS**, the USS New York's significance to all Americans is that with seven and a half tons of Twin Towers steel in her bow; this 21<sup>st</sup> stealth ship will thereafter take a piece of New York with her wherever she goes; and

**WHEREAS**, the USS New York not only represents the citizens of New York, but all Americans and their commitment to freedom and liberty:

**NOW, THEREFORE**, the Accomack County Board of Supervisors and all citizens of the County of Accomack do hereby commend the U. S. Navy and especially the officers and crew of the USS New York on their defense of freedom and liberty not only for the United States of America, but the world. We further recognize and honor the ship's motto "Strength Forged through Sacrifice: Never Forget."

**Shoreline Restoration and Asset Protection Program**

Ms. Caroline R. Massey, Assistant Director, Management Operations, Goddard Space Flight Center, gave an overview of the Shoreline Restoration and Asset Protection Program at the NASA Wallops Flight Facility and responded to questions.

**Board of Supervisors' Invocation**

Mrs. Thornton made a motion to rescind the previous action of the Board to not permit the name of Jesus and invite Clergy of different denominations to deliver the invocation. Mr. Wolff seconded the motion.

Mr. Chesser stated he would like to amend the motion to seek an Attorney General's opinion. Mrs. Thornton did not accept the amendment.

The vote on the amendment: Mr. Chesser, Mr. McCaleb.

The vote on the original motion: Mrs. Thornton, Mr. Wolff, Mr. Gray, Mrs. Gordy, Mr. Hart, Mr. McCaleb. Nays: Mr. Chesser, Mrs. Mears, Mr. Mallette.

### **Board of Supervisors' Rules of Procedure**

County Administrator Steven B. Miner reviewed with the Board options on conducting meetings by addressing the essential relationship between agenda-setting, dialogue, vision and board success.

A general discussion took place with Mr. Miner responding to questions.

### **Rescheduling of May 6, 2009, Work Session**

A discussion took place regarding changing or cancelling the May 6, 2009, work session due to the Seafood Festival.

Mr. Hart made a motion to change the May 6, 2009, meeting to May 11, 2009, at 5:00 PM in the Board Chambers in Accomac. Mr. Wolff seconded the motion. The motion passed unanimously.

### **Saxis Grant**

Mr. Wolff made a motion to support the Saxis Island Habitat Restoration and Shoreline Management Project grant. Mrs. Thornton seconded the motion. The motion passed unanimously.

### **COPS Grant**

Mr. Wolff made a motion to support the submission of a COPS grant by the Sheriff's Department. Mrs. Gordy seconded the motion. The motion passed unanimously.

### **Board of Supervisors Comment Period**

- Mr. Wolff informed the Board of the TacSat-3 satellite scheduled for launching on May 5, 2009 -
- Perdue dinner
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### **Six-Year Plan – Public Hearing**

The Chair opened a joint Public Hearing with the Virginia Department of Transportation to afford interested person the opportunity to be heard or to present written comments concerning the Proposed Secondary Road Six-Year Plan: 2009-2010 to 2014-2015 and Improvement Priorities for Fiscal Year 2009-2010 for Accomack County.

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

Mrs. Thornton made a motion to adopt the following Resolution. Mrs. Gordy seconded the motion. The motion passed unanimously.

## **RESOLUTION**

**WHEREAS**, the Virginia Department of Transportation and the Accomack County Board of Supervisors have jointly established the Six-Year-Plan the for fiscal years 2009-2010 to 2014-2015 and priority list for the fiscal year 2009-2010; and

**WHEREAS**, the Virginia Department of Transportation and the Accomack County Board of Supervisors have jointly held a Public Hearing on the Six-Year Plan for fiscal years 2009-2010 to 2014-2015 and Improvement Priorities for fiscal year 2009-2010:

**NOW, THEREFORE, BE IT RESOLVED** that the Accomack County Board of Supervisors hereby approves the Six-Year-Plan for fiscal years 2009-2010 to 2014-2015 and Improvement Priorities for Fiscal Year 2009-2010.

### **Payables**

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

### **Land Use Taxation**

Mr. Lynn Gayle, President, Farm Bureau, introduced Ms. Lindsey Reams of the Virginia Farm Bureau who explained land use taxation and responded to questions.

### **Tax Rates**

A discussion took place regarding how much to set the rate for real estate taxes for FY10. Following discussion, the Chair polled the Board for input on various rates.

|               |                         |
|---------------|-------------------------|
| Mrs. Thornton | No comment              |
| Mr. Wolff     | \$0.05                  |
| Mr. Chesser   | \$0.05                  |
| Mr. Gray      | No comment              |
| Mrs. Mears    | Either \$0.05 or \$0.04 |
| Mr. Mallette  | No response heard       |
| Mrs. Gordy    | \$0.05                  |
| Mr. Hart      | \$0.02 for school debt  |
| Mr. McCaleb   | Either \$0.07 or \$0.08 |

Discussion continued

The Chair asked that staff bring back a 1 – 2 cents cut across the board.

### **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. Mr. Wolff seconded the motion. The motion passed unanimously.

1. Pursuant to Subsection(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 Session**

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

### **Adjournment**

Mrs. Thornton made a motion to adjourn 9:30 p.m. Mr. Wolff seconded the motion.

The motion passed unanimously.

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Chair