

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 20th day of May, 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
E. Philip McCaleb

Members Absent: John Charles "Jack" Gray
Donald L. Hart, Jr.

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 with a prayer by Mr. McCaleb, after which the Pledge of Allegiance to the Flag was recited.

Chair's Comments

The Chair commented on the following topics:

- The recent signing of the Space Act Agreement at Wallops Island and the contributions by the County Attorney and County Director of Economic Development
- Accomack-Northampton Transportation District
- Nurses' Association Meeting during Nurses' Week
- Virginia Association of Counties Board of Directors' Meeting
- Local Government Advisory Council on the Chesapeake Bay Commission
- Elder citizen meeting sponsored by the Eastern Shore Area Agency on Aging and Accomack County Parks & Recreation
- Economic Development and its dependency on water and sewer services
- Anticipated commercial development

Mr. Wolff made a motion that Letters of Recognition be presented to County Director of Economic Development Larry Forbes and County Attorney Mark Taylor for their outstanding work on behalf of the County in the development of the Spaceport Research Park Agreement. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Gray and Mr. Hart absent. The Chair stated that the Letters of Recognition would be added to the Consent Agenda for the next Regular Meeting.

Amendments to Agenda

New Business

Remove - Consider Career Fire/Medical Staff for Tangier

Consent Agenda

Remove – Consider a 2010 Census Partnership Agreement

Report of Public Officials

Add – Consider a 2010 Census Partnership Agreement

Correct – Receive a presentation related to hydrogen energy from Allen Underwood, Alternative Integrated Energy, rather than wind energy

Closed Meeting

Add – Pursuant to Subsection (A)(3) for the purpose of discussion or consideration of the acquisition of real property for lease for a public purpose or the disposition of publicly held real property where discussion in open session would adversely effect the bargaining position or negotiating strategy of the public body, regarding:

Leasing at Wallops Research Park

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

Public Participation

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

The following person offered comments concerning the PSA referendum and the illegal meeting of the Utility Cost Committee, Board Members, and Farm Bureau Insurance:

Toni Trepanier

The following person expressed concerns about the proposed PSA and urged a referendum on the PSA:

Doug Buckley

The following persons expressed concerns about the proposed PSA:

Linda K. Smith

Maria Paccioretti

The following person offered comments concerning illegal meeting of the Utility Cost Committee, Board Members, and Farm Bureau Insurance, and requested that County Attorney Mark Taylor investigate possible illegal events and/or outcomes of the meeting and report the findings to citizens at a public meeting:

Robert 'Bob' Gresham

The Chair asked The County Attorney if he was prepared to respond to the allegations. The County Attorney responded that he had not had sufficient time to complete his investigation.

Safe Boating Week Proclamation

The Chair called the following Coast Guard personnel for the reading and presentation of the Safe Boating Week Proclamation: Chris Demitros, Station Chincoteague; Jane Peake, Flotilla Commander of Station Chincoteague; Mark Spillane, Officer-in-Charge of Station Wachapreague; Christopher Cone, Future Officer-in-Charge of Station Wachapreague; and William Gleem, Flotilla Commander, Painter 12-2.

**PROCLAMATION
PROCLAIMING
MAY 16 THROUGH MAY 23, 2009
as
NATIONAL SAFE BOATING WEEK**

WHEREAS, Americans are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities grow each year. With this growth comes additional responsibility. It is vital that both novice and experienced boaters alike practice safe boating habits---especially wearing a life jacket. Approximately 88 percent of those who die in boating-related drownings were not wearing life jackets.

WHEREAS, hundreds of lives could be saved each year by wearing life jackets and the law requires that wearable life jackets be carried for each person on board a boat; and

WHEREAS, responsible boaters will learn the local boating regulations, follow the “rules of the road”, not drink alcohol and boat, wear their life jacket, and respect fellow boaters; and

WHEREAS, U.S. Coast Guard Auxiliary, Flotilla 12-06 Chincoteague and Flotilla 12-02 Painter, provide safe boating instruction for all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur:

NOW THEREFORE, BE IT PROCLAIMED that the Accomack County Board of Supervisors, hereby proclaim May 16 through 23, 2009, as Safe Boating Week within the County of Accomack and encourage all boaters to wear their life jackets, boat responsibly, and enroll in a safe boating class.

Emergency Medical Services Week Proclamation

The Chair called County Director of Public Works Jason Loftus to accept the Emergency Medical Services Week Proclamation on behalf of the Eastern Shore Emergency Medical Services (EMS) Council. The Chair read the following proclamation.

PROCLAMATION

To Designate the Week of May 17-23, 2009 as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage thousands of hours of specialized training and continuing education to enhanced their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and

NOW, THEREFORE, the Accomack County Board of Supervisors, in recognition of the event does, hereby proclaim the week of May 17-23, 2009 as

EMERGENCY MEDICAL SERVICES WEEK

and encourages the community to observe this week with appropriate programs, ceremonies, and activities.

Consent Agenda

Mrs. Mears made a motion to approve the following item under the Consent Agenda with the exception of Items 8-d concerning a 2010 Census Partnership Agreement. Mrs. Gordy seconded the motion. The motion passed unanimously with Mr. Gray and Mr. Hart absent.

- a. Ratify the signing of the Space Act Agreement and the NASA/Wallops Research Park Lease and Covenants
- b. Approve rebidding IFB #614 – Quinby Harbor Redevelopment Project
- c. Approve advertisement and filling of essential Solid Waste positions already budgeted
- e. Approve a Memorandum of Understanding with the Town of Bloxom

Hydrogen Energy Presentation, Alternative Integrated Energy

Allen Underwood, Owner and Sole Proprietor of Alternative Integrated Energy, offered a PowerPoint presentation related to Hydrogen Energy, and responded to comments and questions from the Board.

Mr. Wolff made a motion that at the next Regular Meeting with the VDOT Representative present, the Board suggest that VDOT consider support of the Hydrogen Energy project. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Gray and Mr. Hart absent.

2010 Census Partnership Agreement

Patricia Knight, Partnership Specialist from the U.S. Census Bureau, offered a PowerPoint presentation concerning the upcoming 2010 Census, and requested the Board's approval of a 2010 Census Partnership Agreement. Ms. Knight responded to comments and questions from the Board.

Green Infrastructure Plan Project

County Director of Planning James McGowan announced that the Green Infrastructure Plan Project for Accomack County, presented to the Board in August 2008, had received grant funding. The Department of Planning also received a grant of \$50,000 from The Virginia Coastal Program for County staff to assist in the project. Mr. McGowan then introduced Karen Firehock of the Green Infrastructure Center, who presented an update related to the Green Infrastructure Plan Project.

An Ordinance to Amend County Code, Chapter 70, to Require the Disposal of Solid Waste Collected or Generated in the County at Facilities Designated by the County

County Director of Public Works Stewart Hall presented background information and a summary overview of the proposed Ordinance to Amend 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, County Director of Finance Michael Mason, and County Attorney Mark Taylor responded to comments and questions from the Board.

Discussion followed concerning postponing action until the next meeting, to allow absent Board members an opportunity to be present for a vote on the ordinance.

Mrs. Thornton made a motion to postpone consideration of An Ordinance to Amend County Code, Chapter 70, to Require the Disposal of Solid Waste Collected or Generated in the County at Facilities Designated by the County until the Regular Monthly Meeting. Mrs. Gordy seconded the motion. Ayes: Mrs. Thornton and Mrs. Gordy. Nays: Mr. Mallette; Mr. Wolff; Mr. Chesser; Mrs. Mears; and Mr. McCaleb. Absent: Mr. Gray and Mr. Hart.

Mrs. Mears made a motion to postpone consideration of An Ordinance to Amend County Code, Chapter 70, to Require the Disposal of Solid Waste Collected or Generated in the County at Facilities Designated by the County for two weeks, until the next Board Meeting. Mr. Chesser seconded the motion. Ayes: Mr. Mallette; Mr. Wolff; Mr. Chesser;

and Mrs. Mears. Nays: Mrs. Thornton, Mrs. Gordy, and Mr. McCaleb. Absent: Mr. Gray and Mr. Hart.

Public Service Authority

By consensus, the Board postponed discussion of the 'Frequently Asked Questions' (FAQ's) related to the Public Service Authority (PSA) until a Work Session could be planned for the PSA as well as other water and sewer matters. The County Administrator responded to questions from the Board.

Discussion was postponed at 7:30P.M. for the Public Hearing.

Public Hearing

The County Attorney read the rules governing conduct during Public Hearings.

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the following Proposed Amendment to Accomack County Code, Chapter 82, Taxation, Article III, Real Property Taxes, Division 2., Elderly and Handicapped Exemption, Sec. 82-99, Eligibility for Exemption, and Sec. 82-101, Exemption Schedule, to increase the maximum qualifying total combined income from \$22,000 to \$28,000 and to increase the maximum qualifying combined financial worth from \$50,000 to \$80,000, both effective January 1, 2010.

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

Commissioner of Revenue Leslie Savage stated that her recommendation had been to leave the maximum qualifying income at \$22,000, because it had been raised in 2007.

Mrs. Mears made a motion to approve the following Proposed Amendment to Accomack County Code, Chapter 82, Taxation, Article III, Real Property Taxes, Division 2., Elderly and Handicapped Exemption, Sec. 82-99, Eligibility for Exemption, and Sec. 82-101, Exemption Schedule, to increase the maximum qualifying total combined income from \$22,000 to \$28,000 and to increase the maximum qualifying combined financial worth from \$50,000 to \$80,000, both effective January 1, 2010. Mrs. Gordy seconded the income.

Discussion followed.

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

**AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE III,
REAL PROPERTY TAXES, DIVISION 2.**

**ELDERLY AND HANDICAPPED EXEMPTION,
SEC. 82-99. ELIGIBILITY FOR EXEMPTION, AND
SEC. 82-101 EXEMPTION SCHEDULE
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, effective January 1, 2010.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Accomack County Board of Supervisors this 15th day of April, 2009, that Chapter 82, Article III, Real Property Taxes, Division 2, Elderly and Handicapped Exemption, Sec. 82-99, Eligibility for Exemption, and Sec. 82-101, Exemption Schedule, 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 \$28,000.00 ~~\$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 \$80,000.00 ~~\$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).

Sec. 82-101. Exemption schedule.

Where the person or persons claiming exemption conforms to the standard and does not exceed the limitations contained herein, the real estate tax exemption shall be as shown on the following schedule:

TABLE INSET: Total Combined Income From All Sources	Tax Exemptions
\$15,001.00 to \$22,000 <u>\$28,000</u>	50%
\$0.00 to \$15,000.00	100%

Star Transit

The Chair provided a brief summary of the financial issues related to Star Transit.

The Accomack-Northampton Transportation District Commission (A-NTDC) had requested a Cash Management Assessment Report from Mark McGregor, Chief Executive Officer (CEO) and Chief Financial Officer (CFO) of Virginia Regional Transit. The Chair distributed copies of the report to the Board members, and read the conclusions into the record.

Mr. Darrel Feasel, Manager of Transit Programs, Virginia Regional Transit, addressed the Board concerning the findings of the report and the financial status and current funding shortfalls of Star Transit, and responded to questions from the Board.

Lengthy discussion ensued.

Mr. Wolff made a motion to take the necessary steps to fund Star Transit through September 30, 2009. Mr. McCaleb seconded the motion.

Discussion followed.

Mr. Chesser stated that he would abstain from the vote, feeling he was upset and angry, and not competent to vote. Ayes: Mr. Mallette; Mrs. Thornton; Mr. Wolff; Mrs. Mears; and Mr. McCaleb. Nay: Mrs. Gordy. Abstain: Mr. Chesser. Absent: Mr. Gray and Mr. Hart.

Discussion related to the percentage required between Accomack County and Northampton County, respectively, followed.

Recess

By consensus of the Board, the Chair called a ten-minute recess.

Public Service Authority (cont'd)

Discussion of general PSA issues continued, with the County Administrator responding to comments and questions from the Board.

Appointments

Planning Commission

Mrs. Gordy made a motion to appoint Dave Vaughn to the Planning Commission to fill the unexpired term of Stella Rohde, who resigned, the term to begin immediately and end on December 31, 2010. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Gray and Mr. Hart absent.

Eastern Shore Community College Board

Mr. Mallette made a motion to reappoint Robert Turner to the Eastern Shore Community College Board, the term to begin at the end of his current appointment on June 30, 2009, and end on December 31, 2011. Mr. McCaleb seconded the motion. The motion passed unanimously with Mr. Gray and Mr. Hart absent.

Mrs. Mears made a motion to appoint Laura Flournoy to the Eastern Shore Community College Board, the term to begin immediately and end on December 31, 2011. Mr. Mallette seconded the motion. The motion passed unanimously with Mr. Gray and Mr. Hart absent.

County Administrator's Report

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

- Briefed the Board regarding a meeting between County staff, Agricultural Extension staff, and local farmers, concerning land value of cropland

County Attorney's Report

County Attorney Mark B. Taylor offered a briefing on the following issue:

- Contrasts in the findings of land value samplings done by County staff in comparison to the findings of the citizens' group Save Our Necks (SON)

Board of Supervisors Comment Period

Mr. Wolff commented on the TAC SAT 3 Launch and the success of the rocket program at Wallops Island.

Mrs. Gordy reported that she and Supervisor Hart had attended Board of Supervisors' Meetings in Dinwiddie County, Gloucester County, and Matthews County.

Mrs. Thornton asked all Board members to attend the Ground Water Committee Public Information Meeting at Shore Financial Center on June 16, 2009, at 7:00 P.M.

Mrs. Thornton suggested reinstating the thirty-minute dinner break during Board Meetings.

Budget Items

Mrs. Mears made a motion to approve the Budget Items. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Gray and Mr. Hart absent.

FISCAL YEAR 2009

Grants, Etc.

Increase Revenues

From the Federal Government \$1940

Increase Expenditures

Sheriff \$1,940
 --2008 Byrne Jag grant award

Increase Revenues

Local Sales Tax \$230,000
 Miscellaneous Revenue \$152,000

Decrease Revenues

Consumer utility taxes \$130,000
 Recordation taxes \$48,000
 Building permits \$44,000
 Investment earnings \$100,000
 Motor vehicle decal fees \$60,000
 --Estimated revenue revisions (See Revenue Update in the information items section of May agenda)

Decrease Revenues

From the Federal Government (\$42,957)

Increase Revenues

From the Commonwealth \$2,480

Decrease Expenditures

Social Services (\$40,477)
 --Social Services State budget adjustments

From Contingencies (\$176,502 remaining in operating contingency 4/28/09)

Decrease Expenditures

Contingencies \$931

Decrease Expenditures

Sheriff & EMS \$931

--Cost of telecommunication audit. Cost will be recovered from future cost savings associated with findings.

Other

Increase Revenues

Miscellaneous Recoveries \$2,684

Increase Expenditures

Solid Waste \$582

Sheriff \$2,102
--Auto insurance recoveries

(The following budgetary amendments require a public hearing in accordance with Section 15.2-2507 of the Code of Virginia)

Increase Revenues

From the Federal & State Governments \$6,394,372

Increase Expenditures

Schools \$6,394,372

--2009 Education related grant awards

FISCAL YEAR 2010

Decrease Fund Balance

Miscellaneous Recoveries \$TBD

Increase Expenditures

Central Accounting & IT \$TBD

--Allow carryover of unspent FY09 balances for IT improvements associated with RBS project.

Payables

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

Closed Meeting

The Chair 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. Ayes: Mr. Mallette; Mrs. Gordy; Mrs. Thornton; Mr. Wolff; Mr. Chesser; Mrs. Mears; and Mr. McCaleb. Absent: Mr. Gray and Mr. Hart.

1. Pursuant to §2.2-3711, Subsection (A) (1) of the Code of Virginia of 1950, as amended, for:
 - a. discussion and interviews with regard to appointments to the Water and Sewer Authority/Public Service Authority;
 - b. discussion related to assignment of personnel; and
2. Pursuant to §2.2-3711, Subsection (A) (5) of the Code of Virginia of 1950, as amended, for the discussion concerning prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
3. Pursuant to Subsection (A)(3) for the purpose of discussion or consideration of the acquisition of real property for lease for a public purpose or the disposition of publicly held real property where discussion in open session would adversely effect the bargaining position or negotiating strategy of the public body, regarding:

Leasing at Wallops Research Park

Open Meeting

The Chair declared the meeting open to the public.

Certification of Closed Meeting

On a motion by Mrs. Gordy and seconded by Mr. Wolff, 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
 Mr. Wolff Mr. Mallette
 Mr. Chesser Mrs. Gordy

Absent: Mr. Gray Mr. Hart

Adjournment

Mrs. Thornton made a motion to adjourn until the Regular Meeting at 5:00P.M., on Wednesday June 3, 2009 at the Cafetorium at Metompkin Elementary School. Mr. Wolff seconded the motion. The motion passed unanimously. The meeting adjourned at 10:32P.M.

Chair