

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 16th day of September, 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 with a prayer by Mr. Hart, after which the Pledge of Allegiance to the Flag was recited.

Chair's Comments

The Chair commented on the following items:

- a. Ribbon-cutting for Workforce Center
- b. Groundbreaking for Wal-Mart, scheduled for October 5 at 10:30AM
- c. Sewage Meeting
- d. Budget Redevelopment Committee
- e. Gov. Kaine's planned attendance at the Tourism Commission Welcome Center at Kiptopeke on October 7 at 9:30AM

Adoption of Agenda

The Chair requested the following changes to the Agenda.

ADD

Under New Business:

Item 14c – Consider cancelling or rescheduling the October 7, 2009 Regular Meeting
Item 14b – Defer until first Regular Meeting in October

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

Mrs. Thornton stated that an addition was to be made to Item 20, Closed Meeting and asked County Attorney Mark Taylor to state the item to be added to Closed Meeting.

Mr. Taylor read the following:

Pursuant to §2.2-3711 of the Code of Virginia of 1950, as amended, pursuant to subsection (A) (1) concerning the performance of a Public Official of a Public Body.

Mr. Wolff and Mr. Hart accepted the additional revision. The motion passed unanimously.

Public Participation

The County Attorney read the rules governing Public Comment.

The following person expressed continued concerns about the possible illegal meetings of members of the Board of Supervisors, County Attorney's compensation for attending additional meetings, and the County Contingency Funds:

Toni Trepanier

The following person requested County staff to investigate localized flooding problems in northern sections of the County:

Robert Gresham

Preparedness Survey

County Public Safety Director Jason Loftus reported that a Hurricane Preparedness Survey was being distributed in the Hampton Roads area for collection of data for disaster response planning.

Presentation of Plaque to Fire Training Center Committee

The Chair read a plaque being presented to the Fire Center Training Committee for over 20 years of efforts to establish the Fire Training Center, and in honor of all Fire and Emergency Medical Services Personnel. Mr. Kenneth 'K. W.' Ainsworth accepted the plaque on behalf of the volunteers, past and present, involved in the Fire Training Center.

Consideration of Minutes

Mrs. Mears made a motion to approve the Minutes of the August 5, August 19, and September 2, 2009 meetings, with corrections. Mr. Wolff seconded the motion. The motion passed unanimously.

Approval of Consent Agenda

Mrs. Thornton made a motion to approve the Consent Agenda. Mrs. Gordy seconded the motion. The motion passed unanimously.

- a. Approved the following Resolution appointing the Eastern Shore Health District Director to the Eastern Shore Community Services Board.

RESOLUTION

WHEREAS, the Eastern Shore Health District Director has served on the Eastern Shore Community Services Board since its inception; and

WHEREAS, it appears that the Director was never officially appointed to that body:

NOW, THEREFORE BE IT RESOLVED that the Eastern Shore Health District Director be officially appointed as a member of the Eastern Shore Community Services Board.

Highway Matters

Monthly Report

Mr. Robert Isdell, Acting Residency Administrator, Virginia Department of Transportation (VDOT), reported on VDOT projects and activities, and responded to questions and comments from the Board.

Mrs. Mears made a motion to request the Virginia Department of Transportation to conduct a speed study in the vicinity of 19310 Bayside Road to possibly change the “Advisory” speed limit sign to a “Regulatory” speed limit sign. Mr. Hart seconded the motion. The motion passed unanimously.

Report of Public Officials

Peter N. Henderson, Executive Director, Virginia Eastern Shore Land Trust, offered a presentation on conservation easements, and responded to questions from the Board.

Accomack County Public Schools

W. Richard Bull, Division Superintendent, Accomack County Public School asked if there were any questions from Board members concerning the monthly Schools Report, and responded to comments and questions from the Board.

Director of Planning

County Director of Planning James McGowan addressed the following items:

- Planning Commission
- Changes to the Planning Commission Meeting Dates and Times
- Development Projects
 - Wal-Mart
 - Onley Community Health Center
 - Marine Science Consortium
 - Onancock Sewage Treatment Plant
- Department of Planning Projects

Mr. McGowan reported potential dates offered by the Planning Commission for a Joint Work Session with the Board to discuss the Rural Residential and Village Residential Zoning Districts. By consensus, the Board agreed to schedule a Joint Work Session with the Planning Commission for 7:00PM on Tuesday September 29, in the Cafetorium of Metompkin Elementary School.

Appointments

Accomack County Fire and Rescue Commission

Mr. Wolff announced his resignation from the Accomack County Fire Commission. Mrs. Gordy nominated Mr. Gray to serve at the pleasure of the Board on the Accomack County Fire Services Commission, to fill the vacancy created by the resignation of Mr. Wolff. Mr. Wolff seconded the motion. The motion passed unanimously.

Accomack County Building & Fire Code Board of Appeals

Mrs. Mears made a motion to appoint Laura Flournoy to the Accomack County Building & Fire Code Board of Appeals for a four-year term to begin immediately and end June 30, 2013. Mr. Wolff seconded the motion. The motion passed unanimously

Accomack-Northampton Housing and Redevelopment Corporation Board of Directors

Mrs. Gordy made a motion to appoint Betsy Jenkins to the Accomack-Northampton Housing and Redevelopment Corporation Board of Directors for a three-year term to begin immediately and end on June 30, 2012. Mr. Hart seconded the motion. The motion passed unanimously.

Governor’s Budget Reduction Strategies

County Director of Finance Michael Mason offered a PowerPoint presentation of an overview of the Governor’s budget reduction strategies, stating that the County was financially capable of addressing the known reductions, and responded to questions from the Board.

The Chair invited the Constitutional Officers in attendance to address the Board concerning the impacts to their respective departments. County Clerk of the Circuit Court Samuel Cooper, County Treasurer Dana Bundick, and County Commissioner of Revenue Leslie Savage expressed concerns arising from Commonwealth reductions combined with lower revenue streams.

Reduction	Amount
Compensation Board related	\$171,234
Election related	\$5,339
VJCCCA Grant	\$2,471
Teen Pregnancy Prevention Funding Reductions	To be determined
Social Services related	To be determined
Litter Control Grant reductions	To be determined
K-12 funding	To be determined
Total Known At This Time	\$179,044

Rescheduling the October 7, 2009 Regular Monthly Board Meeting

Mr. McCaleb made a motion to change the first Regular Monthly Board Meeting in October to Tuesday October 6, 2009 at 5:00PM in the Board Chambers in Accomac. Mr. Wolff seconded the motion. The motion passed unanimously.

County Administrator's Report

County Administrator Steven B. Miner reported that the Minutes of the Board Meetings from January 2006 through September 2, 2009 were available on the County website, as were digital recordings of most Board Meetings from January 16, 2008 through September 2, 2009 were available.

County Attorney's Report

County Attorney Mark Taylor provided an overview of the Draft County of Accomack County, Virginia Regulations Governing Water Supply and Waste Discharge. Mr. Taylor and County Director of Public Works Stewart Hall responded to questions from the Board. By consensus, the Board agreed to discuss the Draft Regulations at the October 6, 2009 Board Meeting.

Mr. Taylor reviewed the proposal for a policy to address citizen requests for abandonment of roadways and the associated costs, incurred by the County, for advertisement of public hearings for such requests. By consensus, the Board agreed to discuss the proposal at the October 6, 2009 Board Meeting.

Mr. Taylor reported that General District Court Judge Gordon Vincent had declared the County's \$500 minimum fine for littering inconsistent with the Code of Virginia. Mr. Taylor presented a measure to adopt, as an emergency ordinance, the \$250 minimum littering fine stipulated by Judge Vincent. The emergency ordinance would be brought back for a Public Hearing within 60 days of adoption.

Mr. Wolff made a motion to adopt the Emergency Amendment to Section 70-1 of the Code of Accomack County to establish a minimum fine of \$250 for littering, as allowed by the Code of Virginia. Mrs. Mears seconded the motion.

Discussion followed.

The Chair called for the question. The motion passed unanimously.

Mr. Taylor responded to the comments from individuals during the Public Comment period concerning potentially illegal meetings of two or more members of the Board of Supervisors.

Board of Supervisor’s Comment Period

Mr. McCaleb commented that he hoped the negative publicity would prompt the court to impose higher fines to deter litter.

Mr. Wolff thanked the Chair for attending the September 14 E.D. 2 Constituents' Meeting, and expressed his appreciation of Mr. Gray agreeing to serve on the Fire and Rescue Commission.

Mr. Hart stressed the importance of researching alternatives to leasing property for County Offices and the need for sewer service independent of the Town of Onancock system.

Mr. Hart reported that he had visited all 95 Virginia counties, and attended and spoken at a Board of Supervisors Meeting in each of the 95 counties, on behalf of the Board and VACo.

Mr. McCaleb expressed concurrence with Mr. Hart's comments on the importance of sewer service alternatives.

Mrs. Thornton stated that the Eastern Shore Post Surveys requesting cost-cutting measures in both counties were appreciated, and applauded the County Administrator for seeking suggestions from County employees, but added that the Board and the general public should also be asked to contribute suggestions.

Public Hearing

The County Attorney read the rules governing Public Hearings.

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the following Amendment to Chapter 82, Article VII, Vehicle License Tax:

An Ordinance to Amend Chapter 82, Article VII, Vehicle License Tax, to delete language referring or relating to the requirement of vehicle decals, to abolish Vehicle License Tax on trailers and semi-trailers, to adjust the Vehicle License Tax year to coincide with the calendar year, and to provide for proration of Vehicle License Tax.

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

Mr. Wolff made a motion to approve the Ordinance to Amend Chapter 82, Article VII, Vehicle License Tax, Mrs. Mears seconded the motion. The motion passed unanimously.

**AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE VII,
VEHICLE LICENSE TAX,
OF THE ACCOMACK COUNTY CODE**

WHEREAS, the Board of Supervisors of Accomack County finds that Chapter 82, Article VII, Vehicle License Tax, of the Accomack County Code requires amendment to update said Ordinance to amend the annual fiscal year to coincide with the new billing software system and the deletion of county decals; and

WHEREAS, the Board of Supervisors is of the opinion that the Accomack County Code governing Vehicle License Tax should be amended so as to utilize the new billing software system and such amendment should become effective for the calendar year 2010.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Accomack County Board of Supervisors this 16th day of September, 2009, that Chapter 82, Article VII, Vehicle License Tax, of the Accomack County Code is hereby amended as follows:

ARTICLE VII. VEHICLE LICENSE TAX,

Sec. 82-301. Definition.

As used in this article, the word "*resident*" shall mean and include any person having a place of abode in the county for more than 30 days, irrespective of any intention on the part of the person to return to or establish a residence outside of the county at some future date, and any corporation or firm having an office or place of business in the county.
(Ord. of 10-15-2003(2))

Sec. 82-302. Required; exceptions.

(a) Every resident of the county who ~~has shall own, or have~~ in his custody or under his control, a motor vehicle, ~~or motorcycle, trailer, or semitrailer~~ which is normally garaged, stored or parked in this county and outside of any incorporated town shall ~~pay-obtain~~ an annual county license vehicle tax ~~decals~~ for such motor vehicle, ~~or motorcycle, trailer, or semitrailer~~.

(b) This section shall not apply to any person who is exempt, under the provisions of the laws of the state, from payment of the tax imposed by this article.
(Ord. of 10-15-2003(2))

State law references: Exemptions from local vehicle tax; Code of Virginia, § 46.2-755.

Sec. 82-303. License year.

The license year under the provisions of this Article shall begin on ~~April 15~~ January 1 and shall expire on the next following ~~April 14~~ December 31. Notwithstanding any other provisions of this Article, for the license calendar year 2010 only, the tax imposed under this Article shall be prorated monthly for the 2010 license year running from April 15 through December 31.
(Ord. of 10-15-2003(2))

~~Sec. 82-304. Application.~~

~~Application for a license decal required by this article shall be made on forms prescribed by the treasurer.
(Ord. of 10-15-2003(2))~~

Sec. 82-305. Tax imposed.

On each motor vehicle required to be licensed under this article there shall be a license tax of \$27.00; provided, however, that the license tax on a motorcycle shall be \$25.00 ~~and that the license tax on a trailer or semitrailer shall be \$8.00. For each transfer or reissue of a county license there shall be charged a handling fee of \$2.00.~~ The tax hereby imposed shall be included on the first tax billing issued in the calendar year.
(Ord. of 10-15-2003(2))

State law references: Authority for above tax; Code of Virginia, § 46.2-752.

Sec. 82-306. Tax exemption for members of volunteer fire or rescue units.

Any resident who is an active member of an Accomack County Volunteer Fire and Rescue Company shall be exempt from paying the license decal fee imposed in article VII, section 82-301(b) of the Code of the County of Accomack, Virginia, for a maximum of one motor vehicle, or motorcycle, ~~trailer, or semitrailer~~ providing the resident satisfies the requirements of article VII, section 82-306 of the Code of the County of Accomack, Virginia.

It shall be the duty of each volunteer fire department to provide the county treasurer with an annual list of eligible members in each fire or rescue company on the forms specified by the treasurer and by the dates required by the treasurer.
(Ord. of 10-15-2003(2))

Sec. 82-3067. Proration of tax.

~~Only one half of the license tax prescribed by this article shall be assessed and collected whenever such license tax first becomes assessable during the period beginning on October 15 in the same license year; and only one third of such license tax shall be assessed and collected whenever any such license tax first becomes assessable on or after January 15 in the same license year. The annual license fees paid on a motor vehicle that acquires situs within the County during the tax year shall be prorated monthly. Any period of greater than one-half of one month shall be charged as a whole month.~~
(Ord. of 10-15-2003(2))

Sec. 82-3078. Payment of vehicle personal property taxes prerequisite to licensing.

No motor vehicle shall be licensed under this article unless and until the applicant for such license shall have produced, before the county treasurer or his agent, satisfactory evidence that all personal property taxes upon the motor vehicle to be licensed, which personal property taxes have been assessed or are assessable against such applicant, have been paid and satisfactory evidence that any delinquent motor vehicle personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county.
(Ord. of 10-15-2003(2))

State law references: Authority for above section, Code of Virginia, § 46.2-752(c).

Sec. 82-308. Issuance of decals generally.

Upon proper application and payment of the tax prescribed by this article, and subject to other applicable provisions of this article, the county treasurer shall issue a county license decal for the applicant's motor vehicle, motorcycle, trailer or semitrailer.

(Ord. of 10-15-2003(2))

Sec. 82-309. Issuance of decal to military personnel, disabled veterans, etc.

No county license fee shall be imposed for any of the following:

(a) Personnel of the military service desiring to avail themselves of the relief offered under the Soldiers and Sailors Relief Act may file a leave and earning statement (LES).

(b) Applicants having been issued by the department of motor vehicles special license plates for disabled veterans, persons awarded the medal of honor, and former prisoners of war that were honorable discharged, if not currently a member of the armed forces.

(Ord. of 10-15-2003(2))

Sec. 82-310. Display of decal generally; violations and penalties.

(a) A license decal issued under this article shall be fastened to the windshield of the motor vehicle so licensed, next to the state inspection sticker. In the case of a motorcycle, trailer, or semitrailer the decal shall be fastened next to the state inspection sticker. Failure to display such decal shall be a violation of this article, even though the license tax has been paid. No such decal shall be placed upon any vehicle other than that for which it was issued.

(b) The owner or operator of any motor vehicle, motorcycle, trailer, or semitrailer who fails to obtain and display said license decal or who displays upon such vehicle a decal after its expiration date, shall, upon conviction, be punished by a fine not to exceed that of a Class 4 misdemeanor, provided that a violation of this section may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required decal has been obtained.

(Ord. of 10-15-2003(2))

Sec. 82-311. Transfer of decal.

License decals issued under this article may be transferred from one vehicle to another in the same manner and under the same conditions as provided by the laws and regulations governing the transfer of state license plates.

(Ord. of 10-15-2003(2))

Sec. 82-312. Issuance of duplicate decal.

After reporting the incident to the sheriff's office and obtaining a case number, a duplicate motor vehicle license decal shall be issued upon affidavit of the applicant that the original decal has been lost. The charge for such duplicate shall be \$2.00.

(Ord. of 10-15-2003(2))

Sec. 82-313. Records to be kept.

The county treasurer shall keep a record of each license decal issued under the provision of this article showing the number of such decal, the person to whom it was issued, the make and model of the vehicle for which it was issued and the state license number of such vehicle.

(Ord. of 10-15-2003(2))

Sec. 82-31409. Disposition of revenue received under article.

The revenue derived under this article shall be paid into the general fund of the county.
(Ord. of 10-15-2003(2))

State law references: Similar provisions, Code of Virginia, § 46.2-752B.
This Ordinance shall take effect at 12:01 a.m. on January 1, 2010.

Budget Items

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

FISCAL YEAR 2009

Grants, Etc.

Increase Revenues

From the Federal Government \$54,793

Increase Expenditures

Sheriff \$54,793
--Edward Byrne Memorial Grant Award

Increase Revenues

From the Commonwealth \$10,385

Decrease Fund Balance

Airport Grant Matching Reserve \$10,385
--Victim/Witness Program grant award.

Increase Expenditures

Airport \$12,891
--DOA grant award for crack sealing Apron and T-Hangar areas

Increase Revenues

From the Federal Government \$13,322

Increase Expenditures

Sheriff \$13,322
--Edward Byrne Memorial Grant Award

Increase Revenues

From the Commonwealth \$23,967

Increase Expenditures

Sheriff \$23,967
--DMV Highway Safety Program (AKA Selective Enforcement) Grant Award

Increase Revenues

From the Federal Government \$25,000

Increase Expenditures

Sheriff \$25,000
--USDA Rural Development Grant

Increase Revenues

From the Commonwealth \$20,831

Increase Expenditures

Sheriff \$20,831 \$48,057
--DMV Highway Safety Program (AKA Selective Enforcement)

From Contingencies (\$124,215 remaining in operating contingency 8/31/09)

None

Other

Increase Revenues

Bond Proceeds \$60,821

Increase Expenditures

Debt Service \$60,821

--Legal services associated with debt restructuring plan. These costs were incurred as a result of restructuring the County's general obligation and lease revenue bonds. Funding for these costs is derived from the bond proceeds.

Increase Revenues

Charges for Services \$17,056

Increase Expenditures

Sheriff \$17,056

--Security services at various special events

Payables

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

Closed Meeting

Mr. Wolff 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) (5) concerning a 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.

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 Mr. Gray Mrs. Gordy

Mr. Wolff
Mr. Chesser

Mr. Mallette
Mrs. Mears

Mr. Hart
Mr. McCaleb

Public Hearing

Mr. Wolff made a motion to authorize advertisement of a Public Hearing to begin at 7:30PM on October 21, 2009 afford interested persons the opportunity to be heard or to present written comments concerning the sale of a parcel of land in the Wallops Research Park. Mrs. Gordy seconded the motion. The motion passed unanimously.

Adjournment

Mr. Hart made a motion to adjourn to the Joint Work Session with the Accomack County Planning Commission on September 29, 2009 at 7:00PM in the Cafetorium of Metompkin Elementary School. Mr. Wolff seconded the motion. The meeting adjourned at 8:38PM.

Chair