

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 October, A.D., 2009.

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

Member Absent: Grayson Chesser

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. Gray, after which the Pledge of Allegiance to the Flag was recited.

**Chair's Comments**

The Chair commented on the following items:

- a. Wallops Strategy Meeting
- b. Wal-Mart Ribbon Cutting Ceremony
- c. Beginning the next Monthly Meeting at 3:30PM at the Wal-Mart site

**Adoption of Agenda**

The Chair requested the following changes to the Agenda.

**REMOVE**

Item 8 – Resolution of Commendation

Item 20 – Closed Meeting

**ADD**

Under Approval of Consent Agenda

Item 9h – Consider the preparation of a Resolution of Commendation for Rev. Dr. Michael T. Scott; sponsored by the Honorable Grayson Chesser

Under New Business

Item 14a – Consider a Letter of Support for the Accomack County Health Department to be considered for a Center for Disease Control and Prevention grant opportunity to make policies, systems, and environmental improvements to help overweight citizens of Accomack County

Mrs. Mears made a motion to adopt the Agenda as amended. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Chesser absent.

**Public Comments**

The County Attorney read the rules governing Public Comment.

The following person expressed concern over the dilapidated condition of the Whispering Pines Motel:

Shirley Zamora

The following person invited the public to a meeting of Hear Our Voices:

Kay Lewis, Hear Our Voices President

The following person presented comments concerning the Eastern Shore of Virginia Tourism Commission:

Lois Cooper

**Consideration of Minutes**

Mrs. Mears made a motion to approve the Minutes of the September 29 and October 6, 2009, Meetings. Mr. Hart seconded the motion. The motion passed unanimously with Mr. Chesser absent.

**Approval of the Consent Agenda**

The Chair removed Item a and Item g for discussion.

Mrs. Mears made a motion to approve the Consent Agenda as amended. Mr. Hart seconded the motion. The motion passed unanimously with Mr. Chesser absent.

- b. Approved voting credentials for the Chair, Vice-Chair, and County Administrator for the VACo Annual Business Meeting
- c. Approved scheduling a Joint Public Hearing with the Planning Commission to receive public comments on draft amendments to the Accomack County Zoning District Ordinances in accordance with the Comprehensive Plan and the Board's Strategic Plan:
  - i. Rural Residential
  - ii. Village Residential
- d. Approved scheduling a Public Hearing to receive public comments on proposed amendments to Chapter 82, Article II, Personal Property Taxes and Article III, Real Property Taxes relative to filing dates to coordinate with new software
- e. Approved the renewal of the contract with The Eastern Shore News for legal advertising services for the period of November 1, 2009 - October 31, 2010 in accordance with renewal and other terms and conditions of RFP 216. The advertising rates will remain the same for the new contract period.
- f. Approved the renewal of the contract with Corporate Express/Staples Company for office supplies for the period of November 1, 2009 - October 31, 2011 in accordance with the renewal and other terms and conditions of IFB 608.

**Upcoming Holiday Schedule**

County Administrator Steven Miner explained the Upcoming Holiday Schedule, modeled after the Holiday Schedule approved by Governor Kaine for State employees, as was the County's policy.

Mr. McCaleb made a motion to approve the Upcoming Holiday Schedule as presented. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Chesser absent.

**UPCOMING HOLIDAY SCHEDULE**

**2009**

**Thanksgiving:**

Wednesday, November 25 – State offices closing at noon

Thursday, November 26 – State offices closed

Friday, November 27 – State offices closed

**Christmas:**

Thursday, December 24 – State offices closed

Friday, December 25 – State offices closed

**2010**

**New Year's:**

Friday, January 1 – State offices closed

**Eastern Shore Community Services Board**

The Chair requested an explanation of the Eastern Shore Community Services Board's Performance Contract for FY-2010, specifically a discrepancy in budget totals. The County Administrator asked that the Board table the matter until later in the meeting to allow the Director of Finance to review the budget figures.

**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.

Mr. Isdell reported that VDOT was drafting a Resolution and compiling necessary information for the proposed change to the status of the road project on Route 609.

**Director of Finance**

County Director of Finance Michael Mason presented the quarterly financial report and recommended budget rebalancing, and responded to questions.

Mr. Hart made a motion to approve the recommendation to Rebalance Fiscal Year 2010 Budget based on First Quarter Reforecast, including the revenue estimate increases and

decreases presented in the report. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Chesser absent.

Mr. Wolff made a motion to approve the recommendation to accelerate the plan to increase the "Rainy Day" fund to 8% by two fiscal years as presented. Mr. Hart seconded the motion. The motion passed unanimously with Mr. Chesser absent.

**Whispering Pines**

County Director of Building and Zoning David Fluhart and the County Attorney provided County and Virginia Code provisions and restrictions concerning unsafe or derelict structures as related to the Whispering Pines Motel property.

**Eastern Shore Community Services Board**

The Director of Finance stated that the Eastern Shore Community Services Board Operating Budget did balance as presented.

Mr. Wolff made a motion to approve the Eastern Shore Community Services Board's Performance Contract for FY-2010. Mr. McCaleb seconded the motion. The motion passed unanimously with Mr. Chesser absent.

**National Oceanic and Atmospheric Administration**

County Director of Public Safety Jason Loftus introduced the Deputy Emergency Management Coordinator, Sarah Seaman, and expressed appreciation for her efforts in modifying Accomack County's Storm Ready Program to meet national standards that directly resulted in recognition by the National Weather Service for emergency preparedness.

Ms. Seaman introduced Mr. Sammler, Warning Coordination Meteorologist at National Oceanic and Atmospheric Administration (NOAA) National Weather Service Office in Wakefield, Virginia.

Mr. Sammler presented an overview of the Storm Ready Program, highlighting the improvements in Accomack County, with emphasis on the efforts of the Town of Chincoteague, and presented a Certificate Designating Accomack County as a Storm Ready Community and two road signs proclaiming the Storm Ready Community status.

Mr. Wolff made a motion to request approval from VDOT for the signs to be placed at the northern and southern entrances to the County. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Chesser absent.

**Accomack County Public Schools**

W. Richard Bull, Division Superintendent, Accomack County Public Schools was unable to attend.

**Department of Economic and Community Development**

County Division Director of Economic and Community Development, Larry D. Forbes, CECD, updated the Board on the following:

- Meetings in Richmond
- Virginia Department of Aviation Aerospace Industry Study
- Wal-Mart Groundbreaking
- Support for Art Industry in the County
- Solar Voltaic Industry

County Director of Planning James M. McGowan reported on the following items:

- Planning Commission consideration of:
  - Draft Planned Unit Development (PUD) Ordinance
  - Draft Rural Residential Zoning District
  - Draft Rural Village Zoning District
  - Approval of changing the Commission's Monthly Work Sessions to the fourth Tuesday of each month, in the Board Chambers
  - The Regular Meeting of the Commission will be held Thursday November 12, 2009, due to the Veterans' Day Holiday on November 11
  - The DEQ Total Maximum Daily Load (TMDL) Webinar concerning pending changes to allowable pollution in the Chesapeake Bay Watershed
  - Wal-Mart Construction and proposed site visit by the Board
  - Other development projects
  - The American Planning Association-Virginia Chapter Conference held October 16, 2009 at the Chincoteague Community Center

**Real Estate Assessor**

County Real Estate Assessor Brent Hurdle presented a status report on reassessment and responded to questions from the Board.

**Letter of Support for Accomack County Health Department**

Patti Kiger, Instructor in the Department of Pediatrics at Eastern Virginia Medical School and founder of the Eastern Shore Child Health Coalition, presented information concerning a grant opportunity totaling 3.8 million dollars from the Center for Disease Control and Prevention (CDC) for rural areas to institute community-wide policy systems and environmental changes addressing obesity prevention. States were required to identify rural areas fitting the criteria; Accomack County ranked as the most overweight county in the Commonwealth. Ms. Kiger responded to questions from the Board.

Mr. Wolff made a motion to accept and apply for the Center for Disease Control and Prevention (CDC) grant of 3.8 million dollars to institute community-wide policy systems

and environmental changes addressing obesity prevention. Mrs. Mears seconded the motion.

The motion passed unanimously with Mr. Chesser absent.

**Wallops Research Park Issues:**

Bob Roop of the Timmons Group offered a PowerPoint presentation of Wallops Research Park Master Plan, and responded to comments from the Board.

Amy Bull, Wallops Research Park Project Manager announced the following list of appointments to the Virginia Wallops Research Park Leadership Council.

- a. Tom Young representing Accomack County
- b. Amber Parker representing Marine Science Consortium
- c. Caroline Massey representing NASA Wallops Flight Facility
- d. Mike Jump representing Navy SCSC
- e. Alleyn Harned representing Virginia Secretariat of Commerce and Trade
- f. Dr. Linda Thomas-Glover representing Virginia Community College System

**Draft Planned Unit Development (PUD) Ordinance**

The County Planning Director presented a request for the Board to schedule a Joint Work Session with the Planning Commission to review and discuss the draft Planned Unit Development (PUD) Ordinance.

By consensus, the Board agreed to schedule a Joint Work Session with the Planning Commission to review and discuss the draft Planned Unit Development (PUD) Ordinance to begin at 7:30PM on November 12, 2009, at Metompkin Elementary School.

**County Administrator's Report**

The County Administrator reported a request from the County Director of Public Safety for the Board to meet with County Fire and Rescue personnel to discuss possible funding for hiring paid Emergency Medical Personnel.

Discussion followed.

By consensus, the Board requested that the Director of Public Safety meet with Emergency Medical Personnel the Fire Commission to discuss the funding and staffing options prior to the Board scheduling the requested meeting.

**County Attorney's Report**

**Draft Regulations Governing Water Supply & Waste Discharge**

The County Attorney addressed the Board concerning the revisions to the Draft Regulations Governing Water Supply & Waste Discharge.

By consensus, the Board agreed to place consideration of scheduling a Public Hearing to receive public comments on the Draft Regulations Governing Water Supply & Waste Discharge on the Consent Agenda of the next Regular Monthly Meeting.

**Delmarva Power and Light Application to the SCC**

The County Attorney presented and summarized an application from Delmarva Power and Light to the State Corporation Commission (SCC) to replace the Oak Hall to Wattsville Power Transmission Facility and the implications of potential future electrical power demand in the Wallops Research Park.

**Public Hearing**

The Chair stated that the Board was in negotiations concerning the County-owned property at Kearsarge Circle and Yorktown Drive, Wallops Island, VA. The Public Hearing would be opened and continued, remaining open until November 18, 2009.

The County Attorney read the rules governing Public Hearings.

**An Ordinance to Amend County Code relative to Littering Fine**

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Ordinance to Amend Chapter 70, Solid Waste, Article I. In General, Sec. 70-1., Dumping of Trash; Littering, of the Accomack County Code, to allow for a minimum fine of \$250.00 for littering as a deterrent from littering and for the safety, health and welfare of its citizens.

The County Attorney provided an overview of the opinion of the Accomack County General District Court that the \$500 minimum fine for littering was inconsistent with the Code of Virginia.

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

Discussion followed.

Mr. McCaleb made a motion to approve the following Ordinance to Amend Chapter 70, Solid Waste, Article I. In General, Sec. 70-1., Dumping Of Trash; Littering, of the

Accomack County Code. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Chesser absent.

**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**, The Accomack County Board of Supervisors, by Ordinance enacted January 21, 2009, established penalties for violations of Chapter 70, Solid Waste, Article I, In General, Sec. 70-1. Dumping of trash; littering; and

**WHEREAS**, The Accomack County Board of Supervisors finds that Section 70-1 relating to penalties for violation of said Code section is in apparent conflict with a ruling of the Accomack County General District Court; and

**WHEREAS**, the Accomack County Board of Supervisors finds that an emergency exists, to the extent that the minimum fine for littering must be adjusted to \$250.00 for enforcement by said Court.

**NOW, THEREFORE, BE IT ENACTED** as an Emergency Ordinance of Accomack County, that the Accomack County Ordinance enacted January 21, 2009, amending Accomack County Code Section 70-1, Dumping of trash; littering, is hereby further 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 \$250.00 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) (Ord. 1-21-09)

State law references: Similar provisions, Code of Virginia, § 33.1-346.

This Ordinance is effective upon adoption.

Mr. Wolff made a motion to direct the County Attorney to contact State Representative Linwood Lewis to present legislation to the General Assembly to amend the Code of Virginia to increase the minimum fine for littering. Mr. Hart seconded the motion. The motion passed unanimously with Mr. Chesser absent.

**Intent to Sell Certain Real Estate Owned by Accomack County**

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a Resolution signifying the intention of the Board of Supervisors of Accomack County to sell certain real estate owned by Accomack County pursuant to Virginia Code §15.2-734 and §15.2-1813., being property identified as Tax Map Number 28-1-A2A (3.1 acres, located at the intersection of Kearsarge Circle and Yorktown Drive in Wallops Island, Accomack County, Virginia).

The County Division Director of Economic and Community Development explained the proposed use for the property identified as Tax Map Number 28-1-A2A, located at the intersection of Kearsarge Circle and Yorktown Drive in Wallops Island.

No public comments were offered.

Mrs. Gordy made a motion to continue the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a Resolution signifying the intention of the Board of Supervisors of Accomack County to sell certain real estate owned by Accomack County pursuant to Virginia Code §15.2-734 and §15.2-1813., being property identified as Tax Map Number 28-1-A2A (3.1 acres, located at the intersection of Kearsarge Circle and Yorktown Drive in Wallops Island, Accomack County, Virginia) to the Regular Monthly Meeting on November 18, 2009. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Chesser absent.

**Board of Supervisor's Comment Period**

Mr. Wolff reported that Delegate Linwood Lewis had been the guest speaker at the October 19 E.D. 2 Constituent Meeting.

Mr. Mallette reported that the Accomack-Northampton Transportation Commission (A-NTDC) continued discussion concerning the rail float, negotiating with the rail operator to secure \$300,000 in needed funding.

Mr. McCaleb reported that to expedite the project, the Accomack-Northampton Planning District Commission (A-NPDC) had approved using \$300,000 in Revolving Loan Funds for the rail float.

**Budget Items**

Mrs. Mears made a motion to approve the Budget Items. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Chesser absent.

***FISCAL YEAR 2010***

**Grants, Etc.**

None

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

**Decrease Expenditures**

Contingency \$3,700

**Increase Expenditures**

Assessor \$3,700

--Temporary clerical support for Board of Equalization

**Other**

**Increase Revenues**

Zoning Fees \$87

**Increase Expenditures**

Planning \$87

--Copy fees recovered

**Increase Revenues**

Miscellaneous Revenue \$20,000

**Increase Expenditures**

Fire Training \$20,000

--Fire training expenditure reimbursements from various Fire & Rescue Companies.

**Increase Revenues**

Insurance Recoveries \$4,543

**Increase Expenditures**

South Landfill \$4,107

Sheriff \$436

--Insurance reimbursement for property damage sustained at the South Landfill and to a patrol vehicle.

**Increase/Decrease Revenues**

Various \$12,288

**Increase Expenditures**

Contingencies \$12,288

--Information on this adjustment shown in detail in the "Summary of Budget Adjustment Recommended" included in the Board Packet.

**Payables**

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

**Adjournment**

Mr. Wolff made a motion to adjourn. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Chesser absent. The meeting adjourned at 8:00PM.

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Chair