

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 20th day of January, A.D., 2010.

Members Present: Laura Belle Gordy, Chair
Donald L. Hart, Jr., Vice Chair
Wanda J. Thornton
Ron S. Wolff
Grayson Chesser
Sandra Hart Mears
John Charles "Jack" Gray
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. Chesser, after which the Pledge of Allegiance to the Flag was recited.

Amendments to the Agenda

The Chair requested the following amendment to the Agenda.

REMOVE

Item 17, Closed Meeting

Mrs. Thornton made a motion to approve the Agenda as amended. Mrs. Mears seconded the motion. The motion passed unanimously.

Public Comment

The Chair read the Rules governing the Public Comment Period.

The following representatives of Community Energy addressed the Board concerning renewable energy:

Board Director Tom Tuffey
Bill Finch
Solar Engineer Steve Hazel, Geologist John Folley

Consideration of Minutes

Mrs. Mears made a motion to approve the Minutes of the November 18, December 2, December 16, 2009, and January 6, 2010, Meetings, with corrections. Mr. Wolff seconded the motion. The motion passed unanimously.

Approval of Consent Agenda

Mr. Hart made a motion to approve the Consent Agenda. Mr. Wolff seconded the motion.

Discussion followed.

Mr. Hart amended the motion to limit the approved use to the end of his term as Supervisor. Mr. Wolff accepted the amendment.

The motion passed unanimously.

- a. Approved permanent use of E. D. 8 District Funds to pay for tipping fee costs associated with waste generated by the annual Wachapreague Vol. Fire. Co. Carnival

Highway Matters

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

2010 Census

Patricia Knight, of the U. S. Census Bureau, addressed the Board concerning the 2010 U. S. Census, and responded to questions.

Mrs. Mears made a motion to direct the County Administrator to prepare a press release and to approve the Partnership Agreement. Mr. Hart seconded the motion.

Mr. McCaleb offered an amendment to add a radio public service announcement to air two weeks prior to the start of the 2010 Census.

Mrs. Mears and Mr. Hart accepted the amendment. The motion passed unanimously.

Eastern Shore Rural Health System, Inc

Nancy Stern, Executive Director, Eastern Shore Rural Health System, Inc provided an update on the new Onley Community Health Center.

Eastern Shore Tourism Commission

County Administrator Steven Miner reported on the Proposed Amendment to the Joint Resolution Creating an Agreement Between the County of Accomack and the County of Northampton to Jointly Promote Tourism within the Counties of Accomack and Northampton and to Establish the Eastern Shore of Virginia Tourism Commission, specifically changes to the composition of the Commission, and responded to questions.

Discussion followed.

Mrs. Thornton made a motion to delay action on the Proposed Amendment to the Joint Resolution Creating an Agreement Between the County of Accomack and the County of Northampton to Jointly Promote Tourism within the Counties of Accomack and Northampton and to Establish the Eastern Shore of Virginia Tourism Commission, that would change the composition of Eastern Shore Tourism Commission, until such time that the Northampton County Board of Supervisors approves the County's FY2011 Budget. Mr. McCaleb seconded the motion.

Discussion followed, with Donna Boza of the Eastern Shore Tourism Commission and County Attorney Mark Taylor responding to questions.

Ayes: Mrs. Thornton, Mr. Chesser, Mr. Gray, Mrs. Gordy; Mr. Hart; and Mr. McCaleb. Nays: Mr. Wolff; Mrs. Mears; and Mr. Mallette.

Mrs. Thornton made a motion to direct the County Attorney to draft changes to the Proposed Amendment to the Joint Resolution Creating an Agreement Between the County of Accomack and the County of Northampton to Jointly Promote Tourism within the Counties of Accomack and Northampton and to Establish the Eastern Shore of Virginia Tourism Commission removing the stipulation that Commission members be involved in the tourism industry and setting terms of appointees to one fiscal year.

Ayes: Mrs. Thornton, Mr. Chesser, Mrs. Gordy; Mr. Hart; and Mr. McCaleb. Nays: Mr. Wolff; Mr. Gray; Mrs. Mears; and Mr. Mallette.

Appointments

Eastern Shore Community Services Board

Mrs. Gordy made a motion to appoint Mr. Travis Bradley to the Eastern Shore Community Services Board for a three-year term, to begin immediately and end December 31, 2012. Mrs. Thornton seconded the motion. The motion passed unanimously.

Mr. Wolff reported that Ms. Janet Abbott, E.D. 2 appointee to the Eastern Shore Community Services Board, had submitted a letter of resignation, and a replacement was being sought.

Planning Commission

Mr. McCaleb made a motion to appoint Mr. David Lumgair to the Accomack County Planning Commission for a four-year term, to begin immediately and end December 31, 2013. Mr. Mallette seconded the motion. The motion passed unanimously.

Wetlands Board

County Director of Building and Zoning David Fluhart explained that two Alternate seats on the Wetlands Board needed appointees, and a resident had expressed an interest in serving.

Mr. McCaleb made a motion to appoint Mr. Mikel Patti as an Alternate to the Accomack County Wetlands Board for a five-year term, to begin immediately and end December 31, 2014. Mrs. Thornton seconded the motion. The motion passed unanimously.

Planning Grant for Mary N. Smith School

The County Administrator presented a request for authorization to pursue a planning grant for Mary N. Smith School, and introduced Director of Parks and Recreation William Allen. Mr. Allen stated that the portions of the school would be retained for Parks and Recreation use.

Discussion followed, with the County Administrator, the Director of Parks and Recreation, and representatives of the Mary N. Smith School Alumni responding to questions.

Mr. Hart made a motion to pursue a planning grant and to preserve the character of the school as presented with the support of the Mary N. Smith Alumni. Mr. Gray seconded the motion.

Discussion continued and the motion passed unanimously.

Eastern Shore of Virginia Welcome Center

The Chair stated that a date and time for a tour of the Eastern Shore of Virginia Welcome Center. By consensus, the Board agreed not to visit the Welcome Center as a group, and directed staff to send a letter to the Tourism Commission in appreciation of the invitation and advising that Board members would visit individually.

Recess

By consensus, the Chair declared the meeting in recess for one-half hour.

Call to Order

The Chair called the meeting back to order.

Public Hearing

The County Attorney read the rules governing Public Hearings.

Proposed Amendment to Accomack County Enterprise Zone

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the proposed amendments to Accomack County Enterprise Zone, which would include enlargement in the Onley area, reduction in the Melfa area by removal of the public airport property, and realignment of road designations connecting existing areas.

The following person spoke in favor of the proposed Amendment to Enterprise Zone

Nancy Stern, Eastern Shore Rural Health Systems, Inc

The Chair closed the Public Hearing.

County Division Director of Economic and Community Development Larry D. Forbes stated that discrepancies had been discovered in the Enterprise Zone Maps, and introduced County Geographic Information (GIS) Coordinator Tom Brockenbrough to explain the impacts of the discrepancies.

The GIS Coordinator asked that the Board delay action on the proposed Amendment to Accomack County Enterprise Zone until the Virginia Department of Community Development verified the properties within the Enterprise Zones in Accomack County.

Discussion continued, with the Division Director of Economic and Community Development and the GIS Coordinator responding to questions.

Proposal for Office Space/Emergency Operations Center from Onancock Volunteer Fire Department

Chief Mike Truitt of the Onancock Volunteer Fire Department (VFD) presented a proposal for County Office Space/Emergency Operations Center in the Department's future facility expansion.

Discussion followed, with Chief Truitt responding to questions.

Commonwealth Proposed Budget Cuts Impact

County Director of Finance Michael Mason offered a PowerPoint presentation of the Commonwealth Proposed Budget Cuts Impact, detailing reductions in funding from the Commonwealth, and responded to questions.

Mr. McCaleb made a motion to accept the recommendation of a one-time reduction to the budget for County Real Estate Assessor's Office by \$84,000 to fund other cuts. Mr. Hart seconded the motion. The motion passed unanimously.

The Director of Finance also discussed the impacts of reductions in state funding in the following areas:

- Education
- Sheriff's Department
- Treasurer's Office
- Commissioner of the Revenue
- Clerk of the Circuit Court
- Social Services Department
- Personal Use Vehicle Tax
- Increased Personal Income Tax Proposal

Discussion followed.

Mr. McCaleb made a motion to authorize the Chair, with assistance from the Director of Finance, to write an open letter warning the public of the funding situation the County will be facing. Mrs. Thornton seconded the motion.

Mrs. Thornton offered an amendment to the motion, to state clearly in the open letter that state legislators are responsible for the funding reductions; to urge the public to contact the legislators immediately; and to include the names and contact information for all state legislators. Mr. McCaleb accepted the amendment.

Discussion continued.

Mr. McCaleb stated, for clarification, that the letter should clearly state taxpayers will face increased real estate taxes, increased state income tax, or reduction or loss of services.

The motion passed unanimously.

Discussion of the proposed Commonwealth Proposed Budget Cuts continued.

County Administrator's Report

Commonwealth Budget Concerns

The County Administrator reviewed other items of concern on the proposed Commonwealth Budget, and reported a request from the Virginia Association of Counties (VaCO) that the Chair and Vice Chair coordinate with the County Attorney to respond to legislative actions.

Mr. Hart made a motion that the County Attorney and the Board members seated as Chair and Vice Chair be designated liaisons to VaCO every year concerning the Commonwealth Budget. Mrs. Thornton seconded the motion. The motion passed unanimously.

Mr. Hart urged Board members to attend the VML and VaCO Legislative Day on February 11, 2010, which provides important opportunities for information on pending legislation.

Mr. McCaleb made a motion to that the County Administrator meet with Department Heads to prioritize and evaluate potential layoffs. There was no second to the motion. The motion was defeated.

The County Administrator stated that a meeting would be held with all Department Heads, and the Director of Finance would present the Commonwealth Proposed Budget Cuts at that time. Review of core services possible reduction of services will be required from each department.

Stormwater Management Workshop

The County Administrator stated that the Stormwater Management Workshop was on the Agenda pursuant to a Board request to schedule such a workshop.

Mrs. Thornton stated that two amendments were under consideration by the General Assembly at the request of the Department of Conservation and Recreation (DCR). The first amendment would delay enactment of the Stormwater Management Ordinance requirement for one year, and the second for two years, due to the pending change to Environmental Protection Agency (EPA) administration of the Chesapeake Bay Protection Act (CBPA) and the uncertainty of the meshing of the CBPA and Stormwater Management Ordinances.

Mrs. Thornton made a motion to delay scheduling a Stormwater Management Workshop or taking any further action on a Stormwater Management Ordinance until the General Assembly passed a bill setting the date for required compliance. Mr. Wolff seconded the motion.

Discussion of the Stormwater Management Ordinance and drainage problems followed, with the County Director of Planning and Environmental Services and the County Attorney responding to questions.

Mrs. Thornton withdrew the motion.

Board Parliamentarian Rev. Broad advised that after a motion is properly made and seconded, it no longer belongs to the maker of the motion and can be withdrawn only with approval by the entire Board.

The Chair polled the Board for approval of withdrawal of the motion on the floor. Mrs. Gordy-yes; Mr. Hart-yes; Mrs. Thornton-yes; Mr. Wolff-yes; Mr. Chesser-yes; Mrs. Mears-yes; Mr. Gray-yes; Mr. Mallette-yes; and Mr. McCaleb-yes.

Mrs. Thornton made a motion to direct the Director of Planning and Environmental Services to include in the Draft Stormwater Management Ordinance methods of addressing the current drainage issues throughout the County, and all components that contributed to the issues. Mr. McCaleb seconded the motion.

Discussion followed.

The motion passed unanimously.

Blue & Green Infrastructure

The County Administrator requested the Board select a date for the Blue & Green Infrastructure Work Session and Public Meetings from the list of dates and facilities provided in the Agenda packet.

Discussion followed.

By consensus, the Board approved the schedule of Blue & Green Infrastructure Meetings.

Work Sessions

Due to the Budget Work Sessions and the schedule for Blue & Green Infrastructure Work Session, Mr. Hart suggested rescheduling the March Work Session to April 7.

Discussion followed.

By consensus, the Board agreed to reschedule the March 3, 2010 Work Session to April 7, 2010.

Circuit Courthouse

The County Administrator reviewed a letter received from Circuit Court Judge Tyler requesting immediate repairs to the heating and air conditioning system in the Circuit Courthouse. The County Director of Public Works has determined the issue to a design flaw, not a system mechanical problem.

Star Transit

Mrs. Thornton asked the County Administrator to allow the Board members serving on the Accomack-Northampton Transportation District Commission (A-NTDC) to explain

the A-NTDC's decision to eliminate Star Transit bus service for all areas north of Bloxom and Nelsonia.

Mr. Mallette, Mr. Wolff, and Mr. McCaleb reported on the process by which Virginia Transit had made the decision and presented the recommendation to the A-NTDC, and then responded to questions.

County Attorney's Report

Commonwealth Proposed Budget Reductions

The County Attorney addressed the Board on various aspects of the Proposed Commonwealth Budget Reductions to Localities, pending legislation to direct local traffic fines and fees to the Commonwealth, and the importance of Board members staying actively involved and offering input during the General Assembly Budget Session.

Accomack County Noise Ordinance

The County Attorney reported that the Virginia State Supreme Court had ruled the City of Virginia Beach, Virginia Noise Ordinance unconstitutional, and an appeal to the United States Supreme Court had been denied. The City of Virginia Beach Noise Ordinance had served as a model for the Accomack County Noise Ordinance, and several similar sections needed to be amended or removed.

The Solid Waste Ordinance

The recently adopted Solid Waste Ordinance required all solid waste generated in Accomack County to be disposed of within the County; Mrs. Thornton raised the question of asbestos disposal in the County, since there are no facilities approved for asbestos disposal.

The County Attorney explained that such facilities could be constructed and operated by the County, but the costs and liability are prohibitive.

Board of Supervisors Comment Period

Mr. Chesser expressed concern for the County, the residents, and County employees as the County faces the deep revenue losses proposed in the Commonwealth Budget.

Mrs. Thornton requested that the issue of the Star Transit route to Chincoteague be placed on the next Meeting Agenda.

Mr. McCaleb echoed Mr. Chesser's concerns.

Mr. Hart stated that localities needed to stop funding non-mandated state programs, cut those programs, and inform the public that revenue cuts by the Commonwealth were to blame.

Payables

Mrs. Mears made a motion to approve the Payables as presented. Mrs. Thornton seconded the motion. The motion passed unanimously.

Adjournment

Mrs. Mears made a motion to adjourn to the February 2, 2010, Budget Meeting, to receive the FY2011 Budget Workpapers. Mr. Hart seconded the motion. The motion passed unanimously. The meeting adjourned at 10:38PM

Chair