

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 17th day of March, 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: 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.

**Adoption of Agenda**

**Amendments to the Agenda**

The Chair requested the following amendments to the Agenda.

**ADD**

**UNDER CONSENT AGENDA**

- i. Consider approving the use of E.D. 4 District Funds for tipping fees resulting from the Bayside community Cleanup to be held April 10, 2010

**REMOVE**

10. HIGHWAY MATTERS
- 12-a. Hear an update on a proposal for Office Space/Emergency Operations Center from Chief Mike Truitt of the Onancock Volunteer Fire Department

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

**Public Comment**

The Chair read the Rules governing the Public Comment Period.

The following person addressed the Board concerning the FY-2011 budget process and general County issues:

Bob Gresham

**Consideration of Minutes**

Mrs. Mears made a motion to approve the Minutes of the February 17, 22, and 27, 2010, Meetings, with corrections. Mr. Mallette seconded the motion. The motion passed unanimously.

**Presentation**

In recognition as Chair of the Board of Supervisors for FY 2008, Mrs. Gordy presented Mr. Ron S. Wolff a commemorative Gavel Plaque.

**Approval of Consent Agenda**

Mr. Wolff made a motion to approve the following items under the Consent Agenda. Mrs. Mears seconded the motion. The motion passed unanimously.

- a. To schedule a Public Hearing to receive public comment regarding proposed amendments to the Accomack-Northampton Enterprise Zone as proposed by Accomack County
- b. To schedule a Public Hearing to receive public comment regarding the proposed Six-Year Plan for fiscal years 2010-2011 to 2015-2016 and Improvement Priorities for fiscal year 2010-2011
- c. Approved contract renewal of IFB #620 for scrap metal purchase and removal
- d. Approved contract renewal of RFP #219 for engineering services for solid waste activities
- e. Approved the use of up to \$5,000 each to the Towns of Melfa, Keller, and Wachapreague from E. D. 8 District funds to assist with drainage issues
- f. Approved the use of \$2,000 to the Chincoteague Volunteer Fire Co. from E.D. 1 District funds
- g. Approved the preparation of Resolutions of Commendation for:
  - 1. Pauline M. Milbourne
  - 2. James N. Belote, III
- h. Approved joining with Senator Ralph S. Northam to become a member with Broadband for America to support the concept of broadband access for all Americans and authorize use of the County Logo for posting on its website
- i. Approved the use of E.D. 4 District Funds for tipping fees resulting from the Bayside Community Cleanup to be held April 10, 2010

**FY-2009 Comprehensive Annual Financial Report**

Finance Director Michael T. Mason introduced David Foley, Audit Manager for of Robinson, Farmer & Cox Associates, who presented the FY-2009 Comprehensive Annual Financial Report (CAFR). Following the presentation, Mr. Mason and Mr. Foley responded to comments and questions from the Board.

**Consolidation Feasibility Study**

Mr. Chesser made a motion to accept the Consolidation Feasibility Study submitted by Mr. Dan Hillman, Staff Consultant. Mrs. Thornton seconded the motion. Ayes: Mrs.

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

**Accomack County School Administration Building and County Administration Building Renovations**

Following a brief discussion, Mrs. Mears made a motion to postpone indefinitely any action concerning the Accomack County School Administration Building and County Administration Building renovations. Mr. Mallette seconded the motion.

Discussion continued.

The motion passed unanimously.

**Referendum – Meals and Beverage Tax**

Following a brief discussion, Mrs. Thornton made a motion to send to referendum a 4% meals and beverage tax; the funds to be perpetually designated for education. Mr. Mallette seconded the motion.

Discussions continued with County Attorney Mark B. Taylor noting that funds could not be “perpetually” designated.

Mr. Mallette made a motion to postpone any action on the matter until June. Mr. Wolff seconded the motion. The motion passed unanimously.

Discussion continued related to a citizen’s petition requesting a referendum and Mrs. Thornton made a motion to have Mr. Taylor prepare the necessary document for same. Mr. Wolff seconded the motion. The motion passed unanimously following a brief discussion.

**Carfloat Repairs**

Mr. Taylor reported on a recent meeting concerning the proposed agreement to address repairs to the carfloat “Nandua” and explained same noting that there had not been a resolution to the proposed agreement and was awaiting confirmation from the railroad

Mr. McCaleb made a motion that if the language is returned as satisfactory, that the Board of Supervisors fund the repairs. Mrs. Thornton seconded the motion. Ayes: Mrs. Thornton, Mr. Mears, Mr. Mallette, Mrs. Gordy, Mr. Hart, Mr. McCaleb. Nays: Mr. Wolff, Mr. Chesser, Mr. Gray.

**Appointments**

**Accomack County Park and Recreation Advisory Commission**

Mr. McCaleb made a motion to appoint Kay Lewis to the Accomack County Parks and Recreation Advisory Commission to fill the unexpired term of Johnnie Benson, who has resigned, the term to begin immediately and end on June 30, 2010. Mrs. Mears seconded the motion. The motion passed unanimously.

**Accomack County Fire and Rescue Commission**

Mrs. Thornton made a motion to appoint Billye D. Custis as a member-at-large to the Accomack County Fire and Rescue Commission to begin immediately. Mr. McCaleb seconded the motion. The motion passed unanimously.

**Economic Development Authority**

A discussion took place regarding the disposition of the Economic Development Authority, its responsibilities, appointees, etc.

Mr. Mallette made a motion to discuss the matter at the March 31<sup>st</sup> meeting of the Board. Mr. Wolff seconded the motion.

Discussion continued.

Mrs. Thornton made a motion to postpone any action or discussions until after the budget public hearing and following a meeting of the Chair of the Board, the Chair and Vice-Chair of the Economic Development Authority. Mr. McCaleb seconded the motion.

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

**Broadband Technology Opportunities Program Application (BTOP)**

County Administrator Steven B. Miner gave a briefing related to a Broadband Technology Opportunities Program Application and relinquished the floor to Mr. Patrick Cody, Executive Director of the Broadband Authority who explained application process, the initial service area for broadband and requested a Resolution of Support from the Board.

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

Mr. Wolff made a motion to adopt the following Resolution. Mrs. Mears seconded the motion. The motion passed unanimously.

**RESOLUTION**

**BE IT RESOLVED**, that the Accomack County Board of Supervisors, in conjunction with Northampton County, strongly supports the application by the Eastern

Shore of Virginia Broadband Authority for Economic Stimulus funds available through the NTIA Broadband Technology Opportunities Program (EasyGrant #6302).

**BE IT FURTHER RESOLVED**, that any project funds are to be used to further extend the current network and to leverage the considerable investment the County and our Towns have already made to provide needed broadband access to our citizens.

**BE IT FURTHER RESOLVED**, that the County of Accomack agrees to guarantee its share of the grant's required cash match as loan or loan guarantee.

**County Attorney's Report**

**Proposed Amendment to Accomack County Code, Chapter 106, General Provisions, Sec. 106-239, Applications and Permits**

Following a briefing by County Attorney Mark B. Taylor, Mrs. Thornton made a motion to hold a Public Hearing on April 21, 2010, at 7:30 p.m. in the Board Chambers to afford interested persons to be heard or to present written comments concerning the following proposed amendment to Accomack County Code, Chapter 106, General Provisions, Sec 106-239, Applications and Permits. Mr. Mallette seconded the motion. The motion passed unanimously.

**AN ORDINANCE TO AMEND CHAPTER 106, GENERAL PROVISIONS,  
SEC. 106-239 APPLICATIONS AND PERMITS  
OF THE ACCOMACK COUNTY CODE**

**WHEREAS**, the Board of Supervisors of Accomack County finds that Chapter 106, Zoning, Sec. 106-239, of the Accomack County Code needs to be amended to update said Ordinance to establish new procedures in accordance with amendments to the Virginia State Code §15.2-2286(B) relating to permits and applications and the payment of real estate taxes on the subject property; and

**WHEREAS**, the Board of Supervisors is of the opinion that the Accomack County Code should be amended to establish new regulations pertaining to applications and permits to update as per Virginia Code §15.2-2286(B) amendment immediately.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Accomack County Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 2009, that Chapter 106, Zoning, Sec. 106-239 applications and permits of the Accomack County Code are hereby amended as follows:

**CHAPTER 106. ZONING**

**Sec. 106-239 Applications and Permits.**

Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the Accomack County requires the applicant to produce satisfactory evidence that any delinquent real estate taxes owed to the locality which have been properly assessed against the subject property have been paid.

This Ordinance is effective immediately.

**General Assembly Updates**

Mr. Taylor gave an update on General Assembly issues and noted that this was the time for the Board to consider legislative initiatives for next year particularly as related to the food and beverage tax.

Mrs. Thornton made a motion to direct staff move forward to support diversified revenue streams through the General Assembly. Mr. McCaleb seconded the motion. The motion passed unanimously.

**Whispering Pines**

Mr. Taylor gave an update on the derelict building at Whispering Pines and noted that he was working with Building and Zoning Director and the Department of Environmental Quality (DEQ) to address the issue.

**Board of Supervisors Comment Period**

Mr. Wolff reported on a recent meeting he and Mr. Chesser had attended at NASA concerning the Shore Line Restoration Project.

Mr. Mallette stated that the Board needed to look at how the proposed budget cuts would affect County services. When asked, Mr. Miner noted that he had requested the affected departments to submit, in writing by the end of the month, the affect the cuts would have; that those submissions would then be forwarded to the Board prior to its final decision during the budget deliberations.

Mrs. Thornton said she would like to have a list of the individuals hired within the last three years and what their job functions are.

Mrs. Mears said she would like justification for the funds given to the schools by the County and how they were used.

Mr. Hart said he hoped the Board would look to the future as what actions taken this year with budget because it would have an impact on next year.

Mrs. Thornton requested a Resolution of Commendation be prepared for Robert Conklin acknowledging his service on the Economic Development Authority.

**Payables**

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

**Closed Meeting**

Mr. Chesser made a motion that the Board go into closed meeting for the following purpose pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended. Mr. McCaleb seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Mears, Mrs. Gordy, Mr. Hart, Mr. McCaleb. Nays: Mr. Mallette.

1. Pursuant to Subsection (A)(1) for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

**Open Session**

The Chair declared the meeting open to the public.

**Certification of Closed Meeting**

Mr. McCaleb 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	Mrs. Mears	Mr. Hart
	Mr. Chesser	Mr. Mallette	Mr. McCaleb

**Public Hearing**

**Proposed Ordinance Amendment to Chapter 34, Elections, Article III, Precincts; Polling Places**

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 a proposed amendment to Chapter 34, elections, Article III, Precincts; Polling Places, to provide that the Central Absentee Ballot Precinct Place shall be used in all elections in Accomack County, excluding town elections.

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

Mrs. Thornton made a motion to adopt the following amendment to Chapter 34, Elections. Mrs. Mears seconded the motion. The motion passed unanimously.

**ACCOMACK COUNTY, VIRGINIA, ORDINANCE AMENDMENT TO  
CHAPTER 34, ELECTIONS, ARTICLE III,  
PRECINCTS; POLLING PLACES  
CHAPTER 34 – ELECTIONS  
ARTICLE III. PRECINCTS; POLLING PLACES**

WHEREAS, the Accomack County Board of Supervisors, by Ordinance enacted May 21, 2008, established a Central Absentee Ballot Precinct at the Accomack County Administration Building for use in all elections in Accomack County; and

WHEREAS, The Accomack County Board of Supervisors finds that the welfare and convenience of Accomack County residents and compliance with Virginia law requires that Accomack County designate a Central Absentee Precinct for use in Accomack County in all elections, with the exception of town elections; and

WHEREAS, the Accomack County Board of Supervisors finds that an emergency exists, inasmuch as designation of a Central Absentee Precinct must be timely made to accommodate town elections on May 4, 2010.

NOW, THEREFORE, BE IT ENACTED as an Emergency Ordinance of Accomack County, that the Accomack County Ordinance enacted May 21, 2008, amending Accomack County Code Section 34-67, is hereby further amended, as follows:

**Section 2.**

Pursuant to the provisions of the Code of Virginia, Article 3, §24.2-305 et seq. (2000 Repl.Vol.), the local governing body of Accomack County authorizes the establishment of the Central Absentee Ballot Precinct Place to be located in the Board of Supervisors Room in the Accomack County Administration Building located as 23296 Courthouse Avenue, Accomack, Virginia. The Central Absentee Ballot Precinct Place shall be used for all elections in Accomack County, *with the exception of any town elections.*

AND BE IT FURTHER RESOLVED, that advertisement of this Ordinance Amendment for public hearing, in anticipation of re-enactment of the same, within sixty days of emergency enactment, is hereby directed.

(Ord. 2/21/01; 5/21/08)

**State law references:** Virginia Code § 24.2-712, as amended.

This Ordinance is effective immediately.

**Adjournment**

Mrs. Thornton made a motion to adjourn to March 31, 2010, at 7:30 to conduct a Public Hearing to Application by Wal-Mart Stores East, LP for the modification of Conditional Use Permit 2006-05 for authorization for the change of color to be used on the façade of the Wal-Mart store, and authorization of changes to the building signage to be placed on the facade of the Wal-Mart store. Mrs. Mears seconded the motion. The motion passed unanimously. The meeting adjourned at 7:45 p.m.

---

Chair