

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 19<sup>th</sup> day of May, A.D., 2010.

Members Present: Laura Belle Gordy, Chair  
Wanda J. Thornton  
Ron S. Wolff  
Grayson Chesser  
Sandra Hart Mears  
John Charles "Jack" Gray  
E. Philip McCaleb

Member Absent: Donald L. Hart, Jr., Vice Chair

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 opened with a prayer by Rev. Broad, after which the Pledge of Allegiance to the Flag was recited.

### **Adoption of Agenda**

#### **Amendments to the Agenda**

The Vice Chair requested the following amendments to the Agenda.

#### **ADD**

#### **UNDER CONSENT AGENDA**

- 8-e – Consider appropriating \$8,000 from Contingencies to fund the County's Portion of the Economic Value Study for BRAC (Base Realignment and Closure) at NASA Wallops Flight Facility
- 8-f – Consider a Memorandum of Understanding with NOAA to locate a weather radio transmitter on the County owned Mappsville Tower site

#### **UNDER PUBLIC OFFICIALS**

- A. - E. Phillip Hickman, Chair, Accomack County Planning Commission
- B. - John LeCato, Chair, Accomack County Economic Development Authority

Mr. Mallette made a motion to approve the Agenda as amended. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Hart absent

### **Minutes**

Mrs. Mears made a motion to approve the Minutes of the April 5, 7, 13, and 21, 2010, meetings, with corrections. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Hart absent.

### **Presentations – Fire Medics**

Public Safety Director Jason Loftus presented a plaque to Richard Collins, Stephanie Fluhart, and Cory Pashkowitz in recognition of their achieving the level of Fire Medics.

**Resolutions of Commendation**

Mrs. Gordy read and presented the following Resolution of Commendation to James N. Belote, III.

**RESOLUTION OF COMMENDATION**

**WHEREAS**, James N. Belote, III began his career in 1976 in Virginia Beach, VA and was employed in Accomack County as the Senior Extension Agent, Agriculture and Natural Resources with Virginia Cooperative Extension from January, 1986 to December, 2009; and

**WHEREAS**, he faithfully and conscientiously served the Eastern Shore and its citizens during these twenty-four years; and

**WHEREAS**, he retired from his position on December 31, 2009:

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors appreciates the many years of dedicated services and extends to James N. Belote, III its best wishes for many years of happiness in the future.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be spread upon the Minutes and be put upon a plaque to be presented to Mr. Belote.

Mrs. Thornton read and presented the following Resolution of Commendation to Robert H. Conklin.

**RESOLUTION OF COMMENDATION**

**WHEREAS**, Robert H. Conklin was a member of the Accomack County Economic Development Authority from March, 1996, through February, 2010; and

**WHEREAS**, he was a conscientious and devoted member of the Accomack County Economic Development Authority and gave generously of his time and efforts:

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors does hereby recognize and commend the distinguished, faithful and outstanding service of Robert H. Conklin to the Accomack County Economic Development Authority and the citizens of the County of Accomack; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be spread upon the Minutes and be put upon a plaque to be presented to Mr. Conklin.

**Approval of Consent Agenda**

Mr. Wolff made a motion to approve the following items under the Consent Agenda.

Mr. Mallette seconded the motion. The motion passed unanimously with Mr. Hart absent.

- a. The contract renewal of RFP 211 - engineering services for site plan reviews,
- b. To sell at auction on July 12<sup>th</sup> surplus vehicles stored at the County Garage,
- c. The preparation of a Letter of Appreciation for Tom Brockenbrough, Department of Planning,

- d. The following Resolution to obtain financial assistance through the Rural Housing Service to purchase police cars for the County,

**RESOLUTION OF GOVERNING BODY OF  
ACCOMACK COUNTY**

The Board of Supervisors governing Accomack County, consisting of nine (9) members, in a duly called meeting held on the 19<sup>th</sup> day of May, 2010, at which a quorum was present, RESOLVED as follows:

**BE IT HEREBY RESOLVED** that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government) to Purchase Police Cars for the County, the Board of Supervisors does hereby adopt and abide by the covenants contained in the following agreements:

1. Form RD-400-4, "Assurance Agreement"
2. Form RD-400-1, "Equal Opportunity Agreement"
3. Form RD 1940-1, "Request for Obligation of Funds"
4. Ford RD-442—7, "Operating Budget"
5. Form AD-1047, "Certification Regarding the Debarment, Suspension and Other Responsibility Matters – Primary Covered Transactions"
6. Form AD-1049, "Certification Regarding Drug-Free Workplace"
7. Form AD-3570-3, "Agreement for Administrative Requirements for Community Facility Grants"
8. FmHA 1940-Q, "Exhibit A-1, Certification Regarding Lobbying"

**BE IT FURTHER RESOLVED** that Steven B. Miner is authorized to execute, on behalf of Accomack County the above agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-named documents, is hereby entered into the permanent minutes of the meetings of this Board of Supervisors.

- e. To appropriate \$8,000 from Contingencies to fund the County's portion of the Economic Value Study for BRAC (Base Realignment and Closure) at NASA Wallops Flight Facility, and
- f. A Memorandum of Understanding with NOAA to locate a weather radio transmitter on the County owned Mappsville Tower Site.

**Virginia Cooperative Extension**

Mr. William E. Shockley, Jr., Extension Agent, Agriculture and Natural Resources briefed the Board on various agricultural projects and in particular on a the initiation of a Plastic Pesticide Container Recycling Program in 2010 in Accomack County and responded to questions.

Mr. Shockley also briefed the Board about the Intern Program and introduced Kyle Sturgis who would be interning through August.

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

**Office of the Commissioner of the Revenue**

Leslie M. Savage, Commissioner of the Revenue, told the Board that she had been informed that the vacant position in her office the Board had voted to supplement during its budget deliberations had been eliminated by action of the General Assembly. She requested the Board to fully fund the position.

Following a discussion, Mrs. Thornton made a motion to postpone action until the next regular meeting on June 16 to permit the Finance Director to determine how much money was already in the budget that would not affect the Contingency fund. Mr. McCaleb seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mr. Mallette, Mrs. Gordy, Mr. McCaleb. Nays: Mrs. Mears. Absent: Mr. Hart.

**Department of Planning**

Mr. E. Phillip Hickman, Chair, Accomack County Planning Commission, gave a briefing related to the County Planner position. He said that the Commission has agreed not to receive compensation for attending meetings or mileage reimbursements in order to retain the position in the Department of Planning.

Mr. McGowan said that he had submitted a grant application for the retention of the position and explained same.

A discussion took place with Mr. Hickman and Director of Planning James M. McGowan responding to questions.

**Accomack County Economic Development Authority**

Mr. John LeCato, Chair, Accomack County Economic Development Authority, gave a briefing regarding cost-saving efforts the Authority had implemented and responded to questions.

**Star Transit**

Following comments by Mr. Mark McGregor, Virginia Regional Transit, related to Star Transit, Mr. McCaleb made a motion to budget and appropriate \$32,000 from Contingencies to Star Transit to cover operations until September 30, 2009. Mr. Mallette seconded the motion.

A discussion took place.

The vote on the motion: Ayes: Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Mallette, Mr. McCaleb. Nays: Mrs. Thornton, Mrs. Gordy. Absent: Mr. Hart.

Mrs. Thornton stated for the record that she was opposed to there not being any service north of Parksley.

**Blue/Green Infrastructure Project – Final Report**

Ms. Karen Firehock presented the final report on the Blue/Green Infrastructure Project and responded to questions.

The Board expressed its appreciation to Ms. Firehock for her hard work on the project.

**Appointments**

**Accomack County Building and Fire Code Board of Appeals**

Mrs. Mears made a motion to appoint Laura Flournoy to the Accomack County Building and Fire Code Board of Appeals for a four-year term, the term to begin immediately and end on March 31, 2014. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Hart absent.

**Accomack County Building and Fire Code Board of Appeals**

Mr. Wolff made a motion to appoint Marvin D. Amadeo to the Accomack County Building and Fire Code Board of Appeals for a four-year term, the term to begin immediately and end on March 31, 2014. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Hart absent.

**Accomack County Economic Development Authority**

Mr. Mallette made a motion to reappoint Iravon Ashby-Hope to the Accomack County Economic Development Authority for a four-year term, the term to begin immediately and end on February 18, 2014. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Hart absent.

**Accomack County Economic Development Authority**

Mr. Mallette made a motion to reappoint Robert W. Marshall to the Accomack County Economic Development Authority for a four-year term, the term to begin immediately and end on February 18, 2014. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Hart absent.

**FEMA Grant**

Mr. Wolff made a motion to apply for a FEMA grant in the amount of \$804,000 for radio and infrastructure repairs through the Department of Public Safety. Mr. Gray

seconded the motion. The motion passed unanimously with Mrs. Mears and Mr. Hart absent.

**Wallops Research Park – Taxiway Project**

County Administrator Steven B. Miner gave a briefing on a proposal to fund a development project analysis to analyze worth of investment in a taxiway project.

A lengthy discussion ensued.

Mr. Wolff made a motion to direct the County Administrator to move forward with funding the project based on holding a meeting with all involved. Mr. Mallette seconded the motion and suggested that representatives from BaySys Technologies and Garrett Companies be in attendance at the meeting.

Mr. McCaleb noted that he had filed a Conflict of Interest Disclosure and would have to abstain from voting as his company insured BaySys Technologies' assets.

The vote on the motion: Ayes: Mrs. Thornton, Mr. Wolff, Mr. Gray, Mr. Mallette, Mrs. Gordy. Nays: Mr. Chesser, Mrs. Mears. Abstentions: Mr. McCaleb. Absent: Mr. Hart.

**Public Hearings**

**Proposed Abandonment of Route 660 (Mink Farm Road)**

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 proposed abandonment of Route 660 (Mink Farm Road) where it intersects with North Shore Drive, eastward, the last three hundred ten feet (310') from the Secondary System of State Highways pursuant to §33.1.151, Code of Virginia, as amended.

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

Mr. Mallette made a motion to adopt the following Resolution. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Hart absent.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA FOR ABANDONMENT OF ROAD**

**WHEREAS**, no public necessity exists for the continuance as a public secondary road the last three hundred and ten feet (310') of Route 660 eastward from here it intersects with North Shore Drive; and

**WHEREAS**, maintenance of the above-described last three hundred and ten feet (310') of State Route 660 by the Commonwealth of Virginia is no longer necessary or appropriate; and

**WHEREAS**, a public notice was given as prescribed under Section 33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning discontinuance of the last three hundred and ten feet (310') of the road described herein (Route 660) eastward from where it intersections with North Shore Drive from the Secondary System of State Highways, and

**WHEREAS**, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject road, and

**WHEREAS**, upon such public hearing and consideration of all evidence presented, this Board is satisfied that no public necessity exists for the continuance of the last three hundred and ten (310') of State Route 660 eastward from where it intersections with North Shore Drive, and hereby deems that road, being the last two hundred feet (200') of Route 660, no longer necessary as a part of the Secondary System of State Highways.

**NOW, THEREFORE, BE IT RESOLVED**, this Board abandon the above described road and removes it from the Secondary System of State Highways, pursuant to Section 33.1-151, Code of Virginia.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded the Resident Engineer of the Virginia Department of Transportation.

**Proposed Ordinance to Amend Accomack County Rezoning Fee Schedule**

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed Ordinance to amend the Accomack County Rezoning Fee Schedule as it pertains to Planned Unit Development (PUD) in Accomack County to include the PUD fees of \$2,200.00 plus \$40.00 per acre (or fraction).

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

Mr. Mallette made a motion to adopt the following Ordinance. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Hart absent.

**AN ORDINANCE TO AMEND THE ACCOMACK  
COUNTY REZONING FEE SCHEDULE  
PERTAINING TO PUD DEVELOPMENT  
OF THE ACCOMACK COUNTY CODE**

**WHEREAS**, The Accomack County Board of Supervisors, by Ordinance enacted April 1, 2009, established a rate schedule for the Department of Planning; and

**WHEREAS**, The Accomack County Board of Supervisors finds that the rate schedule needs to be revised as it pertains to rezoning of PUD; and

**WHEREAS**, the Accomack County Board of Supervisors finds that an emergency exists, to the extent that the fee schedule must be adjusted to include PUD development of \$2,200.00 plus \$40.00 per acre (fraction).

**NOW, THEREFORE, BE IT ENACTED** as an Emergency Ordinance of Accomack County, that the Accomack County Ordinance enacted April 1, 2009, amending Accomack County Code as it pertains to rezoning fees is hereby further amended by adding the following:

*PUD Fees:*

*\$2,200.00 + \$40.00 per acre*

This Ordinance is effective upon adoption.

### **Agricultural and Forestal District Review and Renewal**

A discussion took place between the Board and Director of Planning James M. McGowan concerning Agricultural and Forestal District review and renewal.

A lengthy discussion ensued with Mr. McGowan and County Administrator Steven

B. Miner responding to questions regarding:

- Grant funding to retain Planner position
- Disposition of and procedures for processing A&F Districts

### **Planner Position Appropriation**

Mr. Mallette made a motion to budget and appropriate \$9,000 from Contingencies to the Planning Department to supplement the Planner position. Mr. Wolff seconded the motion. Ayes: Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Mallette, Mrs. Gordy. Nays: Mrs. Thornton, Mr. McCaleb. Absent: Mr. Hart.

### **Horntown Agricultural and Forestal District**

Mr. McCaleb made a motion to move forward with the review of the Horntown Agricultural and Forestal District. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Hart absent.

### **County Administrator's Report**

County Administrator Steven B. Miner briefed the Board on the following matters:

- Letter from the Airport Committee
- Laptop maintenance

### **County Attorney's Report**

County Attorney Mark B. Taylor briefed the Board on the following matters:

- Status of the car float
- Sale of property to the Garrett Companies and requested an extension of the agreement.

Mrs. Thornton made a motion to extend the agreement with the Garrett Companies by thirty (30) days. Mr. Mallette seconded the motion. The motion passed unanimously with Mr. Hart absent.

**Supervisors Comment Period**

Mr. Chesser suggested each member of the Board receive a copy of the taped recording of a recent meeting of the Economic Development Authority.

Mrs. Mears asked how much had been spent on the recent Census mailings.

Mr. Mallette noted that the economy was “looking up.”

Mr. Thornton extended an invitation to the Board to attend a workshop sponsored by the Ground Water Committee to be held on June 9<sup>th</sup> from 6:30 – 8PM at Shore Financial in Onley.

Mrs. Gordy expressed her appreciation to the Board for cards, flowers and thought during the recent illness of her sister.

**Budget and Appropriation Items**

Mrs. Mears made a motion to approve the following budget and appropriation items. Mr. Wolff seconded the motion. The motion passed unanimously.

<b>FISCAL YEAR 2010</b>
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**Grants, Etc.**

<b>Increase Revenues</b>	
From the Commonwealth	\$ 16,920
<b>Increase Expenditures</b>	
Emergency Management	\$ 16,920
CERT Grant award	
<b>Increase Revenues</b>	
From the Commonwealth	\$ 46,738
<b>Increase Expenditures</b>	
Comprehensive Services Act Fund	\$ 46,738
Healthy Families Grant award	
<b>Increase Revenues</b>	
From the Commonwealth	\$ 230
<b>Increase Expenditures</b>	
Fire Training Center	\$ 230
VA Department of Fire Programs Grant award	
<b>Increase Revenues</b>	
From the Commonwealth	\$ 50,000
<b>Increase Expenditures</b>	
Hazardous Materials Response Fund	\$ 50,000

Haz-Mat Team Equipment/Training Grant award

<b>Increase Revenues</b>	
From the Commonwealth	\$ 23,170
<b>Decrease Revenues</b>	
From the Federal Government	\$-30,271
<b>Decrease Expenditures</b>	
Social Services State Budget Allocation adjustment	\$- 7,101

***From Contingencies (\$44,803 remaining in operating contingency as of 04-26-10***

<b>Decrease Expenditures</b>	
Operating Contingencies	\$ 400
<b>Increase Expenditures</b>	
Planning	\$ 400
Advertising cost associated with the Board initiated Zoning Text Amendment to require tax payment evidence before approval of permits	
<b>Decrease Contingencies</b>	
Operating Contingency	\$ 8,000
<b>Increase Expenditures</b>	
Economic Development	\$ 8,000
Economic Value Study	

**Other**

<b>Increase Revenues</b>	
Miscellaneous Recoveries	\$ 25,000
<b>Increase Expenditures</b>	
Solid Waste	\$ 25,000
Revenue from interdepartmental services rendered y the County Garage	
<b>Increase Revenues</b>	
Charges for Services	\$ 698
<b>Increase Expenditures</b>	
Planning	\$ 698
Public Hearing related fees recovered from applicants	
<b>Increase Revenues</b>	
Insurance Recoveries	\$ 4,389
<b>Increase Expenditures</b>	
Sheriff	\$ 4,389
Insurance reimbursements for Sheriff vehicle damages	
<b>Decrease Expenditures</b>	
Economic Development	\$ 15,000
<b>Increase Expenditures</b>	
Wallops Research Park	\$ 15,000
Transfer a portion of the Economic Development budget to cover Wallops Research Park expenditures	

***The following budgetary amendments require a Public Hearing in accordance with Section 15.2-2507 of the Code of Virginia***

<b>Decrease Fund Balance</b>	
Fund Balance Designated for School Carryover Projects	\$1,394,275
<b>Increase Expenditures</b>	
Public Schools	\$1,394,275
2009 State Carry-Over Funds	

**Payables**

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

**Closed Meeting**

Mr. Wolff 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. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Hart absent.

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**

Mrs. Thornton made a motion, seconded by Mr. Mallette, 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. McCaleb
	Mr. Chesser	Mr. Mallette	

Nays: None                      Absent: Mr. Hart

**Adjournment**

Mr. Wolff made a motion to adjourn. Mrs. McCaleb seconded the motion. The motion passed unanimously with Mr. Hart absent. The meeting adjourned at 8:55 p.m.

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Chair