

At a regular monthly meeting of the Accomack County Board of Supervisors, held on the 18th day of July 2018, in the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia at 5:00 p.m.

1. Opening of Meeting

1.1. Call to Order

MEMBERS PRESENT AND ABSENT

Board of Supervisors Present:

Robert D. Crockett, Chair
Donald L. Hart, Jr., Vice Chair
William J. "Billy" Tarr
Ron S. Wolff
Grayson C. Chesser
Harrison W. Phillips, III
Paul E. J. Muhly
Laura Belle Gordy
C. Reneta Major

Board of Supervisors Absent: n/a

Others Present:

Michael T. Mason, County Administrator
Cela J. Burge, County Attorney
Ms. Jessica Taylor, Administrative Assistant

There being a quorum, Chairman Crockett called the meeting to order at 5:00 p.m.

1.2. Invocation

The invocation was given by Mr. Wolff.

1.3. Pledge of Allegiance

1.4. Adoption of Agenda

Mr. Mason requested that the Board amend the agenda to include item 11.3 Public Hearing regarding increasing the Central Accomack Sewer Rate, as the matter had been scheduled and advertised, but inadvertently excluded from the agenda.

On a motion made by Mr. Hart and seconded by Mrs. Gordy, the Board of Supervisors voted to adopt the agenda as amended.

2. Public Comment Period

2.1. Mrs. Burge read the Public Comment rules.

Chairman Crockett opened the floor for the public comment period. No one signed up or requested to speak; the public comment period was closed.

3. Minutes

3.1 May 16, 2018

On a motion made by Mr. Hart and seconded by Ms. Major, the Board of Supervisors voted to approve the May 16, 2018 meeting minutes as presented.

4. Recognitions

There were no recognitions.

5. Consent Agenda

5.1 Approval of Consent Agenda

On a motion made by Mr. Hart and seconded by Mr. Tarr, the Board of Supervisors voted to remove Consent Agenda Item 5.6 Consider Contract Award Approval for Permitting & Land Management System.

Mr. Phillips expressed his concern over the cost and the need to confirm that the cost was competitive; Mr. Mason confirmed that he believed the cost to be competitive. Mrs. Burge noted that she had reviewed the proposal, there were no escalation clauses, and the contract would be renewed annually.

On a motion made by Ms. Major and seconded by Mr. Tarr, the Board of Supervisors voted to approve the following items on the Consent Agenda.

5.2 Consider contract renewal - RFP 291-Engineering & Environmental Services

5.3 Consider requesting VDOT inspect the intersection of Horsey Road and Neal Parker Road due to a possible motorist safety issue caused by uneven road payment

5.4 Consider Award Approval -- IFB 708 Old NASA Ferry Dock

5.5 Consider Contract Renewal for Cellular Voice and Data Services

5.7 Consider a Letter of Support for the 2018 BUILD for the Town of Chincoteague

5.8 Consider Participating in the PILT Class Action Lawsuit

6. Report of Public Officials

6.1. Ms. Major reported, on behalf of the Eastern Shore Area Agency on Aging, that Mrs. Donna Sample-Smith, is now the new CEO. Ms. Sample-Smith is a 1975 graduate of Onancock High returned to the Eastern Shore after 43 years. Chairman Crockett welcomed Mrs. Sample-Smith home and wished her well on her endeavors.

7. Items removed from Consent Agenda

5.6 Consider Contract Award Approval for Permitting & Land Management System

On a motion made by Mr. Phillips and seconded by Ms. Major, the Board of Supervisors voted to approve the contract with Tyler Technologies for the EnerGov

Permitting & Land Management Suite. The pricing based on Sourcewell (formerly National Joint Powers Alliance NJPA) number 110515-TTI and funding was previously approved in the FY19 budget. Year 1 total cost is \$185,999, which includes estimated travel costs of \$13,600.

8. Committee Reports

There were no committee reports.

9. Old Business

There was no old business to discuss.

10. Appointments

10.1 July Appointments

- A. On a motion made by Mr. Wolff and seconded by Mr. Phillips, the Board of Supervisors voted to appoint Mr. Herbert Koons to the Captain's Cove/Greenbackville Mosquito Control District Commission for a 4-year term to commence immediately and expire on June 30, 2022.**
- B. On a motion made by Ms. Major and seconded by Mr. Hart, the Board of Supervisors voted to appoint Mr. Andre Elliot to the Eastern Shore Community Services Board for a 3-year term to commence immediately and expire on December 31, 2020.**
- C. An appointment for the Eastern Shore of Virginia Resource Conservation and Development Council was continued to the August meeting.**
- D. On a motion made by Mr. Wolff and seconded by Mr. Phillips, the Board of Supervisors voted to appoint Mr. Robert Martin to the Accomack County Social Services Board for a 2-year term (replacing Ms. N. Hickman's incomplete term) to commence immediately and expire on June 30, 2020.**

10.2 July Attendance Report

11. Public Hearing (6:30)

11.1 Public Hearing Rules were read by Mrs. Burge.

11.2 Public Hearing on the School Board's request to appropriate School Division FY17 State Carryover Funds to FY18 in accordance with the 2017 Appropriation Act and to recognize select federal and state grants and entitlements for FY18

Chairman Crockett opened the public hearing; no one signed up to speak.

Mr. Mason introduced Superintendent W. Chris Holland and School Board Director of Finance, Ms. Beth Onley. Mr. Mason explained that the School Board had requested that \$4,330,961 in State carryforward funds be appropriated in FY18. Item 139 B.24.b. of the State Appropriation Act of 2017 requires localities electing to carry forward Fiscal Year 2017 remaining State Direct Aid to Public Education funds to have those

funds re-appropriated by the governing body for Fiscal Year 2018. Failure to have these funds appropriated would mean these funds would revert to the State.

On a motion made by Mr. Wolff and seconded by Mr. Tarr, the Board of Supervisors voted to approve the Accomack County School Board's request to appropriate School Division FY17 State Carryover Funds to FY18 in accordance with the 2017 Appropriation Act and to recognize select federal and state grants and entitlements for FY18.

Resolution authorizing the Appropriation of \$4,330,961 in Fiscal Year 2017 State Carryover funds for the School Operating Fund of the Accomack County School Board to offset the impact of Fiscal Year 2018 State Revenue adjustments.

RESOLUTION

WHEREAS, Chapter 836, Item 139 B.24.a of the 2017 Acts of Assembly (i.e. the 2017 Appropriation Act), permits school divisions that have met required local effort and required local match for fiscal year 2017 to carry forward any remaining state direct aid to Public Education funds to fiscal year 2018 to help minimize the impact of any fiscal year 2018 state revenue adjustments to the school division; and

WHEREAS, the Act also requires that any funds carried forward be appropriated by the governing body and expended in the ensuing year; and

WHEREAS, the School Board of Accomack County, Virginia has undergone a financial audit for Fiscal Year 2017 and has reported an ending fund balance of \$4,330,961 in its School Operating Fund in the County's Comprehensive Annual Financial Report (CAFR); and

WHEREAS, staff of the School Board of Accomack County, Virginia have reported that the entire amount of the ending fund balance, \$4,330,961, is comprised solely of unexpended state direct aid to Public Education funds; and

WHEREAS, the County of Accomack, Virginia Board of Supervisors has met its required local effort and required local match for fiscal year 2017; and

WHEREAS, the County of Accomack, Virginia Board of Supervisors has already appropriated a portion of the \$4,330,961 in Fiscal Year 2017 state carry forward funds for use in Fiscal Year 2018 as part of the FY18 Adopted Budget; and

WHEREAS, the School Board of Accomack County, Virginia is requesting that the remaining \$4,330,961 in unexpended Fiscal Year 2017 state funds be carried forward into Fiscal Year 2018 and appropriated to the school division; and

WHEREAS, the School Board of Accomack County, Virginia will use the remaining unappropriated \$4,330,961 in unexpended state funds in fiscal year 2018 to offset the impact of fiscal year 2018 state revenue reductions to the school division; now

THEREFORE, BE IT RESOLVED, by the County of Accomack, Virginia Board of Supervisors, that the sum of \$4,330,961 be appropriated in lump sum in state carry forward funds to the School Operating Fund of the School Board of Accomack County, Virginia.

Mr. Mason noted that in addition, the Schools have requested \$1,319,841 in budget amendments to reflect the award of select federal/state grants and Medicaid funding. Mr. Mason noted that this would not appropriate additional funds.

On a motion made by Mr. Wolff and seconded by Mrs. Gordy, the Board of Supervisors voted to approve the School Board's request of \$1,319,841 in budget amendments to reflect the award of select federal/state grants and Medicaid funding.

**RESOLUTION TO AMEND THE FISCAL YEAR 2018
ACCOMACK COUNTY BUDGET (SCHOOL DIVISION
FUND) TO RECOGNIZE FEDERAL & STATE
GRANTS/INITIATIVES AWARDED**

WHEREAS, it is the responsibility of the Accomack County Board of Supervisors to approve and maintain the budget for Accomack County which includes the Accomack County School Division; and

WHEREAS, on April 5, 2017, the Board of Supervisors finalized the Accomack County Fiscal Year 2018 Budget; and

WHEREAS, during the course of the fiscal year certain unanticipated events occur that compel amendments to the budget be made;

WHEREAS, on May 18, 2018 and June 7, 2018, the County received a request from the Accomack County School Division to amend the FY18 School Division Budget and appropriate funds in the amount of \$1,319,842 due to the following unbudgeted grant awards and initiatives; and

School Fund	
Use of funds:	
Technology Classroom	\$ 237,848
Security Grant	12,352
STEM Incentive	5,000
Project Graduation	8,921
Food Services Supervisor Supplements	1,500
Kegotank Elementary Gym	5,124
Administrative Vehicles and Equipment	94,354
Medicaid	954,743
Total	\$ 1,319,842

WHEREAS, the *Code of Virginia* § 15.2-2507 requires any proposed budget amendment that exceeds one percent of the total expenditures shown in the currently adopted County budget must be accomplished by publishing a notice of a meeting and a public hearing once in a newspaper having general circulation in that locality at least seven days prior to the meeting date; and

WHEREAS, the proposed budget amendment does exceed one percent of the total expenditures shown in the currently adopted County budget; and

WHEREAS, on July 4, 2018, a public hearing notice was advertised in the Eastern Shore News on this proposed amendment to the County's FY18 Budget; and

WHEREAS, on July 18, 2018, a public hearing was held on this proposed amendment to the County FY18 Budget; now

THEREFORE, BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2018 County Budget (School Fund) be amended by \$1,319,842 and funds appropriated.

11.3 AMENDED-Public Hearing regarding increasing the Central Accomack Sewer Rate

Chairman Crockett opened and closed the public hearing as no one signed up to speak. Staff explained that in 2015 the Town of Onancock increased its lowest rate in FY18 by \$1.46 and will be increasing its lowest rate again by \$1.12 in FY19. The County is charged the lowest Town rate for wastewater that is conveyed via the County's main to the Town system; therefore, the proposed adjustment represents a pass-through of the increases by the Town.

On a motion made by Mr. Wolff and seconded by Mr. Muhly, the Board of Supervisors voted to approve adjusting the sewer rate for the Central Accomack Service Area from \$19.12 per thousand gallons to \$21.70 per thousand gallons.

12. New Business

12.1 Bayside Community Update

Ms. Myra Riley-Taylor, Revitalization Team Lead, explained the team's organization and efforts to attempt to revitalize the bayside area of Onancock, also known as White Rabbit. Ms. Riley-Taylor expressed that the team aims to improve the aesthetics of the community by removing derelict structures; improving signage, ditch drainage, and existing homes; bringing sidewalks and broadband to the area; and contacting other agencies to assist with improvements in any way possible.

The Board complimented and expressed its thanks to Revitalization Team and the Bayside community for taking the initiative to improve.

On a motion made by Mr. Hart and seconded by Mr. Phillips, the Board of Supervisors voted to submit a letter of support to the Accomack-Northampton Planning District Commission requesting that it avail itself in all ways possible to assist the Bayside Community Revitalization Team with its efforts.

12.2 GIS Internship Overview and Demo

Ms. Kathy Carmody, Chief Human Resources Officer informed the Board that in recent months the County had been successful in bringing in its first unpaid intern from James Madison University, Noah Zember. She expressed that since the Board had expressed interest, she has also successfully worked with the Eastern Shore Community College for internships.

Mr. G. Christian Guvernator, IV, Director of Environmental Programs provided the Board with a demonstration of some work completed by Mr. Zember on that may be viewed by County employees to confirm the status of easements for ditch maintenance and stormwater projects. Mr. Guvernator expressed the benefits that Mr. Zember received through the internship as he was exposed to work typically encountered in a municipal government GIS department.

Mr. Guvernator closed discussion with the supervisors noting the benefit of this work to staff and citizens; while the information is not available on the public website, citizens inquiring should contact the Department of Environmental Programs.

Chairman Crockett directed staff to send a thank you letter to Mr. Zember and his advisor to express appreciation of his efforts.

12.3 Presentation of RAFT Project Results

Tom Brockenbrough, GIS Coordinator/Floodplain Manager, introduced the RAFT (Resiliency Adaption Feasibility Tool) project and members of the inter-disciplinary collaborative team from the University of Virginia, William & Mary Law School's Coastal Policy Center, Old Dominion University and ANPDC.

Ms. Michelle Covi and Ms. Elizabeth Andrews explained the importance of the RAFT Project due to the coastal flooding experienced along the shorelines. Ms. Andrews reviewed the County's scorecard while expressing kudos for the areas of strength such as:

- leadership and planning for resilience;
- risk assessment for vulnerable populations;
- critical transportation infrastructure;
- inclusion of Coastal Resiliency within the Comprehensive Plan; and
- Providing Coastal Resilience Information to the Public.

Areas in need of improvement were:

- Stormwater Infrastructure;
- Resident systems to provide food, health, and medicine;
- Physical and mental health for social equity in community resilience.

Ms. Covi noted that Mr. Governor's newest Stormwater Best Management Practices (BMP's) drainage project on AccoMap would accrue a point towards the Stormwater Infrastructure.

On a motion made by Mr. Phillips and seconded by Mrs. Gordy, the Board of Supervisors voted to appoint Mr. Chesser as its representative for the RAFT workshop on August 14, 2018.

12.4 Consider Possible Supporting Route 179 (Market Street) Reconfiguration between the Towns of Onley and Onancock

Mr. Mason informed the Board that due to concerns relative to safety on Market Street, a meeting was held in April between representatives of VDOT, Accomack County, ANPDC, and the towns of Onancock and Onley to discuss the following matters:

- The increasing number of bicyclists and pedestrians using Route 179 to access Riverside Shore Memorial Hospital and the Four Corner Plaza area; and
- The lack of a dedicated center turn lane to allow vehicles to safely exit 179 without impeding thru traffic.

VDOT has proposed to remedy the situation with a "road diet" on the portion of Route 179 which is currently four lanes (from Riverside Shore Memorial Hospital to the Town of Onancock). Applying this concept to Route 179 would mean the road would be reduced from four lanes to three lanes with the installation of a dedicated center turn

lane and dedicated pedestrian/bicycle lanes on both sides. No construction would be needed as a “road diet” technique only reduces the number of travel lanes in order to achieve safety and operational benefits essentially for the cost of restriping the road.

Mrs. Gordy expressed her concern with motorists who may experience confusion with the change, requiring additional thought, which may then lead to a dangerous situation in the busy area. Chairman Crockett responded that while he understood, if the result was not improvement, the stripes could be changed again.

Mr. Mason noted that the Town of Onancock and Riverside had already expressed its support and the Town of Onley was expected to follow suit.

On a motion made by Mr. Wolff and seconded by Ms. Major, the Board of Supervisors voted unanimously to sign a letter of support for the Route 179 (Market Street) Reconfiguration between the Towns of Onley and Onancock, as proposed by VDOT.

12.5 Consider Approving Facility Use Policy

On a motion made by Ms. Major and seconded by Mr. Muhly, the Board of Supervisors voted to approve the County Facility Use Policy, as presented, to address facilities, rates, and an application for use.

13. County Administrator's Report

13.1 Review the County's (Treasurer's) role in preparing Town Tax Bills on behalf of the Towns and recent requests from some towns to add a license fee to each Town's personal property bills.

Mr. Mason reported that in recent months, the County had been contacted by multiple towns who have indicated that they would like to eliminate their requirement for their residents to obtain a motor vehicle decal if the County would agree to add a vehicle license fee to the Town's personal property tax bills, which the County creates on the Town's behalf.

He explained that the option had been put forth by the County back in 2009 when the County was installing new property tax billing and collection software but at that time and for numerous reasons, there was no consensus among the Towns to move forward so the County shelved the idea.

Mr. Mason noted that he would be convening a meeting with the towns to discuss the matter.

13.2 Results of VDOT traffic studies of Rt. 716 (Warrior Drive) and the intersection of route 175 (Chincoteague Rd) and Fleming Rd

Mr. Mason reported that the studies conducted on these roads did not warrant a reduction in speed or additional traffic control devices; however, it was warranted that Warrior Drive would be a candidate for a time-of-day School Zone Speed Limit sign, the cost and installation would be the responsibility of the County.

Supervisors expressed their concern with the traffic on Warrior Drive and discussed approaching the School Board to discuss a financial contribution towards the project.

On a motion made by Mr. Hart and seconded by Mrs. Gordy, the Board of Supervisors approved purchasing and installing two time-of-day School Zone Speed Limit signs on Warrior Drive at a cost not exceeding \$20,187 from the FY19 County Operating Budget.

On a motion made by Mr. Hart and seconded by Mr. Wolff, the Board of Supervisors voted that Mr. Wolf would discuss a financial contribution from the School Board for the School Zone Speed Limit signs on Warrior Drive with the School Board Chair and Vice-Chair.

13.3 Notice of Willingness to Hold Design Public Hearing from VDOT-Rt 701 (Jenkins Bridge Road) Bridge Replacement

Mr. Mason announced that the deadline for public comments was July 21, 2018. Mr. Chesser expressed his support of this project, but noted that he would contact Mr. Chris Isdell, VDOT, as he believes there will be continued issues at this bridge due to the low-lying roads on each end of the bridge.

13.4 CBBT Parallel Thimble Shoal Tunnel Project Tour on Friday, August 3, 2018

Mr. Mason announced that a tour of the CBBT Parallel Thimble Shoal Tunnel Project Tour on Friday, August 3, 2018.

13.5 Other

A. Fooks Lane – Mr. Mason showed images of the progress of work at Fook’s Lane.

B. Mr. Mason notified the supervisors that Queen Sound Landing had been closed for emergency repair installing a temporary concrete patch; staff expects to reopen the landing within one week.

14. County Attorney’s Report

Mrs. Burge had nothing to report in the open session.

15. Board of Supervisors Comment Period

A. Mr. Wolff – Traffic Signal at Tyson Plant – Mr. Wolff stated that he had spoken with the Safety Director at Tyson and Tyson expressed its willingness to contribute funding towards the project; a traffic study has begun to determine the appropriate improvement in that area.

B. Mr. Phillips – Kinsey Drive/Route 13 – Due to the number of accidents in the area, Mr. Phillips requested that staff submitted a letter to VDOT requesting a Safety Study.

On a motion made by Mr. Phillips and seconded by Mr. Wolff, the Board of Supervisors voted to request VDOT to conduct a safety study at the intersection of Kinsey Road and Route 13.

- C. **Mr. Hart** – Redwood Road – Mr. Hart expressed his continued concern; Mr. Mason informed the Board that Redwood was ranked as the #1 addition to future Secondary Improvement Plans.
- D. **Ms. Major** – commended VDOT for the grand work they had done on Fook’s Lane.
- E. **Mr. Tarr** – given the number of tourists on the island already, the 2018 Pony Penning may be the biggest yet.
- F. **Chairman Crockett** – grandchildren had visited Chincoteague during their stay and thoroughly enjoyed the new waterpark.

16. Budget and Appropriation Items

No items to report.

17. Payables

17.1 July Payables

Mr. Mason certified the July payables.

On a motion made by Mr. Tarr and seconded by Ms. Major, the Board of Supervisors voted to certify Mr. Mason to pay the July payables.

18. Closed Meeting

18.1 Closed Session Pursuant to Va. Code Section 2.2-3711.A.3. - Discussion regarding disposition/acquisition of real property.

On a motion made by Mr. Tarr and seconded by Mr. Phillips, the Board of Supervisors voted unanimously to enter into Closed Session pursuant to Virginia Code Section 2.2-3711.A.3 for the following purposes: discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically related to the Wallops Research Park and the Schooner Bay area.

Chairman Crockett declared the meeting reopened to the public.

On a motion made by Mr. Hart and seconded by Ms. Major, the Board of Supervisors voted unanimously 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.

19. Adjournment

On a motion made by Mr. Wolff and seconded by Mr. Phillips, the Board of Supervisors voted to adjourn the meeting at 7:18 p.m.