

At a regular monthly meeting of the Accomack County Board of Supervisors, held on the 16<sup>th</sup> day of January 2019, in the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia at 5:00 p.m.

## **1. Opening of Meeting**

### **MEMBERS PRESENT AND ABSENT**

#### **Board of Supervisors Present:**

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

#### **Board of Supervisors Absent:**

n/a

#### **Others Present:**

Mr. Michael T. Mason, County Administrator  
Mrs. Cela J. Burge, County Attorney  
Mrs. Jessica Taylor Hargis, Executive Assistant

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

### **1.1. Invocation**

The invocation was given by Mr. Tarr.

### **1.2. Pledge of Allegiance**

### **1.3. Adoption of Agenda**

**On a motion made by Mr. Wolff and seconded by Mrs. Gordy, the Accomack County Board of Supervisors voted to adopt the agenda, as amended, to include Item 18.2 Closed Meeting to include discussion of Personnel Matters.**

## **2. Public Comment**

### **2.1 Public Comment Rules**

Mr. Hart opened the Public Comment period, no one signed up or requested to speak. The Public Comment period was closed.

## **3. Consideration of Minutes**

### **3.1 December 16, 2018**

**On a motion made by Mr. Crockett and seconded by Ms. Major, the Accomack County Board of Supervisors voted to approve the December 16, 2018 meeting minutes.**

### **3.2 January 2, 2019**

**On a motion made by Mr. Crockett and seconded by Ms. Major, the Accomack County Board of Supervisors voted to approve the January 2, 2019 meeting minutes.**

## **4. Recognitions**

### **4.1 Presentation of Plaque to Robert D. Crockett**

Chairman Hart presented Mr. Crockett with a plaque to thank him for his dedicated service as the Accomack County Board of Supervisors Chairman in 2018.

## **5. Consent Agenda**

### **5.1 Approval of Consent Agenda**

**On a motion made by Mr. Wolff and seconded by Ms. Major, the Accomack County Board of Supervisors voted to approve all items on the Consent Agenda:**

**5.2 Consider clarifying amendments to County Policy FP1005 - School Budget Contingency and Unexpended School Local Appropriation Policy**

**5.3 Consider pursuing grant opportunities with the Va. Port Authority for improvements to Quinby & Greenbackville Harbors**

**5.4 Consider approving MOU between the new Commissioner of Revenue and the County covering compensation, benefits and personnel policies applicable to employees of the Commissioner**

**5.5 Consider renewal of contract - IFB #697 Printing**

**5.6 Consider Approving Letter Matching Fund Commitment in Support of DHCD Community Improvement Grant Application for the Town of Parksley, Virginia**

**5.7 Equal Rights Amendment Resolution Endorsement**

## **6. Items Removed from Consent Agenda**

No items were removed from the Consent Agenda.

## **7. Report of Public Officials**

There were no public official reports.

## **8. Committee Reports**

### **8.1 Receive Report from Library Project Steering Committee**

Mr. Muhly, member of the Library Project Steering Committee, briefed the Board on the joint meeting between the Steering Committee and the Construction Committee. Mr. Muhly reported that at the January 16, 2019 meeting, the two committees had reviewed 90% plans. The committees identified, reviewed, and resolved 47 change items. The architect will submit 100% plans in time for the February 21, 2019 meeting.

## **9. Old Business**

### **9.1 SunTec - Request to Renew/Extend Conditional Use Permit (CUP) for One Year**

Rich Morrison, Deputy Administrator – Building, Planning & Economic Development, reviewed the solar project, northwest of the Tasley roundabout, reminding the Board that SunTec was granted a one (1) year extension to the Conditional Use Permits issued for the solar project in Tasley last year.

The Conditional Use Permits are set to expire on January 18, 2019. Two Conditional Use Permits were issued to the project as the property is zoned both Agricultural and General Business.

He and Mr. Dennis Nordstrom, a SunTec Project Manager, explained that SunTec is now seeking a second extension for the Conditional Use Permits. The initial letter from SunTec requests a one (1) year extension of the Conditional Use Permits (CUP) that were originally granted in January 2017 and extended to January 18, 2019 by the Board last year.

After discussion and review, staff and SunTec agree that requesting a two (2) year extension would be more suitable as neither believe that substantial construction, as required by the ordinance, will occur within one year. Both parties did express that while SunTec has encountered many delays, the project continues to move forward.

**On a motion made by Mr. Crockett and seconded by Mrs. Gordy, the Accomack County Board of Supervisors voted to approve a two (2) year Conditional Use Permit extension to both the Agriculture and General Business Conditional Use Permits. Both Conditional Use Permits are extended two (2) years from the date of the first extension, January 18, 2019, and will expire on January 18, 2021. The extensions are granted in response to the request from SunTec. All terms and conditions of original approval remain in effect.**

## **9.2 Consider approving an agreement with Northampton County regarding the Household Hazardous Waste Program**

The Board heard from Ms. Shannon Alexander, A-NPDC, she noted that the agreement relates to the recurring annual costs associated with the Household Hazardous Waste Program that was previously approved. Under the terms of this agreement, Northampton would be billed for 1/3 of the contracted disposal costs during the life of the program and Accomack County would cover 2/3 of those costs. Recurring annual costs for Accomack are estimated at \$19,800. County attorneys have reviewed this agreement and Northampton Board of Supervisors is expected to also approve this agreement at its January 28, 2019 meeting.

**On a motion made by Ms. Major and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to approve an agreement with Northampton County regarding the Household Hazardous Waste Program, as presented, pending approval by Northampton County.**

**A JOINT RESOLUTION CREATING AN AGREEMENT BETWEEN THE  
COUNTY OF ACCOMACK, VIRGINIA, AND THE COUNTY OF  
NORTHAMPTON, VIRGINIA TO SUPPORT AND MANAGE A REGIONAL  
HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY**

**WHEREAS**, Both Northampton County and Accomack County (the "Counties") are authorized by § 15.2-1300 of the Code of Virginia to enter into agreements with one another and exercise powers jointly; and

**WHEREAS**, Both Counties recognize that the development and initial creation of the Household Hazardous Waste Collection facility has been made possible through the Eastern Shore of Virginia Regional Household Hazardous Waste Collection (HHWC) Site Development Grant Number VDH-18-103-0091 by the Virginia Department of Health Wellhead Protection Implementation Grant Program and one of the deliverables identified in that Scope of Work, as developed by the Accomack-Northampton Planning District Commission (A-NPDC), was development of this Agreement; and

**WHEREAS**, Both Counties recognize that the proper disposal of household hazardous waste is important in protecting human health, groundwater resources, and surface water quality; and

**WHEREAS**, Both Counties realize that residents in both Counties on the Eastern Shore of Virginia benefit from a regional facility; and

**WHEREAS**, Both Counties agree to cooperate to fund the private contractual services for the periodic collection of household waste from the permanent HHWC Site by an authorized and licensed contractor according to the responsibilities and terms and conditions identified in this agreement; and

**WHEREAS**, Both Counties recognize that the collection costs will vary collection-to-collection and year-to-year as the amount of household hazardous waste collected will change and the collection costs may change based on the market and inflation.

**Responsibilities:**

Accomack County will manage the Regional Household Hazardous Waste Collection Site and the contract with the collection company. Accomack County will provide an invoice to Northampton County for one-third of the total cost of the contractual services of the household hazardous waste collection company each time they are incurred and shall include a copy of the invoice from the contracted collection company with said invoice.

Northampton County will submit payment to Accomack County within thirty days of receipt of invoice.

**Terms and Conditions**

It is mutually understood and agreed by and between the parties that:

Each party takes legal and financial responsibility for the actions of its respective employees, officers, agents, representatives and volunteers.

Each party, at its sole cost and expense, shall carry insurance or self-insure to cover its activities in connection with this Agreement, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for general liability, workers compensation and business automobile liability adequate to cover its potential liabilities hereunder.

- i. This Agreement may be amended from time to time by mutual agreement of the parties in a written modification signed by both parties.
- ii. This Agreement may be terminated by mutual agreement of the parties, and shall automatically terminate upon completion of all responsibilities as stated herein, unless otherwise amended.
- iii. This Agreement may be terminated by either party for convenience with one-year notice, as this Agreement is associated with an ongoing collection contract that benefits both parties.

**Effective Date and Signature.**

This Agreement shall be effective upon the date of the last party to sign below. The parties indicate agreement with this Joint Resolution of Agreement by their signatures below.

Accepted by:

Accomack County:

By: \_\_\_\_\_  
Michael Mason, County Administrator Date  
23296 Courthouse Ave, Suite 203, P.O. Box 388, Accomac, VA 23301

Northampton County:

By: \_\_\_\_\_  
Charles Kolakowski, County Administrator Date  
16404 Courthouse Rd, P.O. Box 66, Eastville, VA 23347

## 10. Appointments

### 10.1 January Appointments

Economic Development Authority:

1. On a motion made by Mr. Tarr and seconded by Mr. Crockett, the Accomack County Board of Supervisors voted to reappoint Mr. John ‘Jack’ H. Tarr to the Economic Development Authority for a term to commence on February 19, 2019 and expire on February 18, 2023.
2. On a motion made by Mr. Muhly and seconded by Mr. Phillips, the Accomack Board of Supervisors voted to appoint Mr. David R. Lumgair, to the Economic Development Authority for a term to commence immediately to fill the unexpired term of Mr. Wesley Edwards, which expires on February 18, 2019 and begin his term on February 19, 2019 and expire on February 18, 2023.

Eastern Shore of Virginia Resource Conservation and Development Council

1. On a motion made by Mr. Tarr and seconded by Mr. Phillips, the Accomack County Board of Supervisors voted to appoint Mr. Carl Palmer to the Eastern Shore of Virginia Resource Conservation and Development Council

to fill the vacancy created by Mr. Kenneth Savage's term expiration on January 1, 2019. This term will commence immediately and expire on December 31, 2023.

Eastern Shore Public Library Board of Trustees

1. On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors voted to appoint Ms. Althea Pittman to the Eastern Shore Public Library Board of Trustees to fill the unexpired term of Mr. Paul Berge which will commence immediately and expire on June 30, 2020.

Metompkin Rehab Review Board - Community Block Development Grant (CDBG)

1. On a motion made by Mr. Muhly and seconded by Ms. Major, the Accomack County Board of Supervisors voted to appointment the following to the Metompkin Rehab Review Board:

	<u>Affiliation</u>	<u>Term Begins</u>	<u>New Terms Expires</u>
Harrison Phillips	County Supervisor	Immediately	n/a
Bobbie Jo Wert	A-NPDC	Immediately	n/a
John Aigner	A-NPDC	Immediately	n/a

Mr. Mason explained that these were procedural appointments as the original appointees (Jack Gray, David Annis, and Bob Williams) no longer hold the affiliated positions. Barbara Cloyd and Airy Finney remain as Metompkin Resident Community Liaison's from the original appointments

## 10.2 Attendance Reports

## 11. Public Hearing (6:30PM)

### 11.1 Public Hearing Rules

Mrs. Burge read the Public Hearing rules.

### 11.2 Public Hearing on Joynes Neck Agricultural and Forestal District Ordinance Review and Renewal

Mr. Morrison reviewed the request for the Joynes Neck Agricultural and Forestal District, noting that it had been reviewed by the Agricultural and Forestal District Advisory Committee and the Planning Commission. The review was based upon whether parcels are in active agricultural or forestal production; that a parcel is five (5) acres or greater unless contiguous to any other agricultural parcel owned by the same person; and a parcel has not been subdivided since the year 2000 and intended for proposed development of a more intensive, non-agricultural or forestal use.

Chairman Hart opened the public hearing. No one signed up or requested to speak; the public hearing was closed.

**On a motion made by Mr. Crockett and seconded by Mrs. Gordy, the Accomack County Board of Supervisors voted to approve the Joynes Neck Agricultural and Forestal District as recommended by the Agricultural and Forestal Advisory Committee on October 24, 2018 and by the Planning Commission on November 7, 2018 with the following changes:**

- (1) No parcels are recommended for removal or inclusion in this district**
- (2) One parcel has been created from an existing parcel in the District – Tax Map #96-1-1B.**
- (3) Change the review period for review and renewal of Agricultural and Forestal Districts to a 10 year period instead of a 4 year period.**
- (4) No other revisions are proposed to the Joynes Neck District ordinance other than the length of term of the ordinance, as referenced in the bullet above.**

### **11.3 Public Hearing to Consider Appropriating School Division Encumbrances Still Open at the end of FY18 into the Current Fiscal Year and Appropriating Funding to Create a FY19 School Division Budget Contingency, Both in Accordance with Approved County Fiscal Policy FP1005**

Mr. Mason informed the Board that the School Division did not expend its full FY18 local funds appropriation leaving \$1,141,160 available at June 30, 2018. The County policy that governs distribution of unexpended School Division local funds calls for these funds to be first used to satisfy School Division encumbrances outstanding at fiscal year end, then, if funds are available, to establish a school division operating contingency in an amount not to exceed 1.25% of budgeted school operating expenditures. He noted that both actions would require an appropriation by the Board of Supervisors. Any remaining local funds after encumbrances and the contingency are fully addressed are to be split between the County and School Division on a 50/50 basis. In this case, there would be no remaining funds to be split.

Chairman Hart opened the public hearing. No one signed up or requested to speak; the public hearing was closed.

**On a motion made by Mr. Crockett and seconded by Ms. Major, the Accomack County Board of Supervisors voted to appropriate \$931,156 to the School Division in FY19 to cover open encumbrances at June 30, 2018 and all remaining funds, equal to \$210,004, to the School Board's FY19 contingency. The amount recommended for the School Contingency is short of the max amount stipulated by policy equating to only .4% of the Schools FY19 adopted budget as opposed to the 1.25% max.**

## **12. New Business – *Due to the time available, this item was handled prior to the Public Hearing.***

### **12.1 Update on Northern Landfill Expansion Plans**

Mr. Stewart Hall, Deputy Administrator – Public Works & Facilities, made a presentation regarding the County’s Northern Landfill. Mr. Hall informed the Board that County staff and consultants have been preparing plans and permit applications for the next phases of landfill expansion. The "Western Expansion" will utilize property that was purchased in late 2016. Based on the current schedule, detailed design will occur in 2020 and construction in 2021. The new cell (Cell 7) has an estimated life of eight (8) years. Mr. Hall also stated that the current cell at the landfill is expected to last another three years. Going forward there are cells planned that could extend the useful life of the facility for approximately 20 years.

He also informed the Board that while new technology may be forthcoming that could offer the County other options for trash disposal, but as of now, utilizing the local landfill for trash disposal is still, by far, the most economical method.

Mr. Mason informed the Board that the facility is funded by the enterprise fund, which receives its revenue from County’s tipping fees, not the general revenue fund, so it is self-sustaining.

**13. County Administrator's Report** – *Due to the time available, this item was handled prior to the Public Hearing.*

**13.1 Reminder of the filing deadline for disclosures required by the Virginia Conflict of Interest and Ethics Advisory Council**

Mr. Mason reminded the Board that disclosure filings were due and confirmed that all Supervisors had submitted theirs by the deadline.

**13.2 Confirm dates to receive the County Administrator's Recommended FY20 Budget and Department/Agency Presentations**

Mr. Mason reminded the Board that it had adopted its FY20 Budget schedule during its Organizational Meeting. The Board will receive the County Administrator’s FY20 Proposed Budget on February 4, 2019 and receive department and agency presentations on February 6, 2019, both meetings will begin at 5:00 p.m.

Mr. Mason informed the Board that he asked the School Board to present their budget request to the Board of Supervisors at the Board's regular monthly meeting on February 20, 2019.

**13.3 Other Items**

- A. Due to tax deadlines, Mrs. Dana Bundick, Treasurer requested that the Board allow her until the end of January to prepare the delinquent tax list.
- B. Notified the Board of changes proposed by the U.S. Fish and Wildlife Service to the John H. Chafee Coastal Barrier Resources System (CBRS) maps.



- The proposed boundaries for Virginia would remove 201 acres from the CBRS then add 96,514 acres. It would also remove 80 structures from the CBRS and add 45 structures.
- This may have an adverse effect on private property owner's ability to get or keep flood insurance and the ability to develop or build.
- Both Town of Wachapreague and Chincoteague have been alerted.

**14. County Attorney's Report** – *Due to the time available, this item was handled prior to the Public Hearing.*

- A. Equal Rights Amendment Resolution (ERA) – Ms. Burge reported that the ERA had moved to House Privileges and Elections subcommittee. If approved by the General Assembly, Virginia would be the 38th state to ratify the Equal Rights Amendment.

**15. Board of Supervisors Comment Period** – *Due to the time available, this item was handled prior to the Public Hearing.*

- A. **Mr. Chesser** – No comment.
- B. **Mr. Phillips** – Requested that staff contact VDOT regarding a traffic study and bus stop signage on Davis Drive due to the increase in traffic since Dollar General opened.
- C. **Mr. Muhly** - Informed the Board that Ms. Rose Watkins Kiefer Mott of Parksley had passed away on Monday, January 14, 2019, at the age of 103.
- D. **Mr. Wolff** – Commented on the effects of the government shutdown on not only Wallops and rocket launches, but the local business owners who depend on the local economy.
- E. **Ms. Gordy** – No comment.
- F. **Mr. Tarr** – Requested that staff contact VDOT to request replacement and repair of the deer warning reflectors on the causeway to Chincoteague, Route 175.
- G. **Ms. Major** – Thanked the Board for its support of the ERA Resolution and expressed the importance.
- Reminded the community to remember mankind during the government shutdown as there are many going without pay and benefits during this time.
- H. **Mr. Crockett** – Thanked the Board for allowing him to work with the School Board Chairman to send a letter to Governor Northam requesting that he include Accomack County in the Cost of Competing Adjustment (COCA) to assist increasing wages to retain teachers.
- I. **Chairman Hart** – Requested that the Board support a resolution in honor of Mr. Jeffrey Pitts, Wachapreague.
- On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors voted to have staff work on a resolution to commemorate the life and service of Mr. Jeffrey Pitts of Wachapreague, VA.**
- Requested that staff look into repairing the light above the fire hydrant in the Industrial Park as he was notified it was not working properly.

- Requested that staff send notice to the owner of Central Middle/High School in Painter to address the derelict condition of the building. Mr. Phillips requested that Bloxom Primary also be addressed.

**16. Budget and Appropriation Items** – *Due to the time available, this item was handled prior to the Public Hearing.*

**16.1 Budget Amendments**

**On a motion made by Mr. Crockett and seconded by Mr. Phillips, the Accomack County Board of Supervisors voted to approve the resolution to appropriate funds for the state grants and funding for the Wallops Research Park land buyback.**

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**RESOLUTION TO AMEND THE FISCAL YEAR 2019 ACCOMACK COUNTY GOVERNMENT BUDGET**

**WHEREAS**, it is the responsibility of the Accomack County Board of Supervisors to approve and maintain the budget for Accomack County; and


**WHEREAS**, on March 21, 2018, the Board of Supervisors finalized the Accomack County Fiscal Year 2019 Budget; and

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

**WHEREAS**, staff has reviewed the following requested budget amendments and recommends that they be approved; now, therefore,

**BE IT RESOLVED** by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2019 County budget be amended by the amounts listed below and the amounts appropriated for the purposes indicated.

Fiscal Year	Requesting Department	Fund/Function	Purpose	Funding Source	Total
FY19	Finance	Library	To recognize state grant received for construction of the new library	State Funds	\$500,000.00
FY19	Public Works	Quinby Harbor	To recognize state grant awarded for replacement of the bulkhead at Quinby Harbor	State Funds	\$82,500.00
FY19	Public Works	Greenbackville Harbor	To recognized state grant awarded for repairs and maintenance to Greenbackville Harbor	State Funds	\$97,500.00
FY19	Finance	Wallops Research Park	To appropriate funds to make up the difference (\$3,077.70) between funds available in the Wallops Research Park Construction Fund (\$73,278.75) and total purchase price (\$76,356.45) for the Park land buyback	General Fund	\$3,077.70
Total					\$683,077.70

  
Donald L. Hart, Jr.  
Chairman, Board of Supervisors

ATTEST:

  
Michael T. Mason, CPA, County Administrator

Adopted by the Board of Supervisors of Accomack County, Virginia, this 16th day of January 2019.

**17. Payables** – *Due to the time available, this item was handled prior to the Public Hearing.*

### **17.1 Consider January Payables**

Mr. Mason certified the January payables.

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

**18. Closed Meeting – *Due to the time available, this item was handled prior to the Public Hearing.***

#### **18.1 Closed Meeting**

**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. for the following purposes:**

**18.2 Closed Meeting pursuant to Va. Code Section 2.2-2711(3) pertaining to real estate acquisition at Hack's Neck and Code Section 2.2-3711 (1) pertaining to an update of personnel matters related to pending grievances**

#### **18.3 Certification of Closed Meeting**

Chairman Hart declared the meeting reopened to the public at 6:28 p.m.

**On a motion made by Mr. Phillips and seconded by Mr. Wolff, the Board of Supervisors voted unanimously, by roll call vote, 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.**

**Crockett: aye Hart: aye Gordy: aye Tarr: aye Major: aye**

**Chesser: aye Phillips: aye Muhly: aye Wolff: aye**

### **19. Adjournment**

**On a motion made by Ms. Major and seconded by Mr. Phillips, the Accomack County Board of Supervisors voted to adjourn at 6:50 p.m.**