

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 17<sup>th</sup> day of April, A.D., 2013.

Members Present: Donald L. Hart, Jr., Chair  
Wanda J. Thornton  
Grayson Chesser  
John Charles "Jack" Gray, Vice Chair  
Kay W. Lewis  
Robert D. Crockett  
Laura Belle Gordy  
C. Reneta Major

Members Absent: Ron S. Wolff

Others Present: Steven B. Miner, County Administrator  
Michael Mason, Finance Director  
Mark B. Taylor, County Attorney  
Shelia Goodman, Administrative Assistant

### **Call to Order**

The meeting was called to order by the Chair. A prayer was given by Chairman Hart after which the Pledge of Allegiance to the Flag was recited.

### **Adoption of the Agenda**

Mr. Gray made a motion to approve the Agenda. Mrs. Gordy seconded the motion. The motion was unanimously approved with Mr. Wolff absent.

### **Public Comments**

No one from the public spoke.

### **Minutes**

Mr. Crockett made a motion to approve the minutes of March 6, 2013, March 11, 2013, March 20, 2013, and March 25, 2013. Mrs. Thornton seconded the motion. The motion was unanimously approved with Mr. Wolff absent.

### **Resolution of Respect**

Mr. Crockett and Mrs. Gordy commented regarding Mr. Albert Joseph McMath's 20 years of service at the Accomack County Airport. Mr. McMath's family appeared before the Board to accept a Resolution of Respect which Mr. Crockett read into the record.

## **RESOLUTION OF RESPECT**

**WHEREAS**, Albert Joseph McMath, Sr., served on the Accomack County Airport Commission from December, 1988 to December, 2008; and

**WHEREAS**, he was instrumental in promoting aviation in the County of Accomack, serving as a flight instructor to numerous students; as interim Airport Manager when his services and knowledge were necessary; and further was a

conscientious and devoted member of the Accomack County Airport Commission since its inception in 1988, giving generously of his time and efforts; and

**WHEREAS**, he has been responsible for numerous improvements to the Airport prior to the County assuming management of the facility, which included: working with the Board of Supervisors to restore the facility for aircraft use only; the addition of airfield lighting, a rotating beacon and fuel tank; the acquisition of a Quonset hut for use by the local Civil Air Patrol; and a small terminal building and shed on the west side of the airfield;

**NOW, THEREFORE, BE IT RESOLVED** that the Accomack County Board of Supervisors hereby commends Albert Joseph McMath, Sr., for his outstanding contributions and valuable public service to the County of Accomack, the Accomack County Airport Commission, and to the citizens of Accomack County.

### **Consent Agenda**

Ms. Major made a motion to approve the following items under the Consent Agenda. Mrs. Thornton seconded the motion. The motion was unanimously approved with Mr. Wolff absent.

5.2 Contract Renewal – RFP 250 Engineering Services – Draper Aden Associates to provide engineering services as needed for solid waste related activities for the period of May 17, 2013 to May 16, 2014 in accordance with the terms and conditions of RFP 250,

5.3 Contract Renewal – RFP 250 Engineering Services – CHA Consulting, Inc. to provide professional engineering services for solid waste activities for the term of May 17, 2013 to May 16, 2014 in accordance with the terms and conditions of RFP 250,

5.4 Scheduled a Public Hearing on May 15, 2013 to afford interested persons the opportunity to be heard or to present written comments concerning the New Saxis LC/Carey Rezoning

5.5 Contract Renewal – RFP 234 Financial Advisory Services – Davenport & Company Inc. to provide financial advisory services for the period of May 1, 2013 to April 30, 2015 in accordance with the terms and conditions of RFP 234,

5.6 The following Solid Waste Committee Mission, Membership & Terms

Draft Solid Waste Committee – Mission & Membership Terms

A Solid Waste Committee (SWC) shall be appointed by the Board of Supervisors and consist of two Board members and three citizen members for a total of five members. At least one of the citizen members shall also be a member in good standing of Waste Watchers of the Eastern Shore at the time of appointment. The two Board members shall serve four years, two of the citizen members shall serve three years, and the remaining citizen member shall serve two years; hereafter the term of all members will be four years to serve at the pleasure of the Board. The SWC shall elect its own chairman. The SWC, with the assistance of county staff will review Accomack County's Solid Waste System, including litter control and recycling activities, look at both short and long term problems and plans, and make comprehensive recommendations back to the Board of Supervisors. The SWC shall advise the Board of Supervisors and perform such other duties as requested by the Board.

### **Economic Development Authority (EDA)**

Mr. Hart told the Board the only appointment was the replacement of Mr. Robert Marshall and he thought a Closed Session would need to be held before any appointment to the EDA was made to discuss the EDA.

Mr. Crockett noted he was not ready for an appointment because the Board needed to take a look at the number of people who serve on the EDA. He commented on several members serving on the EDA from the same district and thought it should be looked into.

Mr. Hart said after the Board meets with the EDA on May 1, 2013 it could at that time discuss the appointments.

### **Ramifications of the Affordable Care Act on Employee Health Insurance Benefit Eligibility**

Finance Director Mike Mason stated the Affordable Health Care Act (ObamaCare) mandates that all fulltime employees be offered health insurance coverage beginning in 2014. The Act defined the fulltime as any employee who works more than 30 hours per week. He told the Board if an employee worked over 30 hours per week during the look-back period (between 3 and 12 months), the County must offer them health insurance at the same level as a full-time employee for the Stability period. He informed the Board he had done an analysis of part-time hours worked during 2012 and the analysis concluded potentially 4 to 6 part-time employees would be considered fulltime under the act, if no action was taken to restrict the amount of part-time hours an employee can work between now and when the Act goes into effect which would be for the County - June 1, 2014. He said the cost to provide health insurance to an individual employee would be approximately \$5,600 annually.

He recommended the Board set a policy limiting the amount of hours part-time employees would be allowed to work and have staff draft a policy that addresses the number of hours a part-time employee could work and bring it to the Board.

Mrs. Thornton and Ms. Major offered comments to have staff draft a policy so a part-time employee would not go over 30 hours.

Mr. Miner told the Board a resolution would be brought back to the Board for its adoption.

### **Update on Development of New County Website**

Mr. Mason gave a short overview concerning the new County website. He acknowledged Billie Jean Miles and Nicole McDonald from the Department of Public Safety, Ben Fox and Lisa Cuomo from Central Accounting, and other staff who put lots of hours in helping develop the content of the new website. He said stated with the new website it would be easier to navigate from one site to the other and the accessibility

would be much better. He concluded and stated the new website was scheduled to go live May 1, 2013.

The Board applauded Mike Mason and staff for doing a really good job on the new County website.

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

Mr. Miner thanked all persons involved in updating the new website and said it was a huge step forward. He told the Board the website would have to be maintained and it would require resources and support.

He gave an update on the Joint Land Use Study (JLUS) and said the next meeting would be held on April 29, 2013, but the place of the meeting had not yet been determined.

He said the Work Session on May 1, 2013 with the EDA and EMS was scheduled but the EMS issue had been dissolved at the March 20, 2013 meeting and he felt at a later date the EMS issue should be addressed for a full fledged meeting to enable the entire department of emergency services to be discussed.

Mr. Crockett told the Board he felt the EMS/Public Safety meeting should be scheduled for another date and to incorporate within the work session if the County was getting a return on the money that was being invested in EMS. He said before he would ask for a tax increase he wanted to make sure the money that was already being provided by the County to the Department of Public Safety was getting the County a good return on the investment. He continued and said that the work session needed to incorporate within it all the issues - staffing, staff recommendations, possibility of tax increase, etc.

Ms. Lewis disagreed because a lot of data had already been collected and believed if this was put off for a later time no action would be taken on this issue and she did not want to see this happen.

It was a consensus of the Board to hold the work session on the EMS issues no later than August. The consensus was as follows:

Mr. Chesser	yes	Ms. Lewis	no
Mr. Gray	yes	Mrs. Thornton	no opinion
Mr. Hart	yes		
Mrs. Gordy	yes		
Mr. Crockett	yes		
Ms. Major	yes		
Mr. Wolff	Absent		

## **County Attorney's Report**

County Attorney Mark Taylor reported on the following issues:

1. Authorize publication of the Notice of a Public Hearing on the leasing of County property. He talked about the interest of a farmer wanting to continue renting a portion the Grangeville property at the Convenience Center site.

Mr. Crockett made a motion to authorize to advertise to hold a Public Hearing on May 15, 2013 to afford interested persons the opportunity to be heard or to present written comments concerning extension of the lease. Ms. Lewis seconded the motion. The motion was unanimously approved with Mr. Wolff absent.

2. Gave a follow-up on the email of the case in Federal Court concerning the EPA Cross State Air Pollution Rule.

## **Board of Supervisor's Comment Period**

Ms. Major told the Board she had the opportunity to attend the Painter Volunteer Fire Company's Annual Award Banquet and it was a very nice function. She continued and said that Mr. Jimmy Sturgis was awarded Firemen of the Year for Station 12.

Mrs. Thornton commented on the photo of NASA Facilities concerning the sand fence that NASA had installed to catch the sand but stated Mr. Lou Hinds would not let Chincoteague place a sand fence up to help protect Chincoteague.

Ms. Lewis told the Board she had met with Stewart Hall and talked about the Drainage Funds and in her district \$30,000 was left in the budget and she had worked out a plan to start with Sanford and move to the Bayside in the Justisville Hunting Creek area to get the ditches cleaned out.

Mr. Crockett said a housekeeping chore on the FY13 Budget failed to be addressed concerning the vacuum truck 2 positions. He asked the positions to be frozen until further notice.

Mrs. Thornton told the Board the vacuum truck required 2 people and if the vacuum truck could be replaced with another Spider, If Public Works Director Stewart Hall could get the information and give an amount of what a spider would cost versus the vacuum truck.

## **Budget and Appropriation Items**

Mr. Crockett made a motion to approve the Budget and Appropriation Items. Mrs. Gordy seconded the motion. A discussion ensued concerning the HVAC System in

the Administration Building. The motion was unanimously approved with Mr. Wolff absent.

**Budget and Appropriation Items  
April 17, 2013 Board of Supervisors Meeting**

**FISCAL YEAR 2013**

<b>Grants</b>
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None

**Contingencies (Balance as of 2/4/13=\$223,988)**

**Decrease Contingencies**

General Fund Operating Contingency	\$25,183
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**Increase Expenditures**

Building and Grounds	\$25,183
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--Additional cost to improve HVAC in Administration building server Rooms, add additional zone controls and rework select ducts.

<b>Other</b>
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**Increase Revenues**

Miscellaneous	\$475
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**Increase Expenditures**

SPCA SNAP Program	\$475
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--Proceeds from the sale of "animal friendly plates" received from the DMV.

**Increase Revenues**

Insurance Recoveries	\$3,158
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**Increase Expenditures**

Airport	\$1,073
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Sheriff's Office	\$2,085
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--Insurance claim recoveries

**Payables**

Mr. Miner certified the bills.

Ms. Gordy made a motion to approve the payables. Mr. Gray seconded the motion. The motion was unanimously approved with Mr. Wolff absent.

**Closed Session**

County Attorney Mark Taylor advised they needed a motion to go into a Closed Meeting pursuant to Virginia Code §2.2-3711 of the Code of Virginia of 1950, as amended, and more particularly under Subsection A(3) for discussion and consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property where discussion in opening meeting would adversely affect the bargaining position or negotiating strategy of the public body and under Subsection A(1) for discussion and consideration of prospective candidates for employment, the assignment, performance, and/or resignation of specific public officers, appointees, or employees of the public body.

Mr. Crockett made a motion to go into Closed Meeting pursuant §2.2-3711 of the Code of Virginia of 1950, as amended, under Subsection A(3) for discussion and consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property where discussion in opening meeting would adversely affect the bargaining position or negotiating strategy of the public body, and Subsection A (1) for 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.

. Ms. Major seconded the motion. The motion was unanimously approved with Mr. Wolff absent.

### **Recess**

Chairman Hart recessed the meeting for 5 minutes.

### **Open Session**

The Chair declared the meeting open to the public.

### **Certification of Closed Meeting**

Mrs. Thornton made the motion to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3712 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 Opening Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened. Mr. Crockett seconded the motion. The motion was unanimously approved with Mr. Wolff absent.

### **Roll Call**

Ayes: Mr. Chesser	Mrs. Thornton	Mr. Crockett
Ms. Lewis	Mr. Hart	Mrs. Gordy
Mr. Gray	Ms. Major	

Absent: Mr. Wolff

### **Recess**

Mr. Hart recessed the meeting until 7:30 p.m.

### **Public Hearing**

County Attorney Mark Taylor read the Public Hearing Rules.

**Ordinance Amendment to Chapter 34, Elections, Article III, Precincts, Section 34-67, Polling Places to move the polling place from the Bloxom Town Hall to the Bloxom Fire House Banquet Hall**

Mr. Hart opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comment concerning the Ordinance Amendment to Chapter 34, Elections, Article III, Precincts, Section 34-67, Polling place to be moved from the Bloxom Town Hall to the Bloxom Fire House Banquet Hall.

No comments were given.

Mr. Hart closed the Public Hearing.

Ms. Lewis made a motion to adopt the Ordinance Amendment to change the polling place effective immediately. Mrs. Thornton seconded the motion. The motion was unanimously approved with Mr. Wolff absent.

**Sec. 34-67. Polling Places.**

Section 34-67 as previously shown in the Accomack County Code is hereby deleted in its entirety.

The precincts for each election district and the polling place for each precinct shall be set forth below:

Election District	Precinct Number	Precinct Name	Polling Location
District 1	101	Chincoteague	Chincoteague Community Center
District 2	201 202	Atlantic Greenbackville	Atlantic Fire House Greenbackville Vol. Fire Dept.
District 3	301	Oak Hall	Arcadia High School
District 4	401 402 403	Bloxom Parksley Saxis	<del>Bloxom Town Hall</del> <u>Fire House Banquet Hall</u> Parksley Fire House Saxis Fire House
District 5	501 502	Mappsville Rue	Kegotank Elementary Metompink Elementary
District 6	601 602	Accomac Tangier	Tasley Fire House Tangier Combined School
District 7	701 702	Onancock Onley	Onancock Town Hall Onley Volunteer Fire and Rescue Company 25489 Maple Street
District 8	801	Bobtown	Pungoteague Elementary School



	802 803	Melfa Wachapreague	Melfa Fire House Wachapreague Fire House
District 9	901	Painter	Painter Fire House
Central Absentee Ballot Precinct Place			Board of Supervisors Room, Accomack County Administra- tion Building, 23296 Courthouse Avenue Accomac, Virginia

State Law Reference – Polling Places, §24.2-305, et seq.

This Ordinance is effective immediately.

**Closed Session**

County Attorney Mark Taylor advised a motion was needed to go into a closed meeting pursuant to Virginia Code §2.2-3711.A of the Code of Virginia of 1950, as amended, and more particularly under subsection A(3) for discussion and consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property where discussion in opening meeting would adversely affect the bargaining position or negotiating strategy of the public body; subsection A(1) for discussion and consideration of prospective candidates for employment, the assignment, performance, and/or resignation of specific public officers, appointees, or employees of the public body; and subsection A(5) for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community.

Mrs. Gordy made a motion to go into Closed Meeting pursuant §2.2-3711.A (1), (3) and (5) of the Code of Virginia of 1950, as amended. Ms. Lewis seconded the motion. The motion was unanimously approved with Mr. Wolff absent.

*Mr. Hart Left at 8:30 p.m.*

*Mrs. Gordy left at 8:45 p.m.q2*

**Open Session**

The Chair declared the meeting open to the public.

**Certification of Closed Meeting**

Mrs. Thornton made the motion to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3711.A (1), (3) and (5) of the Code of Virginia, 1950, as amended, 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 Opening Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened. Mr. Crockett seconded the motion. The motion was unanimously approved with Mr. Wolff, Mr. Hart and Mrs. Gordy absent.

**Roll Call**

Ayes: Mr. Chesser	Mrs. Thornton	Mr. Crockett
Ms. Lewis	Mr. Gray	Ms. Major

Absent: Mr. Wolff, Mr. Hart, Mrs. Gordy

**Adjournment**

Ms. Major made a motion to adjourn the meeting until May 1, 2013 at 5:00 in the Board Chambers for the Work Session. Ms. Lewis seconded the motion. The motion was unanimously approved with Mr. Wolff, Mrs. Gordy, and Mr. Hart absent. The meeting adjourned at 9:05 p.m.

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Donald L. Hart, Jr., Chair

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Date