

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 15th day of May, A.D., 2013.

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

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 Vice Chair Mr. Gray after which the Pledge of Allegiance to the Flag was recited.

Adoption of the Agenda

Chairman Hart made a change to the Agenda to move item 11.4 after 7.2. Ms. Major made a motion to approve the Agenda. Mr. Wolff seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Public Comments

The County Attorney read the Public Comment Rules.

Mr. J. R. Pikulsky, owner of Dixieland in New Church was the spokesperson for independent retailers and introduced them to the Board of Supervisors. He gave a brief history of the fireworks and asked the Board to support changing the Class C fireworks for sale or display to Virginia's existing code. The Board directed staff to study a proposed bill and get input from state representatives and put it on the Legislative Agenda for the General Assembly.

Ms. Tatum Ford from Quinby applauded the Board, Planning, and Economic Development for the open process for the communities to give input concerning the waterways.

Minutes

Mr. Wolff made a motion to approve the minutes of April 9, 2013 and April 17, 2013. Mr. Gray seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Proclamation Proclaiming May 18th through May 24, 2013 as National Safe Boating Week

Mrs. Thornton and Ms. Major presented the National Safe Boating Week Proclamation to the Coast Guard Auxiliary and the Coast Guard and read the following Proclamation into the record.

**PROCLAMATION
PROCLAIMING
MAY 18 THROUGH MAY 24, 2013
As
NATIONAL SAFE BOATING WEEK**

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical "Rules of the Road," drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly NOT the smart thing to do, are all examples of human error or a lack of proper judgment. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

Whereas, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

Whereas, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

Whereas, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

Whereas, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public and

Whereas, U.S. Coast Guard Auxiliary Flotilla 12-02 Painter and Flotilla 12-06 Chincoteague provide safe boating instructions for persons of all ages in order to prevent

boating accidents and to teach rescue and survival techniques in case one does occur.

Therefore, I, _____, do hereby support the goals of the North American Safe Boating Campaign and proclaim May 18-24, 2013, as National Safe Boating Week and the start of the year-round effort to promote safe boating. And I encourage all boaters to wear their life jackets, boat responsibly, and enroll in a safe boating class.

In Witness Whereof, I urge all those who boat to “Boat Smart. Boat Safe. Wear it.” and practice safe boating habits.

Consent Agenda

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

5.2 Approval of Policy Changes Limiting Part-Time Hours to No More Than 29 Hour per Week Policy Number 101.0 Policy (Types of Employment) and 409.0 Health Insurance Programs

	SUBJECT:	
	TYPES OF EMPLOYMENT	
	POLICY NUMBER: 101.0	PAGE: 1 OF 3
	EFFECTIVE DATE: 10/18/2000	REVISED DATE: 5/15/2013

OVERVIEW: This policy identifies and defines the different categories of employment for positions within Accomack County government. By defining the types of employment categories, the County intends to help employees understand their employment status and benefit eligibility. These categories do not guarantee employment for any specified period of time.

DEFINITIONS:

1. **Position:** An assigned group of duties and responsibilities that are to be performed by an individual. Positions can be full or part-time, and permanent, limited-term, or temporary in nature.
2. **FLSA Status:** Each position is designated as either nonexempt or exempt under the Fair Labor Standards Act (FLSA). Employees in nonexempt positions are entitled to overtime pay or compensatory leave for all hours worked over 40 in a workweek. Exempt employees are excluded from specific overtime provisions of the FLSA.
3. **Merit (Classified) Service:** Merit service positions are assigned to a classification in the County’s compensation plan and are subject to the rules, regulations, policies and procedures of the County personnel system unless explicitly stated. Merit (Classified) Service positions include:
 - a.) **Regular positions** – A regular position is one established by the Board of Supervisors, funded in the budget, and projected to continue indefinitely unless the Board shall eliminate it. A regular position may be either a full-time or part-time position. Generally, employees in regular positions are eligible for benefits subject to the terms, conditions and limitations of each benefit program.
 - b.) **Limited-term positions** - A limited-term position is one established by the Board of Supervisors, funded under a special revenue source such as a grant, and projected to continue subject to the continuation of the respective program. In the event such funding should cease, the positions so affected shall have no guarantee of general county funding. Limited term positions are categorized as internal or external.
 - 1.) Internal limited-term positions are limited-term positions supervised by County personnel. These positions may be either part-time or full-time. Unless specified when funded, internal limited-term positions are eligible for benefits subject to the terms, conditions and limitations of each benefit program.

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	TYPES OF EMPLOYMENT	
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2.) External limited-term positions are limited-term positions supervised by separate legal entities such as Constitutional Officers or other local, state, or federal entities. These positions may be either part-time or full-time. These positions differ from internal limited-term positions in that they are not eligible for the same salary range adjustments, merit increases, and bonuses given to regular employees. External limited-term positions may only receive salary range adjustments, merit increases, or bonuses when other employees of the supervising entities receive such. For example, County external limited-term positions supervised by the Health Department would receive the same cost of living increase as other health department employees. This promotes compensation uniformity within the supervising entity. Unless specified when funded, external limited-term positions are eligible for benefits subject to the terms, conditions and limitations of each benefit program.

c.) Temporary positions - A temporary position is one established by the Board of Supervisors or the County Administrator to perform a specific function, such as a special project or to substitute for a regular or limited-term employee, with term of employment depending on the continuing need for the function being performed. A temporary position may be either a full-time or part-time position. Unless specified when funded or subsequently extended by agreement, a temporary position shall be maintained for no more than 12 months. Temporary employment may be extended by the County Administrator. Temporary employees may be discharged at the will of the County Administrator, without cause or hearing. Unless specified when funded, temporary positions are ineligible for benefits.

4. Exempt Service: Exempt service positions are not assigned to a classification in the County's compensation plan and are not subject to the rules, regulations, policies and procedures of the County personnel system (See item A below).
5. Full-time Position: A position that involves a regularly scheduled workweek of 40 hours or more.
6. Part-time Position: A position that may be regularly scheduled to work no more than 29 hours per week unless specifically authorized by the County Administrator. Part-time positions are not eligible for the benefits associated with full-time employment unless mandated by law. Part-time employees are eligible for pro-

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rated holiday time when their regularly scheduled shift falls on a holiday.

7. Probationary Employment: The period of employment covered by the employee's first 6 months (12 months for public safety operational employees) of employment in a position. Probationary employees are those whose performance is being evaluated to determine whether further employment in a specific position is appropriate.

PROVISIONS:

- A. All established positions shall be identified as either Merit (classified) Service or Exempt Service within the County's personnel system. Merit (classified) service positions are subject to all rules, regulations, policies and procedures as approved by the Board of Supervisors and administered by the County Administrator. Exempt Service positions include the following types of positions:
 - Elected officials
 - Appointed positions
 - Members of boards and commissions
 - Volunteer personnel and personnel appointed to serve without pay
 - Consultants and counsel rendering professional service
 - Employees of the School System, the Social Services Department, the Airport Commission, the Industrial Development Authority, State Board of Elections, Constitutional officers and compensation board employees
 - Positions receiving funding from the Compensation Board, student interns and work study employees
 - Such other positions as may be designated by the Board of Supervisors.

- B. All Merit (classified) system positions are designated as Exempt or Nonexempt under the Fair Labor Standards Act.
- C. Employment status, available benefits and working conditions are determined by the type of position and the employee's completion of a probationary period. See individual benefit programs for application and eligibility of benefits.

The establishment and abolishment of positions is dictated by workload demands and available resources. The type of position established depends upon the needs of the organization.

	SUBJECT:	
	<i>a. HEALTH INSURANCE PROGRAMS</i>	
	POLICY NUMBER: 409.0	PAGE: <i>b. 1 OF 2</i>
EFFECTIVE DATE: 10/18/2000	REVISED DATE: <i>c. 5/15/2013</i>	

OVERVIEW: The County is committed to providing quality health insurance to employees.

SCOPE: This policy applies to all full-time regular and limited-term employees and their family members in addition to those employees for which coverage is mandated by the Affordable Care Act.

PROVISIONS:

A. Enrollment:

Employees can only enroll themselves and their families within the first 30 consecutive days of their employment or during open enrollment or within 30 days after being notified that they are entitled to health insurance under the Affordable Care Act. Participation is optional.

Any family status changes such as marriage, birth or adoption of a child, etc. must be submitted within 31 calendar days of the qualifying event; otherwise, the employee must wait until the open enrollment period to change coverage.

Medicare eligible employees may voluntarily subscribe to insurance available under the county's POST EMPLOYMENT HEALTH INSURANCE PROGRAMS if they also qualify under the terms of the insurer.

B. Program Coverage & Cost:

The conditions, coverage, deductibles, and other plan provisions are defined as a result of the County's contractual agreement with the insurance provider.

The County contributes an amount equal to 80% of the employee only premium for the highest cost option towards employee only coverage. For dependent coverage, the County will contribute an additional amount equal to 10% of the excess premium over that of employee only coverage. The employee is responsible for the remaining premium cost.

Employees will receive information regarding plan provisions during open enrollment periods and at other times throughout the year when changes to the insurance plan are implemented.

C. Information:

Additional program information can be obtained from the Central Accounting Department.

D. Continuing Coverage After Separation:

The Consolidated Omnibus Budget Reconciliation Act of 1986, or COBRA, allows

	SUBJECT:	
	<i>d. HEALTH INSURANCE PROGRAMS</i>	
	POLICY NUMBER: 409.0	PAGE: <i>e. 2 OF 2</i>
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employees and covered family members to continue coverage in certain situations where coverage would otherwise end. If COBRA coverage is elected, the employee or family members must pay the full cost of the monthly insurance premium plus an administration fee. The following tables show who is eligible for COBRA and how long the coverage lasts as allowed by COBRA:

If you and enrolled family members lose eligibility because you:

Change from full-time to part-time status
Are laid off or discharged, except for gross misconduct

Leave work voluntarily for any reason

Coverage can continue for:

18 months/29 months if disabled

18 months/29 months if disabled
18 months/29 months if disabled

If enrolled family members lose eligibility because:

They reach eligibility age limit
You become divorced or legally separated resulting in coverage loss
You choose Medicare as your primary carrier
You die

Coverage can continue for:

36 months

36 months
36 months
36 months

Employees will receive information on how to continue coverage at the time they separate from County service.

D. Continuing Coverage for Disabled Employees:

Full-time regular employees who become permanently and totally disabled as a direct result of an injury or injuries sustained in the performance of their job may elect to continue health insurance coverage after separation from service. The County will pay an amount equal to 100% of the "employee only" monthly insurance premium for the highest cost option until the employee chooses another primary carrier, withdraws from the program, or dies. Employees who have covered family members must pay any remaining premium cost.

5.3 Approval of Membership to the VACorp Line of Duty Act (LODA)

Trust

VACORP LODA TRUST

The undersigned Counties, Cities, Towns and Regional Jails of the Commonwealth of Virginia ("Grantors") being authorized and directed to so do, make this trust agreement dated June 29, 2012 with VACORP, a local government risk sharing pool, which is an instrument of the government of the Commonwealth of Virginia, as Trustee ("the Trustee"). The Trustee and any successor Trustees are all referred to herein as "the Trustee."

The name of this trust agreement is the "VACORP LODA TRUST dated June 29, 2012" ("Trust") and is effective July 1, 2012.

ARTICLE 1

TRUST PROVISIONS

- A. Transfer of Assets and Liabilities. Contemporaneously with the execution of this trust, Grantors (hereinafter "Members") do transfer to the Trustee of the Trust all liabilities appertaining to any claim which they may have prior to June 30, 2012 under the Line of Duty Act pursuant to §9.1-400 et seq. of the 1950 Code of Virginia, as amended ("Act") and do promise to timely pay for said liabilities.
- B. Line of Duty Act Trust Fund. By entering into this Trust, each Member Acknowledges that they have opted out of the Commonwealth of Virginia Line of Duty Act Trust Fund.

- C. Eligibility of Members. Each member shall purchase liability insurance from Trustee covering claims under the Act. Likewise each member shall timely pay to the Trustee all premiums for said insurance and monies for claims prior to June 30, 2012. In the event a Member purchases insurance from other than the Trustee, the Trustee and this Trust shall have no liability or obligation to such Member.
- D. Administration of Claims. During the existence of this Trust, the Trustee shall administer all pre-June 30, 2012 claims of its members under this Trust, shall provide the administration of all claims and shall provide insurance to insure against claims under the Act to all Members after July 1, 2012.
- E. Insurance & Payments by Members. Each Member is obligated to purchase liability insurance for claims under the Act from the Trustee and pay the Trustee those payments for insurance and claims as provided for under the Act, which payments must be timely made. If a payment is overdue by thirty (30) days, or if an insurance premium payment is not made within thirty (30) days of the invoice date, then the Trustee shall not provide claims administration, insurance or payment to claimants, until payments are brought current and all insurance coverage is purchased from the Trustee.

ARTICLE II

TRUSTEE PROVISIONS

- A. Trustee's Management Powers. The Trustee shall have the powers granted by law and the powers in Sections 64.2-105, 64.2-777 and 64.2-778 of the 1950 Code of Virginia, as amended, as in effect on the date of the signing of this agreement. These sections are incorporated in this agreement by this reference.
- B. Trustee's Compensation. The Trustee, or any successor Trustee, shall receive compensation for services rendered. The corporate Trustee, or any successor corporate Trustee, shall receive compensation for services rendered according to their list of fees published from time to time.

- C. Resignation of Trustee. The Trustee may resign as Trustee by notice to the Members. The resignation shall take effect upon the effective appointment of a successor Trustee.
- D. Successor Trustee. The Trustee shall have the right to designate a successor Trustee who shall be any natural person or corporation having trust powers, which shall be effective upon the resignation or termination of corporate existence of the Trustee. Such designation shall be made while such Trustee is serving as Trustee by an instrument executed by the Trustee during and by the successor Trustee. In the event that the Trustee does not appoint a successor Trustee or a successor Trustee does not appoint its successor Trustee, which it shall have the privilege to do hereunder, the Members shall have the right to appoint a Trustee.
- E. Actions of Prior Trustee. No Trustee serving under this agreement shall be responsible for or required to inquire into any acts or omissions of a prior Trustee.

ARTICLE III

RIGHTS RESERVED BY MEMBERS

Revocation and Amendment. Members reserve the right to opt out of this Trust by a writing signed by the Member and delivered to the Trustee. All obligations of Member to the Trust shall be paid by Member prior to opting out. Any amendment that changes the duties or compensation of the Trustee shall require the consent of the Trustee.

- A. New Members. Members agree that new members as defined by the Act may become Members if the Trustee accepts them.

ARTICLE IV

MISCELLANEOUS PROVISIONS

- A. Protection from Claims. To the extent permitted by law, the principal and income of any trust shall not be liable for the debts of any beneficiary or subject to alienation or anticipation by a beneficiary, except as otherwise provided.
- B. Governing Law. This agreement shall be governed by the laws of Virginia.
- C. Signatures. This trust may be executed in counterparts and electronically.

5.4 Schedule Public Hearing on Emmett Taylor Borrow Pit Conditional Use Permit Request

Mr. Crockett made a motion to schedule a Public Hearing on the Emmett Taylor Borrow Pit for a Conditional Use Permit to be held on Wednesday, June 19, 2013 at 7:30 p.m. in the Board of Supervisors Chambers that would allow a 19 acre borrow pit to be placed on his property off of Taylor Farm Road on tax parcel 42-A-76. Mr. Wolff seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

1. This conditional use permit shall expire five (5) years from the date of approval by the Board of Supervisors unless work has commenced pursuant to the Site Plan.
2. After the Property is properly divided into two parcels, the 19.769 acre parcel shall be developed into a borrow pit, as described in the Conditional Use Permit Application, dated March 14, 2013.
3. The Property shall be developed in accordance with all applicable local, state and federal laws and regulations.
4. The entrance location shall be located as indicated on the plat submitted March 14, 2013. The entrance shall be developed as a standard commercial entrance as instructed by VDOT, unless indicated otherwise by VDOT
5. Prior to excavation, the owner or lessee of land containing borrow pit shall construct and maintain substantial fences with locking gates not less than six (6) feet in height at all points of access to the borrow pit with durable warning signs posted thereon not more than two hundred (200) feet apart bearing the words DANGER and NO TRESPASSING in letters not less than six (6) inches in height, which shall be maintained by the owner or lessee so as to be clearly legible.
6. That once mining operations cease at the site reclamation shall occur in accordance with applicable state rules and regulations.

Comprehensive Economic Development Strategy (CEDS) Presentation

Ms. Susan Simon, Economic Development Coordinator gave a presentation concerning the Comprehensive Economic Development Strategy (CEDS) Plan and asked the Board of Supervisors for approval of the CEDS Plan. Ms. Simon responded to questions from the Board.

Mr. Crockett made a motion to approve the Comprehensive Economic Development Strategy (CEDS) Plan. Mrs. Thornton seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Mrs. Gordy arrived at 5:43 p.m.

Department of Public Safety

Mr. Jeff Terwilliger, Director of Public Safety, gave an update on activities in the Public Safety Department and responded to questions from the Board. He told the Board his department mission was to provide the highest level of life and property safety to the citizens of Accomack County. He continued and stated his department was broken down

into two (2) divisions one was the Administrative Division consisting of the Director, Administrative Assistant, and a Deputy Emergency Manager and the other was operations and he explained the breakdown of the operations. He told the Board the Department of Public Safety provides administrative and operational support to the volunteer fire and rescue companies - fourteen (14) fire companies and one (1) independent rescue squad. He reviewed the department staffing and explained they were meeting the 20 minute response time goal 90% of the time for both EMT's and the fire department. He spoke on core coverage, the data information that had been collected and complied, and stated the staffing at the stations were based on data and facts. He informed the Board the Accomack County Fire and Rescue Commission had adopted the first countywide Standard Operations Guidelines (SOG) and he felt really proud of this.

Members of the Board commended Mr. Terwilliger on his presentation and stated he had done a fantastic job. Mr. Wolff stated the Public Safety Director had taken a look at the County issues and focused on a County wide solution which had been needed for a very long time and that he had taken a proactive approach on the issues. Mr. Crockett stated he concurred with Mr. Wolff and said the system would get better when a decision was based on data and facts. Mrs. Thornton, Ms. Major, Mr. Chesser, and Chairman Hart stated Mr. Terwilliger had done a great job and appreciated what he was doing.

Raising Economic Development Authority Fund to \$25,000

Chairman Hart thanked the EDA members for attending the meeting.

Mr. LeCato, Chair of the EDA told the Board since the last meeting the EDA had finalized the exact figures that would be needed to pay for the advertising costs and they had the figures that it would take to operate the EDA for the next year.

Mr. Bloxom gave a brief presentation and handed out materials to the Board and explained the annual budget of the EDA and responded to questions from the Board.

Mrs. Thornton made a motion to approve \$14,500 to the EDA fund to come from contingencies. Mr. Crockett seconded the motion. The motion was unanimously approved.

Appointments

Eastern Shore Community Services Board

Ms. Major stated that she had not had a chance to talk to Mr. Rogers and would like to defer from taking action on it until she finds out why he has not been attending the meetings.

Economic Development Authority of the County of Accomack Virginia

Mr. Wolff made a motion to appoint Mr. Calvert Seybolt to the Economic Development Authority of the County of Accomack Virginia to fill the unexpired term of Mr. Robert Marshall who has resigned commencing immediately and expiring on February 18, 2014. Mr. Gray seconded the motion. A discussion ensued. The motion was unanimously approved.

Accomack County Solid Waste Committee

Mr. Wolff stated that he had spoken with someone that was interested and he would like more time to find someone to serve on the committee.

Bid Awards – Marine Projects IFB# 660, 661, and 662

Mr. Jeb Wilson told the Board the improvements to the following marine facilities were bid as a result of damage caused by Hurricane Sandy. The Federal Emergency Management Agency (FEMA) and the Virginia Department of Emergency Management (VDEM) would pay 94% of the costs to repair the storm-related damages and the balance of \$11,399 is requested from County Contingency Funds.

Mr. Crockett made a motion to award Bid #660 (Hammocks Landing) to the low bidder, BIC, Inc., in the amount of \$74,720 for the base bids plus all alternates. Mr. Wolff seconded the motion. The motion was unanimously approved.

Mr. Crockett made a motion to award Bid #661 (Ann's Cove) to the low bidder, BIC, Inc., in the amount of \$97,375 for the base bids plus all alternates. Mr. Wolff seconded the motion. The motion was unanimously approved.

Mr. Crockett made a motion to award Bid #662 (Young's Creek Phase II) to the low bidder, BIC, Inc., in the amount of \$17,880. Mr. Wolff seconded the motion. The motion was unanimously approved.

Arson Fire Distribution Funds

Mr. Crockett made a motion to approve the request made by the Accomack County Fire and Rescue Commission to distribute the \$50,000 to the stations per fire call in which they responded in the recent arson spree. Ms. Major seconded the motion. The motion was unanimously approved.

Public Safety Request for Access to 911 CAD (Computer Aided Dispatch) Resource Data

Public Safety Director, Jeff Terwilliger told the Board of Supervisors the 911 Center and the Accomack County Emergency Operations Center had been using the

internet connectivity for the Cooperative Extension Agency for years and paying nothing. He continued and stated it has become problematic working with the network managers at Virginia Tech; connectivity through the Cooperative Extension Agency and there had been issues concerning key operations in the EOC. Mr. Terwilliger said internet connectivity is needed to allow remote access for CAD (Computer Aided Dispatch) Resource Monitor, which provides the ability to access and analyze public safety data more efficiently and was essential for maximizing the use of existing resources.

Mr. Wolff made a motion to approve the request as presented. Mrs. Lewis seconded the motion. The motion was unanimously approved.

3rd Quarter Summary Financial Report

Finance Director Mike Mason gave a summary of the 3rd Quarter Fiscal Year 2013 Report and responded to questions from the Board. He told the BOS the County's major revenues were up 8.5% for the 3rd Quarter of fiscal year 2013 as compared to the prior year. Mr. Mason stated that excluding property tax revenue, revenues were up 2.0% and year-to-date major revenues were up 5.8% as compared to the previous year. Mr. Mason stated landfill tipping fees at the landfill were up 5.2%, and Home Transfer Tax was down 7.5%. Mr. Mason reported the landfill was still over the budget and would continue to be over in the budget until early fall, and Parks and Recreation were over in their budget because of the fuel and equipment repair/replacement needs.

SPCA for Spay/Neuter Animal Program (SNAP)

Ms. Lewis made a motion to approve the request from the SPCA for \$2500 for the Spay/Neuter Animal Program (SNAP). Mrs. Gordy seconded the motion. The motion was unanimously approved.

Change to the Existing Virginia Fireworks Code

It was the consensus of the Board to have staff contact, Delegate Lewis, Senator Northam, VACO, and VML to determine to see what the bill contained.

County Administrator's Report

Mr. Miner talked about the Regional Transportation Plan and stated PDC staffed it and noted that a meeting would be held at a later date to prioritize the projects.

County Attorney's Report

No report was given in open session.

Board of Supervisor’s Comment Period

Mrs. Gordy said she had attended the Thirteenth Annual Older American Extravaganza and enjoyed it very much and that there were at least 350 people in attendance. She said the Perdue Community Luncheon was held this date and that she attended it as well.

Mr. Chesser told the Board the Navy took him to Wallops and gave him a tour of the facilities and found it to be impressive. He continued and said the Navy would like to invite the other Board of Supervisor members to tour the facilities as well.

Budget and Appropriation Items

Mr. Wolff made a motion to authorize a public hearing to be held for the FEMA grant on Wednesday, June 19, 2013 at 7:30 p.m. in the Board of Supervisors’ Chambers and approve the remaining budget and appropriations amendments. Mr. Gray seconded the motion. The motion was unanimously approved.

**Budget and Appropriation Items
May 15, 2013 Board of Supervisors Meeting**

Fiscal Year 2013

Grants

Increase Revenues

From the Federal Gov’t \$55,000

Increase Expenditures

Emergency Management \$55,000
--Hazardous Materials Team Equipment, Training and Exercises Grant award.

Increase Revenues

From the Commonwealth \$9,280

Increase Expenditures

Public Safety \$9,280
--RSAF Grant Award

Increase Revenues

From the Commonwealth \$ 8,000

Decrease Fund Balance

Airport Capital Match Reserve \$ 2,000

Increase Expenditures

Airport \$10,000
--DOAV grant award to remove trees infringing on approach.

Contingencies (Balance as of 4/29/13=\$171,222)

Decrease Contingencies

Operating Contingency \$12,750

Increase Expenditures

Building & Grounds \$12,750
--Employee turnover expenses

Other

Increase Revenues

Public Donations to Assist and Arsons \$50,000

Increase Expenditures

Volunteer Fire and Rescue \$50,000
--Donations received from the public for the purpose of assisting

Volunteer companies with costs associated with the recent arsons.

Increase Revenues

Insurance Recoveries \$894

Increase Expenditures

Sheriff \$894

--Insurance claim recoveries

(The following budgetary amendments require a public hearing in Accordance with Section 15.2-2507 of the Code of Virginia)

Increase Revenues

From the Federal Government \$534,240

Increase Expenditures

Sheriff \$534,240

--FEMA Hazard Mitigation Grant award

Payables

Mr. Miner certified the bills.

Mrs. Thornton made a motion to approve the payables. Mr. Wolff seconded the motion. The motion was unanimously approved.

Closed Session

County Attorney Mark Taylor advised they needed a motion 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; and 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. Wolff made a motion to go into Closed Meeting pursuant §2.2-3711.A (1) and (3) of the Code of Virginia of 1950, as amended. Mrs. Thornton seconded the motion. The motion was unanimously approved.

Open Session

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Wolff made the motion to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3711.A (1) and (3) 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. Ms. Lewis seconded the motion. The motion was unanimously approved

Roll Call

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

Recess

Mr. Hart recessed the meeting until 7:35 p.m.

Called to Order

Chairman Hart called the meeting back to order.

Public Hearing

County Attorney Mark Taylor read the Public Hearing Rules.

Proposed Lease of Certain Accomack County Owned Property near Grangeville, Route 180 for Agricultural Purposes. Tax Map Number 112-A-129A

Mr. Hart opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comment concerning the proposed lease of certain Accomack County owned property near Grangeville, Route 180, for agricultural purposes; Tax Map No. 112-A-129A.

No one from the public spoke on the issue.

Mr. Hart closed the Public Hearing.

Mr. Crockett made a motion to lease the land as advertised and adopt the following Resolution. Ms. Major seconded the motion. The motion was unanimously approved.

RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA, RELATIVE TO THE LEASE OF PROPERTY NEAR GRANGEVILLE, ROUTE 180, ACCOMACK COUNTY, VIRGINIA, AND FURTHER KNOWN AS TAX MAP NO.: 112-A-129A

WHEREAS, Accomack County desires to lease certain property near Grangeville, Route 180, in Accomack County, Virginia, being Tax Map No.: 112-A-129A; and

WHEREAS, the Board is of the opinion that the lease of said property, for agricultural purposes not to conflict with the County's construction of a convenience center on said property, would benefit the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA:

1. The Accomack County Administrator is authorized to sign any and all necessary documents to effectuate the lease of the property near Grangeville, Route 180, located in Accomack County, Virginia, Tax Map No. 112-A-129A for agricultural purposes not to conflict with the County's construction of a convenience center on said property.

2. This Resolution shall take effect immediately upon its adoption.

BE IT SO RESOLVED THIS 15TH DAY OF MAY 2013.

Proposed Secondary Road Six Year Plan 2014/2015 – 2016/2019 and Improvement Priorities for Fiscal Year 2014-2015 for Accomack County

Mr. Tony Gibson from VDOT presented the Secondary Road Six Year Plan to the Board and briefly covered the estimated program allocations and the scheduled advertising date for the County priorities. Mr. Gibson talked about the Governor's transportation project for some of the funding for these projects and secondary unpaved road projects. Mr. Gibson responded to questions from the Board.

Chairman Hart stated there were citizens attending the Public Hearing to voice concerns about Bells Neck Road and informed Mr. Gibson that Bells Neck Road was located in two (2) different districts that goes from Route 600 and goes to the end of the neck, but the beginning of the road to the gut was located in District 9 and from the gut to the end was located in District 8.

Mr. Hart opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comment concerning the Proposed Secondary Road Six Year Plan 2014/2015 – 2016/2019 and Improvement Priorities for Fiscal Year 2014-2015 for Accomack County.

The following commented on the Six Year Plan.

Mr. Gerald Hennessey from Bells Neck Road offered concerns on the conditions on the road caused by flooding making the road impassable at times. He spoke on the concern of emergency services people that needed to get to citizens living on that road and could not get to them. He asked the Board to prioritize the road and put it on the list because six (6) years from now he feels the road would not be passable.

Mr. Bedford Rogers from Painter had concerns for the citizens on Bells Neck Road when the road is flooded. He told the Board one of the problems was because the street was not wide enough and felt this road should be added to the six (6) year plan as one of the top priorities. Mr. Roger gave Mr. Miner a copy of a petition of citizens living on Bells Neck Road.

Ms. Valarie Walden a property owner of Bells Neck Road spoke on the condition of Bells Neck Road when the road was flooded and asked the Board to add this road to the list.

Ms. Kim Georgegella spoke on the flooding on Bells Neck Road because of the safety in a fire/rescue situation and would like the road added to the list as a priority.

Mr. Robert Lawson spoke on the concern for emergency services having to come down Bells Neck Road if there was an emergency and wanted the Board to add Bells Neck Road to the list because of the flooding on the road.

Mr. Hart closed the Public Hearing.

The Board asked that Bells Neck Road be reevaluated by VDOT. A discussion ensued concerning whether it was a maintenance issue or a reconstruction issue. Mr. Gibson stated he would look into the situation and see if there was any type of emergency funding or procedure.

Mr. Hart made a motion to add Bells Neck Road to the Proposed Secondary Road Six Year Plan 2014/2015 – 2016/2019 and Improvement Priorities for Fiscal Year 2014-2015 as one of the top priorities. Ms. Major seconded the motion. The motion was unanimously approved.

Mr. Hart made a motion to adopt the following Resolution. Ms. Major seconded the motion. The motion was unanimously approved.

R E S O L U T I O N

WHEREAS, the Virginia Department of Transportation and the Accomack County Board of Supervisors have jointly established the Secondary Road Six-Year-Plan for the fiscal years 2014-2015 to 2016-2019 and priority list for the fiscal year 2014-2015; and

WHEREAS, the Virginia Department of Transportation and the Accomack County Board of Supervisors have jointly held a Public Hearing on the Secondary Road Six-Year Plan for fiscal years 2014-2015 to 2016-2019 and Improvement Priorities for fiscal year 2014-2015.

NOW, THEREFORE, BE IT RESOLVED that the Accomack County Board of Supervisors hereby approves the Secondary Road Six-Year-Plan for fiscal years 2014-2015 to 2016-2019 and Improvement Priorities for Fiscal Year 2014-2015.

New Saxis LLC/Carey Rezoning

Mr. Hart opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comment concerning the requested rezoning from B1 (General Business) to I (Industrial) with proffers in general to those outlined in the document prepared by Wayne Evans and Richard Carey and submitted May 3, 2013.

Mr. Rich Morrison gave a brief presentation on Conditional Rezoning and responded to questions.

Mr. Wayne Evans told the board Orbital Science building had been vacant for two years and that is where they will store the rocket core there along with other miscellaneous parts there as well.

Mr. Hart closed the Public Hearing.

Mr. Wolff made a motion to approve the Conditional Rezoning request to change the subject parcels from General Business (B-1) to Industrial (1) in order to provide dry storage of rocket components and support equipment. Mrs. Thornton seconded the motion. The motion was unanimously approved.

PROFFER STATEMENT

Applicant:	New Saxis LLC, Carey Family Limited Partnership
Record Owner:	New Saxis LLC, Carey Family Limited Partnership
Property I.D.:	41-A-144G1, 41-A-144G2
District:	Election District 3
Existing Zoning:	General Business
Proposed Zoning:	Industrial
Rezoning Case Name:	New Carey LLC/Carey Rezoning
Rezoning Case Number:	13-01
Date:	April 30, 2013

The undersigned hereby proffers that the use and development of the subject Property shall be in strict conformance with the following conditions:

GENERALLY

These proffers shall apply to the subject Property which is being rezoned to Industrial in order to provide for a coherent and compatible development.

The terms "Applicant" and "Developer" shall include all future owners and successors in interest.

1. Upon approval of the rezoning request, uses permitted by right shall be limited to the following:
 - a) Antennas and towers up to 100 feet in height;
 - b) Assembly of any product from pre-manufactured components;
 - c) Blacksmith, welding, metal fabrication, and machine shops;
 - d) Contractors offices and contractor equipment yards (under cover)
 - e) Fire and rescue squad stations
 - f) Manufacture of electrical and electronic equipment and machines including parts and components;
 - g) Off-street parking, as required by chapter 106;
 - h) Repair, maintenance, and modification of aircraft and spacecraft;
 - i) Research and development establishments, including testing laboratories and prototype manufacturing;
 - j) Wholesale businesses and warehousing, except petroleum products, explosives, chemicals and similar products;
 - k) Accessory uses such as, but not limited to, child care facilities, office and administrative facilities, cafeterias, lunchrooms and snack shops, recreational facilities for employees, non-retail motor fuel facilities, company vehicle service facilities, central heating and power plants, and outside storage (not to exceed 20 percent of the total lot area);
 - l) Up to 20 percent of the floor area of a manufacturing, processing, wholesaling, warehousing, or assembly business otherwise permitted in

this district may be devoted to retail sales of products made or stored on the premises;
m) Utility distribution facilities.

2. A 30 foot setback shall be maintained from the shared property lines with the following parcels: 41B-A-1, 41B-A-2, 41B-A-5, 41-A-144C, 41-A-146

3. Should the driveway and parking areas on the site be paved, where feasible, permeable pavement shall be used.

3. The Owners and Developers agree to execute other legal documents, which will bind them and any subsequent owner/developer of the subject Property, as identified on page 1 of these proffers, to these proffers.

These proffers shall be recorded in the land records referencing all of the subject Property.

Adjournment

Mr. Crockett made a motion to adjourn the meeting. Mr. Wolff seconded the motion. The motion was unanimously approved. The meeting adjourned at 8:15p.m.

Donald L. Hart, Jr., Chair

Date