

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 17th day of July, 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
Mark B. Taylor, County Attorney
Yvonne Pennell, Administrative Assistant

Call to Order

The meeting was called to order by the Chair. The invocation was given by Mr. Crockett and the Pledge of Allegiance to the Flag was recited.

Adoption of the Agenda

Mr. Wolff made a motion to adopt the Agenda. Ms. Lewis seconded the motion. The motion was unanimously approved.

Public Comments

County Attorney Mark Taylor read the rules governing conduct during the Public Comment period.

Jessie Chandler commented on the Children at Play signs on Daugherty Road and asked if he could raise the money to pay for the signs.

A general discussion took place concerning the issue of the Children and asked Public Works Director Stewart Hall to check with the Virginia Department of Transportation (VDOT) to find out if the signs could be purchased at cost through VDOT and asked to check on the issue and that Mr. Hall work with Mr. Chandler.

Donna Ware of The Master Naturalists offered comments concerning the Onancock Nature Trail at the Historic Onancock School requested a waiver of tipping fees for the removal of brush and trees from the Onancock School Property.

Jackie Farlow, Belinda Milliner, Carlisle and Betty Jones, and Joe Blanchard offered comments concerning the deplorable conditions of the roads on Calvin Drive and Lee Drive in District 8.

Public Works Director Stewart Hall gave an update regarding the status of the County related to the Rural Additions Program and said the total construction costs associated with of Calvin Drive and Lee Drive was estimated to be approximately \$157,000. He said that there was approximately \$195,000 in the set aside account of the Secondary Six Year Plan. He said VDOT had been asked to attend the August 15, 2013 Board of Supervisors Meeting to go over the entire Rural Addition Program to explain cost allocation and speculative interest.

Following a brief discussion, he responded to questions.

A discussion ensued as to whether Calvin Drive and Lee Drive were private or public roads. Mr. Crockett asked Mr. Hall to research to determine if the roads were public or private and if they ever were public roads why were they removed from the system and bring an update back to the Board.

A discussion took place concerning the policy of roads and obtaining clarity from VDOT.

Minutes

Mr. Crockett made a motion to approve the minutes of June 19, 2013. Mr. Gray seconded the motion. The motion was unanimously approved.

Consent Agenda

Mrs. Gordy made a motion to approve the following items under the Consent Agenda. Ms. Major seconded the motion. The motion was unanimously approved.

5.2 Request for Speed Study in the Vicinity of 23207 Daugherty Road

5.3 Grant Application to DEQ for Virginia Locality Stormwater Program Development Phase II Grant Application

5.4 Authorize Waiving Tipping Fee for Debris Removal from the Onancock School Property

Report of Public Officials

Fred Jancy, Mayor, Town of Wachapreague, gave comments on the proposal to close the Virginia Inside Passage Aids to Navigation. He told the Board the reason given for disestablishment of the Virginia Inside Passage Aids to Navigation was the lack of use of inside passage. He stated the reason it was not used was because it was not being maintained.

Mayor Jancy asked the Board to submit a very strong letter to the U. S. Coast Guard opposing the removal of the aids to navigation with copies to Congressmen Rigell,

Senators Kaine and Warner, Governor McDonnell, Senator Northam, Delegate Lewis, and the Corps of Engineers.

Mayor Jancy responded to questions.

Departmental Updates

Rich Morrison gave a Departmental update on the activities of the Planning Department, current projects, and Economic Development.

David Fluhart gave an update on the activities of the Department of Building and Zoning and explained the flow chart showing the duties and responsibilities of the department.

Proposed Amendments of Residential “R” District Regulations Governing Water and Wastewater Facilities

County Administrator Steven B. Miner asked the Board of Supervisors to not take action on the adoption of residential district regulations governing water and wastewater facilities until after the Closed Meeting.

Planning and Community Development Director Rich Morrison explained the residential district regulations governing the water and wastewater facilities Conditional Use Permit and responded to questions.

Mrs. Thornton asked County Attorney Mark B. Taylor why the Board would have to go into closed meeting regarding a public matter. Mr. Taylor explained because he needed to brief the Board as a matter of legal advice.

A discussion ensued.

Mr. Morrison stated the “R” District currently allows for public water and wastewater facilities but not private water and wastewater facilities (106.79 Conditional Use Permits amendments).

Mr. Mark Baumgartner of Pender and Coward representing Atlantic Town Center commented on the county’s definition of a public water or wastewater facility concerning public, central (which allows public or private systems), and remote facilities. He said that the developer he represented had been trying for approximately six (6) years to get approval from the County on the first planned unit development project in the County and asked that they be given a clear path on what was being requested.

Discussion continued.

Eastern Shore Community College Board

Mr. Crockett made a motion to appoint Mr. Ted Lewis to the Eastern Shore Community College Board, to replace Mr. Robert G. Turner whose was ineligible for reappointment, for a four year-term beginning immediately and ending on June 30, 2017.

Mrs. Thornton seconded the motion. The motion was unanimously approved.

Eastern Shore Community Services Board

Ms. Major made a motion to appoint Mrs. Joan Wilson to the Eastern Shore Community Services Board to replace Mr. Berran Rogers beginning immediately and ending on December 31, 2014. Mr. Hart seconded the motion. The motion was unanimously approved.

Parks and Recreation Advisory Commission

Mr. Chesser made a motion to appoint Reverend Lisa Johnson to the Parks and Recreation Advisory Commission to replace Thomas Harmon, for a four-year term beginning immediately and ending on June 30, 2017. Ms. Major seconded the motion. The motion was unanimously approved.

Virginia Local Disability Program (VLDP)

Finance Director Mike Mason gave an overview of the Virginia Local Disability Program (VLDP) and the State's newest unfunded mandate. Mr. Mason told the Board the VLDP was a disability benefit for political and school division employees who would be covered under the new VRS Hybrid Retirement Plan and would apply to most new employees hired on or after January 1, 2014 and once fully implemented, would cost approximately \$60,000 annually (county side does not include the cost of the schools). Mr. Mason responded to questions from the Board of Supervisors.

Mr. Crockett made a motion to adopt the following Resolution to opt out of the Virginia Local Disability Program (VLDP) and seek coverage through the VACorp standards. Mrs. Thornton seconded the motion. The motion was unanimously approved.

RESOLUTION

Irrevocable Election Not to Participate in Virginia Local Disability Program

WHEREAS, by enacting Chapter 11 .1 of Title 51 .1 of the Code of Virginia, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013,

requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of County of Accomack, Virginia, employer code 55100, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of Accomack, Virginia irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that, as an integral part of making this irrevocable election, The County of Accomack, Virginia certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

Adopted in Accomack, Virginia this 17th day of July, 2013.

Recess

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

Call to Order

Mr. Hart called the meeting back to order at 7:35 p.m.

Public Hearing

County Attorney Mark Taylor read rules governing conduct during Public Hearings.

Ordinance to Increase the Salary of the Board of Supervisors by Three Percent (3%)

Mr. Hart opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning an Ordinance to increase the salary of the Board of Supervisors by three percent

No one from the public spoke on the issue.

Mr. Hart closed the Public Hearing.

Mr. Wolff made a motion to adopt the following Ordinance to increase salary of the Board of Supervisors by 3%. Mrs. Lewis seconded the motion. Ayes: Mr. Chesser, Mr. Wolff, Mr. Gray, Ms. Lewis, Mr. Hart, Mrs., Gordy, Ms. Major. Nays: Mrs. Thornton, Mr. Crockett.

ORDINANCE OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA PERTAINING TO SUPERVISORS' SALARIES

The Board of Supervisors of Accomack County, Virginia, in regular meeting on the 17th day of July, 2013, adopted the following:

ORDINANCE

WHEREAS, pursuant to the Virginia Code the Board of Supervisors is authorized to establish salaries for its members; and

WHEREAS, the Board of Supervisors of Accomack County, Virginia, at its June 19, 2013, meeting enacted an emergency ordinance pursuant to Virginia Code §15.2-1427 to increase the annual salary of the Board by three percent (3%); and

WHEREAS, the Accomack County Board of Supervisors' annual salary was set at \$7,000.00 on May 16, 1990 and has remained at that level for 23 years; and

WHEREAS, according to the U. S. Bureau of Labor Statistics, the Supervisors' \$7,000.00 salary has lost more than forty percent (40%) of its buying power since 1990; and

WHEREAS, the Accomack County Board of Supervisors has fixed additional sums of \$1,800.00 and \$1,200.00 to be paid annually to the Chair and the Vice-Chair of the Board, respectively, since the year 2000; and

WHEREAS, Virginia Code § 15.2-1414.3.2 expressly enables Supervisors' salaries to be adjusted in any year by an inflation factor not to exceed five percent (5%); and

WHEREAS, the Board of Supervisors has granted all Accomack County employees a three percent (3%) raise in salary, effective on August 1, 2013; and

WHEREAS, the Board finds that it is fair, equitable and reasonable to raise the Supervisors' salaries by three percent (3%), effective on August 1, 2013.

NOW, THEREFORE, BE IT ORDAINED, that the annual salary of the Board of Supervisors for Accomack County, Virginia, shall be increased by three percent (3%) effective August 1, 2013, with the additional sums paid to the Chair and Vice-Chair continuing in effect.

Wallops Research Park Update

Mr. Miner gave an update on the Wallops Research Park and told the Board an item that was preventing the moving forward was the resolution of the land swap arrangements between the County and the National Park Service. He said the General Services Administration had questions and issues regarding the application and that the map of the Jones Property needed to be resubmitted because some of the land needed to be readjusted and that the surveyors were in the process of resurveying the property.

Update on VDOT Projects

Mr. Miner informed the Board that the Tasley roundabout had been approved and the bid had been returned and may be expedited. He said the groundbreaking was expected to be in August.

He gave an update on the Route 709 Horntown Road Project and said Chris Isdell, VDOT's Accomack Residency Administrator, told him it was on schedule and that the right of way was being acquired.

He gave an update on the Atlantic Health Center crossover and explained the removal of the crossover per Rural Health and that the south bound traffic had been rerouted to the next south intersection. He said that VDOT had worked with Rural Health and developed a plan that would allow the barrels to be replaced because the barrels were costly to rent.

Update on Rural Road Addition

Mr. Miner said the County did not have a policy and he had been working on a draft policy but he had not completed it yet and he explained the policy to the Board. He said he hoped it would be completed by the August Board meeting. A discussion ensued concerning the roads.

Mr. Hart made a point that the issue with Calvin Drive and Lee Drive; that at one time Lee Drive was maintained by the State and it was classified as a State road but did not know why it was no longer being maintained.

A discussion ensued.

Ms. Major suggested before a policy is done that a representative from VDOT come to the August 21st explain the Rural Road Additions program and what needs to be done. Mr. Hart asked Mr. Miner to invite VDOT to the August Board of Supervisors' meeting to explain the issue on Rural Road Additions program.

Mr. Miner gave an update on the cost of Watch for Children Signs and stated he had confirmed by phone with VDOT and there were no other fees associated with signs other than the \$80 including the installation and making of the sign.

Mr. Miner referenced the letter he had received from the Health Department concerning privatizing direct service delivery on the onsite sewage program.

Mrs. Thornton made a motion to write a letter stating the Board's objection to the Authorized Onsite Soil Evaluator (AOSE) and to request a meeting to be held on the Shore. Mr. Crockett seconded the motion. The motion was approved.

Tourism

Mr. Hart told the Board he and Mr. Miner had met with the Northampton County Administrator and Chairman of the Northampton County Board of Supervisors and that they had a very good meeting.

Mr. Miner gave a brief update on the Tourism meeting and noted that both Chairmen agreed to start to build a new agreement on Tourism. Mr. Hart said he had made it very clear that the Accomack County Board did fund what they felt was

appropriate and told them when Northampton County had increased their funding, there was not an agreement that Accomack would increase its funding. Mr. Miner told the Board the Tourism Commission would be submitting a budget in the future as they previously had done.

Mr. Miner gave a brief update on the New Library, Regional Economic Development and Broadband.

County Attorney's Report

County Attorney Mark Taylor spoke on the Chesapeake Bay Watershed Agreement and asked for comments. He informed the Board of the preliminary draft that was outlined of the envisioned Chesapeake Bay Watershed Agreement with some preliminary goals and outcomes. He stated the draft represents the Chesapeake Bay Program's early thinking and was intended to stimulate thoughts and ideas from stakeholders and the stakeholders input would be solicited again when a complete draft was developed. Mr. Taylor told the Board if they have comments please send them to him before August 15th.

Board of Supervisor's Comment Period

Mrs. Lewis thanked everyone for their contributions for the Little League Playoffs. She spoke on the issue of departments running over their budget. Mrs. Lewis said one of the departments that had gone over its budget was Parks and Recreation and she felt since the Board was looking toward developing a new park that they needed to look into what the Parks and Recreation does, what was profitable and what was non-profitable to the department. She asked Mr. Miner if he could give the Board a report concerning different programs/events and how much money was being taken in on the programs and what is paid out. She said she felt they were not self-sustaining. She informed the Board the Parks and Recreation Advisory Board was not aware of the situation.

When asked if he had spoken to the Manager, Mr. Miner responded in the affirmative.

Mrs. Gordy told the Board that the Tourism director had resigned and interviews were going to be held on Friday, July 19th from 12:30 p.m. until 5:00 p.m. for a new director of Tourism.

Mr. Crockett stated at the Joint Meeting with the Board of Supervisors and the Library Board, the Library Board advised the Board a decision would be needed from the

Board of Supervisors concerning their request of \$6 million funding for construction of the new library building. He said this needed to be put on the Agenda for the August meeting so it could be voted up or down.

Mr. Chesser commented on Horntown Road stated they had done a great job.

Mr. Hart asked the Board if the Board of Supervisors should hold an open meeting with the public concerning the funding for the new library and get input from the public.

Comments were offered by the Board concerning the new library funding.

Mr. Hart polled the Board to see if they were in favor of holding a public meeting on the funding of the new library. No: Mr. Chesser, Mr. Gray, Ms. Lewis, Mr. Crockett, Mrs. Thornton, Mrs. Gordy. Yes: Mr. Wolff, Mr. Hart, Ms. Major

Mr. Hart asked that at the August 21, 2013, meeting Mike Mason, Finance Director provide Debt Service estimates associated with the Eastern Shore Public Library's funding request of \$6 million for the construction of the new library building and take a vote to either vote it up or down.

Budget and Appropriation Items

Mr. Wolff made a motion to approve the budget and appropriation items. Mr. Crockett seconded the motion. The motion was unanimously approved.

Budget and Appropriation Items

FISCAL YEAR 2013

GRANTS

Increase Revenues

From the Commonwealth \$20,888

Increase Expenditures

Clerk's Office \$20,888

--Technology Trust Funds available

Increase Revenues

From the Federal Government \$135,000

Increase Expenditures

Summer Food Program \$135,000

--Estimated USDA Reimbursement FY13-14

Other

Increase Revenues

Transient Occupancy Tax \$1,753

Increase Expenditures

Tourism Commission \$1,753

--Commission's share of mainland transient occupancy tax in Excess of original estimate

Increase Revenues

Increase Recoveries \$1,701

| | |
|--|----------|
| Increase Expenditures | |
| Sheriff | \$1,701 |
| --Insurance claim recoveries | |
| Increase Revenues | |
| Contributions | \$10,060 |
| Increase Expenditures | |
| Public Safety/Fire Training Center | \$10,060 |
| --Contributions received for Line of Duty Death Memorial to be Located at the Fire Training Center | |
| Increase Revenues | |
| Miscellaneous Recoveries | \$20,779 |
| Increase Expenditures | |
| Public Works | \$20,779 |
| --Public Works Garage charges recovered from other departments | |

FISCAL YEAR 2014

GRANTS

| | |
|---|---------|
| Decrease Fund Balance | |
| Unassigned fund balance | \$5,632 |
| Increase Expenditures | |
| Public Safety/Fire Training Center | \$5,632 |
| --Carpet for the Fire Training Center. Purchase was supposed to be Completed by the end of June but due to scheduled time off for the one Purchasing FTE, it was not issued until July 1. | |

Contingencies (Balance as of 7/11/13=\$107,596)
None

Payables

Mr. Miner certified the bills.

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

Closed Session

County Attorney Mark Taylor read the pertinent sections for closed meeting pursuant to Virginia Code §2.2-3711 (A) of the Code of Virginia of 1950, as amended, and more particularly under subsection (3) 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; (5) 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; and (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel

employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Mr. Wolff made a motion to go into Closed Meeting pursuant §2.2-3711.A (3), (5) and (7) 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 (3), (5) and (7) 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.

Proposed Amendment to Section 106.79 of the Accomack County Zoning Ordinance

Mr. Crockett made a motion to amend the County's Residential "R" Zoning District Amendment which was stated in a draft dated April 12, 2013, under Section 106.79 Conditional Use Permits identified in lines 7, 8, and 9 of that draft *in accordance with Mr. Morrison's recommendations in his memo of July 3, 2013, adding Paragraphs 7, 8, & 9 to Section 106-79 and deleting the phrase "including water and sewage facilities" from Section 106-77.* Mrs. Thornton seconded the motion. The motion passed unanimously.

Mr. Crockett made a motion to return the application from the Atlantic Town Center PUD and ~~Wastewater Treatment Center~~ **Bridge Hill Rezoning Amendment** to the Accomack County Planning Commission giving them sixty (60) days to return a recommendation to the Board of Supervisors concerning the wastewater treatment facility and one-hundred (100) days to return the PUD application recommendation to the Board

concerning the PUD. Mrs. Thornton seconded the motion. The motion passed unanimously.

Roll Call

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

Adjournment

Mr. Wolff made a motion to adjourn the meeting. Mrs. Thornton seconded the motion. The motion was unanimously approved. The meeting adjourned at 10:30p.m.

Donald L. Hart, Jr., Chair

Date