

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board of Supervisors Chamber in Accomac, Virginia on the 15th day of July, A.D., 2015 at 5:00 p.m..

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

Others Present: Steven B. Miner, County Administrator  
Michael Mason, Finance Director  
Shelia West, Administrative Assistant

### **Call to Order**

The meeting was called to order by the Chair and opened with a prayer by Rev. Milton Palmer Bunting after which, the Pledge of Allegiance to the Flag was recited.

### **Adoption of the Agenda**

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

### **Public Comment**

The Chair read the rules governing conduct during the public comment period. Comments were offered by:

Alan Silverman, Onancock VA, offered comments concerning information relating to pilot Sponsor –A-Highway Project and waiver of the tipping fees.

Harold Scruminger, Land Surveyor, Stockton MD, offered comments concerning Stormwater Management Plan complaints.

### **Minutes**

Mr. Hart made a motion to approve the Minutes of the June 17, 2015 meeting. Mr. Crockett seconded the motion. The motion was unanimously approved.

### **Consent Agenda**

Mr. Crockett made a motion to approve the following items under Consent Agenda. Mr. Hart seconded the motion. The motion was unanimously approved.

- 5.2 Authorized staff to assist the Towns of Belle Haven, Chincoteague, Saxis, and Tangier with State mandated mailing requirement regarding FEMA Flood Insurance rate Map changes,
- 5.3 To waive tipping fees for roadside litter collected through the Sponsor-A-Highway Pilot Program for a period of three years,
- 5.4 The award of RFP#275 for Inmate Food Services to C&M Managed Services per Sheriff Godwin's recommendation for the term of July 29,

2015 through July 28, 2016, with the option to renew for four additional one-year terms per the terms and conditions of RFP275,

- 5.5 The Mid-County Sewer Rate Reduction of \$4.00 per thousand gallons,
- 5.6 The purchase of one brush grinder (Model 1680XP-Beast Recycler) in the amount of \$252,681.09 per proposal from McClug-Logan Equipment Company, Inc.

### **Lockbox Services for the Collection, Deposit and Posting of Property Tax Payments**

Dana Bundick, Treasurer gave a brief update on lockbox services for the collections, deposits and posting of property tax payments and asked the Board to appropriate money so the lockbox procedure could be installed beginning with the December payments. She stated it would make the Treasurer's Office more efficient for tax payers and provide a better cash flow and estimated the costs to be between \$40,000 and \$60,000. A discussion ensued concerning the procedure.

Mrs. Thornton made a motion to move forward with the process of implementing lockbox services for the purpose of the collection, deposit and posting of property tax payments. Mrs. Lewis seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Lewis, Mrs. Gordy, Mr. Crockett, Ms. Major, Nays: Mr. Hart

### **Tax Exemption on Solar Equipment**

County Administrator Dr. Steven B. Miner asked the Board to consider scheduling an adjourned meeting to receive and consider documentation regarding the request for the tax exemption on solar equipment.

Mr. Crockett made a motion to hold an adjourned meeting on Wednesday, August 5, 2015 at 5:00 p.m. in the Board Chambers. Mr. Wolff seconded the motion. The motion was unanimously approved.

### **Board of Trustees of the Eastern Shore Public Library (4-year term)-By Code of Virginia**

Mrs. Lewis made a motion to reappoint Katherine Hall to the Board of Trustees of the Eastern Public Library for a four-year term beginning immediately and ending June 30, 2019. Mr. Wolff seconded the motion. The motion was unanimously approved.

### **Accomack County Parks and Recreation Advisory Commission (4-year term)-by election district**

Mrs. Lewis made a motion to reappoint Janice B. Welch to the Accomack County Parks and Recreation Advisory Commission for a four year term beginning immediately and ending on June 30, 2019. Mrs. Thornton seconded the motion. The motion was unanimously approved.

## **Virginia Stormwater Management Program (VSMP) Appeals Board**

Norman Pitt, Environmental Program Administrator, gave an update on the Stormwater Appeals Board positions and stated the Ordinance was adopted but that members were not officially appointed. He said he and former County Attorney Mark Taylor suggested the five (5) positions to be represented which was approved, but that representatives had not been named.

Mr. Pitts discussed the structure of the Appeals Board and “Best Management Practices” process.

Mrs. Thornton stated she felt for someone to be appointed to this type of board, some type of training or understanding of the knowledge of stormwater was needed.

A discussion ensued.

Mr. Hart made a motion to appoint Theresa Mary Jarvis Long (Eastern Shore Soil and Water Conservation District), John Sanns (Engineer), Gracie Milbourne (Interim Zoning Administrator), Dory Sample (Local Builder), and William “Bill” Davis (Real Estate Developer), to the Stormwater Appeals Board, effective immediately. Mr. Chesser seconded the motion. The motion was unanimously approved.

## **Western Hemisphere Shorebird Reserve Network Application**

Mr. Barry Truitt of the Nature Conservancy appeared before the Board to request a letter of endorsement of an application to include the barrier marshes of both counties in the Western Hemispheres Shorebird Reserve Network. Mr. Truitt responded to questions from the Board.

Mrs. Gordy made a motion to postpone any action until the August 5<sup>th</sup> adjourned meeting providing if staff would be able to get more information, and if not, it would be voted on at the August 19<sup>th</sup> regular monthly Board meeting. Mr. Crockett seconded the motion. The motion was unanimously approved.

## **Closed Meeting**

Mr. Wolff made a motion that the Board go into closed meeting pursuant to Section 2.2-371, A) (7) of the Code of Virginia of 1950, as amended, for the purpose of . 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, to receive advice of

legal counsel regarding a legal dispute and claim regarding County funds, and a zoning matter. Mrs. Lewis seconded the motion. The motion passed unanimously.

### **Open Session**

The Chair declared the meeting open to the public.

### **Certification of Closed Meeting**

Mr. Wolff made a motion and seconded by Mrs. Lewis, 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.

Ayes:	Mrs. Thornton	Mr. Wolff	Mr. Chesser	Nays: None
	Mrs. Lewis	Mr. Crockett	Mrs. Gordy	
	Mr. Hart	Ms. Major	Mr. Gray	

### **Recess**

It was the consensus of the Board to recess until 7:30p.m.

### **Call to Order**

The Chair called the meeting back to order.

### **Agricultural and Forestal Districts Review: Atlantic, Craddockville, Leemont, Painter, Scarborough's Neck, and Shields**

Kristen Tremblay gave a brief overview of the Atlantic, Craddockville, Leemont, Painter, Scarborough's Neck and Shields Agricultural and Forestal Districts.

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Atlantic, Craddockville, Leemont, Painter, Scarborough's Neck, and Shields Agricultural and Forestal District Reviews.

No public comments were offered and the Chair closed the Public Hearing.

Mr. Crockett made a motion to accept the recommendation of the Planning Commission and adopt the following Resolutions for the Atlantic, Craddockville, Leemont, Painter, Scarborough's Neck, and Shields Agricultural and Forestal Districts.

Mr. Wolff seconded the motion. The motion was unanimously approved.

**RESOLUTION OF ADOPTION  
ATLANTIC AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE**

**WHEREAS**, it is the policy of the Board of Supervisors to conserve, protect and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, shellfish and fisheries production, watershed protection, wildlife habitat, and aesthetic purposes, through a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the County's economy and as an economic and environmental resource of major importance; and

**WHEREAS**, the Board of Supervisors is authorized pursuant to §§ 15.2-4300, *et seq.*, VA Code Ann., to create agricultural, forestal or agricultural and forestal districts; and

**WHEREAS**, the Board of Supervisors established the Atlantic Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Atlantic Agricultural and Forestal District has been renewed every four years since 1983 and the Board of Supervisors has requested the Agricultural and Forestal District Advisory Committee and Planning Commission to review and make recommendations on renewal of the district in 2015; and

**WHEREAS**, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

**WHEREAS**, the Agricultural and Forestal District Advisory Committee reviewed the Atlantic Agricultural and Forestal District on March 25, 2015, and recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the Planning Commission advertised a Public Meeting with the landowners in the Atlantic Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on May 15, 2011, and the Planning Commission recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on July 1, 2015, and July 8, 2015, and a Public Hearing was held by the Board of Supervisors on August 15, 2015; and

**WHEREAS**, the landowners in the Atlantic Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the May 15, 2015 Planning Commission Public Meeting and the August 15, 2015, Board of Supervisors Public Hearing, and provided information regarding the proposed modification of properties in the district; and

**WHEREAS**, the proposed ordinance will further the public health, safety and welfare of citizens of Accomack County;

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Accomack County does hereby enact the attached Atlantic Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

**RESOLUTION OF ADOPTION  
CRADDOCKVILLE AGRICULTURAL AND FORESTAL DISTRICT  
ORDINANCE**

**WHEREAS**, it is the policy of the Board of Supervisors to conserve, protect and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, shellfish and fisheries production, watershed protection, wildlife habitat, and aesthetic purposes, through a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the County's economy and as an economic and environmental resource of major importance; and

**WHEREAS**, the Board of Supervisors is authorized pursuant to §§ 15.2-4300, *et seq.*, VA Code Ann., to create agricultural, forestal or agricultural and forestal districts; and

**WHEREAS**, the Board of Supervisors established the Craddockville Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Craddockville Agricultural and Forestal District has been renewed every four years since 1983 and the Board of Supervisors has requested the Agricultural and Forestal District Advisory Committee and Planning Commission to review and make recommendations on renewal of the district in 2015; and

**WHEREAS**, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

**WHEREAS**, the Agricultural and Forestal District Advisory Committee reviewed the Craddockville Agricultural and Forestal District on March 25, 2015, and recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the Planning Commission advertised a Public Meeting with the landowners in the Craddockville Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on May 15, 2011, and the Planning Commission recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on July 1, 2015, and July, 8, 2015, and a Public Hearing was held by the Board of Supervisors on August 15, 2015; and

**WHEREAS**, the landowners in the Craddockville Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the May 15, 2015 Planning Commission Public Meeting and the August 15, 2015, Board of Supervisors Public Hearing, and provided information regarding the proposed modification of properties in the district; and

**WHEREAS**, the proposed ordinance will further the public health, safety and welfare of citizens of Accomack County;

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Accomack County does hereby enact the attached Craddockville Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

**RESOLUTION OF ADOPTION  
LEEMONT AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE**

**WHEREAS**, it is the policy of the Board of Supervisors to conserve, protect and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, shellfish and fisheries production, watershed protection, wildlife habitat, and aesthetic purposes, through a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the County's economy and as an economic and environmental resource of major importance; and

**WHEREAS**, the Board of Supervisors is authorized pursuant to §§ 15.2-4300, *et seq.*, VA Code Ann., to create agricultural, forestal or agricultural and forestal districts; and

**WHEREAS**, the Board of Supervisors established the Leemont Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Leemont Agricultural and Forestal District has been renewed every four years since 1983 and the Board of Supervisors has requested the Agricultural and Forestal District Advisory Committee and Planning Commission to review and make recommendations on renewal of the district in 2015; and

**WHEREAS**, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

**WHEREAS**, the Agricultural and Forestal District Advisory Committee reviewed the Leemont Agricultural and Forestal District on March 25, 2015, and recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the Planning Commission advertised a Public Meeting with the landowners in the Leemont Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on May 15, 2011, and the Planning Commission recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on July 1, 2015, and July 8, 2015, and a Public Hearing was held by the Board of Supervisors on August 15, 2015; and

**WHEREAS**, the landowners in the Leemont Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the May 15, 2015 Planning Commission Public Meeting and the August 15, 2015, Board of Supervisors Public Hearing, and provided information regarding the proposed modification of properties in the district; and

**WHEREAS**, the proposed ordinance will further the public health, safety and welfare of citizens of Accomack County;

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Accomack County does hereby enact the attached Leemont Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

**RESOLUTION OF ADOPTION  
PAINTER AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE**

**WHEREAS**, it is the policy of the Board of Supervisors to conserve, protect and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, shellfish and fisheries production, watershed protection, wildlife habitat, and aesthetic purposes, through a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the County's economy and as an economic and environmental resource of major importance; and

**WHEREAS**, the Board of Supervisors is authorized pursuant to §§ 15.2-4300, *et seq.*, VA Code Ann., to create agricultural, forestal or agricultural and forestal districts; and

**WHEREAS**, the Board of Supervisors established the Painter Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Painter Agricultural and Forestal District has been renewed every four years since 1983 and the Board of Supervisors has requested the Agricultural and Forestal District Advisory Committee and Planning Commission to review and make recommendations on renewal of the district in 2015; and

**WHEREAS**, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

**WHEREAS**, the Agricultural and Forestal District Advisory Committee reviewed the Painter Agricultural and Forestal District on March 25, 2015, and recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the Planning Commission advertised a Public Meeting with the landowners in the Painter Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on May 15, 2011, and the Planning Commission recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on July 1, 2015, and July, 8, 2015, and a Public Hearing was held by the Board of Supervisors on August 15, 2015; and

**WHEREAS**, the landowners in the Painter Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the May 15, 2015 Planning Commission Public Meeting and the August 15, 2015, Board of Supervisors Public Hearing, and provided information regarding the proposed modification of properties in the district; and

**WHEREAS**, the proposed ordinance will further the public health, safety and welfare of citizens of Accomack County;

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Accomack County does hereby enact the attached Painter Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.



**RESOLUTION OF ADOPTION  
SCARBOROUGH'S NECK AGRICULTURAL AND FORESTAL  
DISTRICT ORDINANCE**

**WHEREAS**, it is the policy of the Board of Supervisors to conserve, protect and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, shellfish and fisheries production, watershed protection, wildlife habitat, and aesthetic purposes, through a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the County's economy and as an economic and environmental resource of major importance; and

**WHEREAS**, the Board of Supervisors is authorized pursuant to §§ 15.2-4300, *et seq.*, VA Code Ann., to create agricultural, forestal or agricultural and forestal districts; and

**WHEREAS**, the Board of Supervisors established the Scarborough's Neck Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Scarborough's Neck Agricultural and Forestal District has been renewed every four years since 1983 and the Board of Supervisors has requested the Agricultural and Forestal District Advisory Committee and Planning Commission to review and make recommendations on renewal of the district in 2015; and

**WHEREAS**, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

**WHEREAS**, the Agricultural and Forestal District Advisory Committee reviewed the Scarborough's Neck Agricultural and Forestal District on March 25, 2015, and recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the Planning Commission advertised a Public Meeting with the landowners in the Scarborough's Neck Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on May 15, 2011, and the Planning Commission recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on July 1, 2015, and July, 8, 2015, and a Public Hearing was held by the Board of Supervisors on August 15, 2015; and

**WHEREAS**, the landowners in the Scarborough's Neck Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the May 15, 2015 Planning Commission Public Meeting and the August 15, 2015, Board of Supervisors Public Hearing, and provided information regarding the proposed modification of properties in the district; and

**WHEREAS**, the proposed ordinance will further the public health, safety and welfare of citizens of Accomack County;

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Accomack County does hereby enact the attached Scarborough's Neck Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

**RESOLUTION OF ADOPTION  
SHIELDS AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE**

**WHEREAS**, it is the policy of the Board of Supervisors to conserve, protect and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, shellfish and fisheries production, watershed protection, wildlife habitat, and aesthetic purposes, through a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the County's economy and as an economic and environmental resource of major importance; and

**WHEREAS**, the Board of Supervisors is authorized pursuant to §§ 15.2-4300, *et seq.*, VA Code Ann., to create agricultural, forestal or agricultural and forestal districts; and

**WHEREAS**, the Board of Supervisors established the Shields Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Shields Agricultural and Forestal District has been renewed every four years since 1983 and the Board of Supervisors has requested the Agricultural and Forestal District Advisory Committee and Planning Commission to review and make recommendations on renewal of the district in 2015; and

**WHEREAS**, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

**WHEREAS**, the Agricultural and Forestal District Advisory Committee reviewed the Shields Agricultural and Forestal District on March 25, 2015, and recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the Planning Commission advertised a Public Meeting with the landowners in the Shields Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on May 15, 2011, and the Planning Commission recommended continuation of the district with the modification of properties within the district; and

**WHEREAS**, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on July 1, 2015, and July, 8, 2015, and a Public Hearing was held by the Board of Supervisors on August 15, 2015; and

**WHEREAS**, the landowners in the Shields Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the May 15, 2015 Planning Commission Public Meeting and the August 15, 2015, Board of Supervisors Public Hearing, and provided information regarding the proposed modification of properties in the district; and

**WHEREAS**, the proposed ordinance will further the public health, safety and welfare of citizens of Accomack County;

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Accomack County does hereby enact the attached Shields Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

**Implementation of a “Fraud, Waste and Abuse Hotline”**


Finance Director Michael Mason presented a proposed “Fraud, Waste and Abuse Hotline” Policy to the Board and asked for approval of the policy and actions that the Finance Office would like to implement.

He explained that the purpose of the hotline would be to give employees and the general public a place to report claims and concerns pertaining to fraud, waste and resource abuse within the County’s operations, the process for implementation and responded to questions.

Mr. Wolff made a motion to endorse and approve the following Policy. Mrs. Thornton seconded the motion.

A discussion ensued.

The vote on the motion: Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Lewis, Ms. Major, Mr. Crockett, Mr. Hart Nays: Mrs. Gordy.

	<b>GENERAL SUBJECT:</b>	
	<i>a. Fiscal Policies</i>	
	<b>SPECIFIC SUBJECT:</b> <b>Fraud, Waste &amp; Abuse “Hotline” Administration Policy</b>	
	<b>POLICY NUMBER:</b> FP1250	<b>PAGE:</b> <i>b. 1 of 3</i>
<b>EFFECTIVE DATE</b>	<b>REVISED DATE:</b> <i>c.</i>	

**PURPOSE:**

The primary objective of the County’s Fraud, Waste and Abuse HOTLINE is to provide easy to use, anonymous mechanisms for citizens and employees to report fraud, waste, or abuse within the County’s operations thereby assisting the County in detecting and preventing incidents. This policy also sets forth the procedures for staff to follow when reports are received including report documentation, management, dissemination, closure and confidentiality.

**SCOPE:**

The focus of the HOTLINE is on County operations under the direct control of the Board of Supervisors. Fraud, Waste and Abuse reports received that pertain to the operation of the Accomack County School Division or any Constitutional Office are considered out of scope; however, any report received pertaining to these independent entities will be forwarded to them for action. The HOTLINE is not intended as an avenue for employees to submit pay, harassment, promotion, discrimination or other human resource related issue. Employees who wish to report these types of complaints should direct them to their Department Head or other manager as stipulated in the County Personnel Manual.

**DEFINITIONS:**

- Fraud** means the intentional deception perpetrated by an individual or individuals, or an organization or organizations, either internal or external to local government that could result in a tangible or intangible benefit to themselves, others, or the locality or could cause detriment to others or the locality. Fraud includes a false representation of a matter of fact, whether by words or by conduct, by false or misleading statements, or by concealment of that which should have been disclosed, which deceives and is intended to deceive (Source Code of Virginia §15.2-2511.2)
- Waste** means the intentional or unintentional, thoughtless or careless expenditure, consumption, mismanagement, use, or squandering of resources owned or operated by the locality to the detriment or potential detriment of the locality. Waste also includes incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls (Source Code of Virginia §15.2-2511.2).

3. **Abuse** means the excessive or improper use of something, or the employment of something in a manner contrary to the natural or legal rules for its use; the intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of resources owned or operated by the locality; or extravagant or excessive use so as to abuse one's position or authority (Source *Code of Virginia* §15.2-2511.2).

## **PROVISIONS:**

### **1. General**

Tips and suggestions are the most common way fraud is detected in an organization so it is in the County's best interest to develop and maintain methods for the general public including County employees to report claims and/or concerns pertaining to fraud, waste and abuse within the County's operations.

The County will maintain three options that can be utilized to communicate claims and concerns. Those options are:

- i. The County Website – The County website will have dedicated web page that explains the HOTLINE and allows individuals to submit information anonymously by completing an electronic form. Reports submitted in this manner will be electronically routed directly to the Finance Director.
- ii. By Telephone - The County will create a dedicated telephone number used exclusively for reporting incidents. Callers will be prompted via voice mail to leave as much information as possible about the incident. As with the website, information can be provided anonymously. The voice mailbox will be password protected with only the Finance Director having access.
- iii. By Mail - Information may be provided by mail directly to the Finance Director.

### **2. Promotion of HOTLINE**

An advertisement encouraging the use of the Fraud, Waste & Abuse HOTLINE shall be published in a local paper having general circulation in the County on an annual basis. Marketing materials will also be sent electronically to all employees on a periodic basis, posted on the County Website and displayed in conspicuous areas in County facilities.

### **3. Incident Report Preparation, Management and Dissemination**

Information received through any of the three methods used to report incidents above will be used to create an incident report. The incident report will be reviewed by both the County Administrator and Finance Director who will determine if the incident should be investigated and assign the incident report to the appropriate department personnel for investigation.

Incident reports that do not indicate fraud, abuse or waste has occurred or do not provide enough information for the claim to be investigated may be closed immediately. Incident reports that are not closed will be periodically updated with a chronology of actions taken, who took those actions, results of those actions, the final outcome of the investigation and any corrective action taken.

The Finance Director shall act as the administrator of the HOTLINE and shall be responsible for monitoring of all incident open reports; ensuring timely progress is being made towards an outcome, keeping the County Administrator apprised of on-going investigations and closing of all incident reports.

### **4. External Reporting**

Summary level reporting of incidents reported using the Fraud Waste and Abuse HOTLINE will be provided on a quarterly basis. Reports will include the number of reports received, the method used to report the claim (Telephone, Website, or Mail), the type of complaint received, the number of open and closed investigations and the type of resolution.

### **5. Employee Retaliation Prohibition**

No retaliation or adverse action by a County employee towards any individual who submits a report of fraud, waste or abuse will be tolerated except as provided in the "Malicious Complaints From Employees" section below. In addition, any retaliation or adverse action by an employee towards any individual who participates in an investigation pertaining to a fraud, waste or abuse claim will not be tolerated. Either of these two actions will result in disciplinary action up to and including termination from employment.

## **6. Incident Report Confidentiality & Security**

All fraud waste and abuse reports received and documentation related to them will be maintained in a confidential manner to the fullest extent allowed by law. Specific measures to be taken are as follows:

- i. Incident information will only be shared with individuals who are essential to the investigation. These individuals are required to keep this information confidential.
- ii. Incident related electronic records will be kept in a secure folder on the County Network with limited access privileges and/or be password protected.
- iii. Physical records will be kept by the Finance Director in a secure location with limited access.

## **7. Malicious Complaints From Employees**

The processing of a complaint/concern is a costly process that requires significant staff time and attention regardless of whether it is appropriate or not. A malicious report is one that is made in bad faith or with full knowledge that it lacks factual basis. These types of reports will not be tolerated by employees and may result in disciplinary actions up to and including termination from employment.

### **Tide Gauge at Saxis Harbor**

Public Safety Director C. Ray Pruitt told the Board that Accomack County had an opportunity to obtain two Tide Gauges from Hurricane Sandy funding. He said the gauges would cost \$30,000 each, but the County has the opportunity to have two (2) gauges at no charge, but the County would be responsible for annual maintenance at a cost of \$5,000 per gauge. He recommended the County consider installing one at the Tangier Harbor on the Town Dock and one at Saxis Harbor on the wall that protects the harbor. He continued and told the Board if the County would like to accept these tide gauges, a letter of consent for this project must be forwarded to USGS prior to end of August 2015.

Mrs. Lewis made a motion to put an additional \$10,000 in the Emergency Management operating budget for the associated annual maintenance cost to pay for Saxis and Chincoteague maintenance costs. Mr. Chesser seconded the motion. The motion was unanimously passed.

### **CIP Update**

The Capital Improvement Committee (Mrs. Lewis and Mr. Wolff) gave a brief report of two (2) recent meetings that had been held and related to the following

- Mrs. Lewis talked about the meeting with the architectural firms proposing the remodeling of the old Accomack Elementary School. She said the School Board had not yet given the building back to the County; therefore no action from the County's view could be taken at this time.

- Mrs. Lewis told the Board any historical grant money obtained could only be used in restoring the building to its 1920 heritage.
- Mr. Wolff told the board the building was currently being used for storage so it was therefore an active building. Mrs. Lewis said Dr. Cuellar would take this back to the School Board for further discussion.
- Mrs. Lewis told the Board of Supervisors the Library Board had two (2) new renovation proposals one was in the amount of \$2 million and another was in the amount of \$3.5 million, but that a recommendation had not yet been received from the Library Board.

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

Dr. Miner told the Board the County Newsletter had been published and would be inserted in the newspaper on Friday, July 24<sup>th</sup> and offered the following report:

- **Financing Plan** – That Mr. Mason had been working with financial advisors to prepare an appropriate plan of finance to present to the Board at the August Meeting. Dr. Miner said he was now moving forward with the Health Department renovation and the new public service building at the Accomack Park Site.
- **Joint Meeting with the School Board** – Suggested the date of September 2<sup>nd</sup> for the joint meeting with the School Board but and noted that he had not gotten a response from Dr. Cuellar. Ms. Major suggested September 9<sup>th</sup> or 23<sup>rd</sup> as a date for a joint meeting. Dr. Miner stated he would contact Dr. Cuellar.
- **House Bill 2 Implementation** – The Virginia Department of Transportation had implemented its new policy on funding road construction and said it was completely different than the old system and must be learned very quickly. He told the Board Chris Isdell would be meeting with him and Rich Morrison on the 20<sup>th</sup> and that there would be a regional meeting on the 15<sup>th</sup> in Suffolk.

Mr. Hart stated he felt the state was going to give all secondary roads to the local government to maintain. Mrs. Thornton said she had concerns that if the Accomack-Northampton Planning District Commission was going to be speaking for both counties she felt Accomack would end up on the short end and recommended that Accomack take a more active role as House Bill No. 2 was implemented.

- **Contract Signing with Town of Onancock** – That the Town of Onancock had fully agreed with terms and language proposed by the County on the sewer

purchase Agreement; that the document was ready for signing. It was the consensus of the Board that Ms. Major executes the Agreement.

### **Board of Supervisors Comments**

#### **Minimum 45-Mile Per Hour – Chincoteague Causeway**

Mrs. Thornton made a motion to request the following resolution be sent to the Virginia Department of Transportation. Mr. Wolff seconded the motion. The motion was unanimously approved.

### **R E S O L U T I O N**

**WHEREAS**, there has been increased moped traffic along the causeway of Route 175, Chincoteague Road creating the potential for vehicular incidents:

**BE IT RESOLVED** that the Accomack County Board of Supervisors hereby request the Commissioner of the Virginia Department of Transportation or his representatives to immediately install a 45-mile per hour minimum speed limit signs along the causeway of Route 175, Chincoteague Road, in Accomack County.

The Accomack County Board of Supervisors also requests that these signs should be paid out of the secondary construction allocations allotted to Accomack County.

She explained that mopeds had become a problem along the causeway and the minimum speed would eliminate them.

#### **Resolution of Recognition – Bryan Rush**

Mrs. Thornton made a motion to recognize Bryan Rush by giving him a Resolution of Recognition as being awarded the Bruce W. Edwards Award for outstanding Emergency Medical Services Administrator for 2015. Mr. Crockett seconded the motion. The motion was unanimously approved.

Mrs. Thornton thanked C. Ray Pruitt for doing a fantastic job on the Fire Academy Graduation.

Mrs. Lewis told the Board she had met with the Mayor of Parksley concerning the Fresh Pride Building for a possible location for a library as proposed by Paul Muhly. She said she had been in attendance with the Mayor of Parksley and Parksley Town Council when the presentation was done.

#### **NASA 70<sup>th</sup> Anniversary**

Mr. Wolff asked that a Resolution be prepared congratulating NASA for their 70<sup>th</sup> Anniversary of the NASA Facility. Mr. Crockett seconded the motion. The motion was unanimously approved.

**Budget and Appropriation Items**

**Resolution to Amend the FY16 Adopted County Budget and Appropriating Related Amounts**

Mr. Hart made a motion to approve the following Resolution to amend Fiscal Year 2015 County Budget and Appropriate Funds. Mr. Wolff seconded the motion. The motion was unanimously approved.

**RESOLUTION TO AMEND THE FISCAL YEAR 2016  
ACCOMACK COUNTY 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 31, 2015, the Board of Supervisors adopted the Accomack County Fiscal Year 2016 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 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 2016 County budget be amended by the amounts listed below and the same amounts appropriated for the purposes indicated.

<b>Requesting Department</b>	<b>Fund/Function</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>Amount</b>
Building & Zoning	General Fund/Public Safety	The State mandates that when new flood maps are issued, affected property owners must be notified. Additional funds are needed to cover the cost of postage associated with this notification.	Contingencies	\$ 4,383
Commonwealth Attorney	General Fund/Judicial Admin.	To cover an unanticipated rent increase for the Commonwealth Attorney's Office.	Contingencies	\$ 2,100
Finance	General Fund/Public Works	Public Works and the 911 Commission currently have an agreement whereby they split the electricity costs of the 911/Extension Building 50/50. This results in some inefficient payment practices and does not allow the County to pay for services electronically. This request is to reduce the 911 Commission contribution by \$7000 and increase Public Works by the same amount. Public Works will then pay all electricity cost for the building.	From 911 Commission Contribution to Public Works	\$ 7,000
Parks & Recreation	General Fund/Summer Food Program	To reflect the award of grant funds from "Share our Strength and the Virginia No Kid Hungry Campaign" for the summer meals program.	Private Grant Funds	\$ 3,000
Community Corrections	General Fund/Public Safety	To reflect the award of grant funds from the Virginia Department of Criminal Justice Services for the Community Corrections Program administered by Chesapeake ASAP.	State Grant Funds	\$ 89,585
<b>Total</b>				<b>\$ 106,068</b>

**Payables**

Upon certification by the County Administrator, Mrs. Lewis made a motion to approve the payables. Mr. Crockett seconded the motion. The motion was unanimously approved.



**Adjournment**

Mr. Wolff made a motion to adjourn to August 5, 2015 at 5:00p.m. in the Board Chambers. Mr. Crockett seconded the motion. The motion was unanimously approved. The meeting adjourned at 9:12p.m.

---

C. Reneta Major, Chair

---

Date