

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 19th day of August, 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 Pastor Paul Ugh of Belle Haven United Methodist Church after which, the Pledge of Allegiance to the Flag was recited.

### **Adoption of the Agenda**

Mrs. Thornton made a motion to adopt the Agenda with the change to add under Old Business, (8.5) discussion on the Solar Energy Project. Mr. Wolff 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:

**John Schneider, Bloxom VA**, offered comments concerning the poultry houses  
**Fred Janci, Mayor of Wachapreague**, offered comments opposing the Western Hemisphere Shorebird Reserve Network Application  
**Wayne Johnson, Bloxom VA**, offered comments concerning buffers for poultry houses  
**Terry Bliss, Onancock VA** invited Board of Supervisors to attend "The Bear and the Cub" production performance on Thursday, August 27, 2015 at 5:30 p.m. on the lawn at St. George's Church in Pungoteague  
**Jay Ford, Belle Haven VA**, Executive Director of Virginia Eastern Shorekeeper, offered comments on Coastal Waters and poultry houses, and invited Board to attend data education process on poultry farms at the Eastern Shore Community College on September 9, 2015 at 6:30p.m.

### **Minutes**

Mr. Crockett made a motion to approve the Minutes of the July 15, 2015 meeting.  
Mrs. Thornton seconded the motion. The motion was unanimously approved.

**Resolution of Recognition and Commendation – Ernest “Bryan” Rush**

Mrs. Thornton read and presented the following Resolution of Recognition and Commendation to Ernest “Bryan” Rush as being named the recipient of the 2015 Bruce W. Edwards Outstanding Administrator Award for Outstanding EMS Council.

**RESOLUTION  
OF  
RECOGNITION AND COMMENDATION**

**WHEREAS**, Ernest “Bryan” Rush has served the Town of Chincoteague as its Career EMS Supervisor since 1993 and in 2004 assumed the dual role of Emergency Management Coordinator; and

**WHEREAS**, he has served in many capacities too numerous to mention here; and

**WHEREAS**, during his career he has proved to be a detailed-oriented individual fulfilling the many tasks of supervisor, the attainment of many awards and professional achievements; and

**WHEREAS**, he has gained the respect of not only his division and local government, but is respected within the County and Region as being a leader in the EMS and Emergency Management fields and was nominated by his peers to be considered as a recipient of the Regional Award for Outstanding EMS Administrator: now

**THEREFORE, BE IT RESOLVED** that the Accomack County Board of Supervisors does hereby recognize and commend Ernest “Bryan” Rush as being named the recipient of the **2015 Bruce W. Edwards Outstanding Administrator Award** by the Tidewater EMS Council; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be spread upon the Minutes of this meeting and put upon a plaque to be presented to Ernest “Bryan” Rush.

**Resolution of Special Recognition –NASA**

Mr. Wolff presented the following special recognition resolution to NASA’s Wallops Flight Facility for 70 Years of excellence and success.

**RESOLUTION  
OF  
SPECIAL RECOGNITION  
NASA’s WALLOPS FLIGHT FACILITY**

**WHEREAS**, NASA’s Wallops Flight Facility was established in 1945 on Virginia’s beautiful Eastern Shore as an area for testing guided missile systems; and

**WHEREAS**, the facility has since launched more than 16,000 rockets in support of scientific and technology development missions, and has established a strong record of success serving as NASA’s epicenter for suborbital programs; and

**WHEREAS** Wallops is home to the Commonwealth’s Mid-Atlantic Regional Spaceport, one of only four U.S. spaceports licensed for launching payloads into orbit and a critical component of our nation’s space program; and

**WHEREAS**, NASA Wallops is a stalwart member of our community as well as a beacon of opportunity and inspiration to generations of Eastern Shore residents:

**NOW, THEREFORE BE IT RESOLVED**, that the Accomack County Board of Supervisors and all citizens of the County of Accomack do hereby commend the men and women past and present of NASA’s Wallops Flight Facility for 70 years of excellence

and success. We further express our steadfast support for Wallops in all the years to come.

### **Consent Agenda**

Mr. Hart made a motion to remove Item 5.2 from the Consent Agenda and approve the following items thereon. Mrs. Thornton seconded the motion. The motion was unanimously approved.

- 5.3 Award Contract –IFB #684 Revised-Pitts Landing, Paddle Craft Facility to Bic, Inc. in the amount of \$42,990 with funding and contingency from National Park Service grant funding in the amount of \$37,150 and ED 3 District Projects Funds in the amount of \$14,000 which are available and requested for this project per attached staff recommendation.
- 5.4 Award Contract Renewal –IFB 643-R Petroleum Products to Harry W. Drummond for regular unleaded gasoline and #2 fuel oil, to Mansfield Oil Company for on-road diesel; and to James River Solutions for off-road diesel for the term of October 1, 2015 through September 30, 2016 in accordance with the renewal terms and conditions of IFB 643-R.

### **Items Removed from Consent Agenda**

- 5.2 Appointment of Building Official and Zoning Administrator - remove acting/interim titles be removed and appoint Mark Bowden as the County's Building Official and Gracie Milbourne as the County's Zoning Administrator.

Mr. Hart made a motion to appoint Mark Bowden as the County's Building Official and Gracie Milbourne as the County's Zoning Administrator. Mrs. Thornton seconded the motion. The motion was unanimously approved.

### **Supplemental Environmental Assessment**

Ms. Caroline Massey, Assistant Director, Wallops Flight Facility (WFF) gave the Board an updated status report on the new environmental study conducted following the Antares explosion as follows: She told the Board that repairs to the pad which had been damaged in the explosion were near completion, new rocket motors were being tested with 17% more thrust and that the general environmental study was complete.

She explained that NASA was working with the Joint Land Use Study Group (JLUS) (that three different hazardous zones had been identified); that there was still concern about blast effects outside of those zones, that Orbital had 10 claims of window damage from last year's explosion.

A discussion took place with Ms. Massey responding to questions.

### **VRS Hazardous Duty Pension Benefit (aka LEOS)**

Finance Director Mike Mason stated the adopted County FY16 budget included approximately \$150,000 to add the Virginia Retirement "System (VRS) Hazardous Duty Pension Supplement to the existing benefits package provided to County EMTs and

Firefighters; and if adopted, this benefit would provide employees who retire with at least 20 years of hazardous duty service an additional annual supplement of \$13,548 on top of existing retirement benefits and that the supplement would continue until the employee reaches their normal retirement age under Social Security.

He explained requirements by VRS and responded to questions.

Mr. Crockett made a motion to adopt the following Resolution. Mr. Gray seconded the motion. The motion was unanimously approved.

**Hazardous Duty Benefits for Department of Public Safety Providers  
(aka LEOS)**

**Be it hereby resolved** that the County of Accomack, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Board of Supervisors does hereby elect to have such employees of the County of Accomack who are employed in positions as full time salaried Department of Public Safety Fire and EMS providers and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective September 1, 2015, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time, and the County of Accomack agrees to pay the employer cost for providing such employees such benefits.

**Be it further resolved** that Steven B. Miner, County Administrator, and Clerk of the Board of Supervisors, is hereby authorized and directed in the name of the County of Accomack to execute any required contract in order that the above described employees of the County of Accomack may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required the seal of the County of Accomack shall be affixed and attested by the Clerk and, said officers of the County of Accomack are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the County of Accomack be and is hereby authorized and directed and pay over to the Treasurer of Virginia from time to time such sums as are to be paid by the County of Accomack and its employees for this purpose.

**Western Hemisphere Shorebird Reserve Network Application**

Mr. Crockett made a motion to oppose the endorsement of the Western Hemisphere Shorebird Reserve Network Application, have Dr. Miner write a letter to VMRC, have Ms. Major sign the letter and send a copy to the Board of Supervisors. Mrs. Lewis seconded the motion.

A discussion ensued.

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

**Joint Land Use Study (JLUS) Work Plan**

Director of Planning and Community Development Rich Morrison gave an update on the JLUS study and explained that district two in the area of Atlantic would have the

greatest impact from the study. He explained there were three zones proposed, the first at 10,000 feet, the second at 15,000 feet, and the third at 20,000 feet and that any property in the zones could have a financial impact.

Mr. Morrison told the Board the Planning Commission was recommending the following first steps for the Joint Land Use Implementation:

1. Establish the Accomack Wallops Working Group (AWWG) with one (1) regular member and one (1) alternate member from the Planning Commission,
2. That it was recommended that the size of the AWWG be limited to seven (7) members,
3. That the he Board initiates the process to make changes to State law that would allow for notices for aircraft potential zones, aircraft noise zones, and rocket hazard zones as recommended by the JLUS.

Mrs. Thornton asked Dr. Miner to get clarification from the Attorney because it was not her understanding.

4. To execute Round One (mapping and updating some things that were in the Comprehensive Plan), and Round Two (much more extensive and come up with a game plan on how to do it) of the Comprehensive Plan amendments as drafted,
5. Wait until the Accomack Wallops Working Group is established to discuss the Clear Zone Strategic Action Plan any further,
6. To address the overlay for accident potential zones during Round Two of the Comprehensive Plan amendments and make a recommendation with the Comprehensive Plan recommendations(s).

Mr. Morrison said the Board could, if it chose, take the next steps also recommended by the Planning Commission as follows:

1. Prepare a list of names of individuals willing to serve on the Accomack Wallops Working Group (AWWG) for the Board of Supervisors consideration at its September Meeting,
2. Contact Senator Lewis and Delegate Bloxom to discuss legislation that would allow for notification for the aircraft potential zones, noise zones, and rocket hazard zones as recommended by the JLUS. (hold off on this until Board gets clarification from the Attorney), and
3. Work with the Planning Commission to complete the Round 1 Comprehensive Plan amendments and develop a strategy for accomplishing the Round 2 Comprehensive Plan amends.

Mr. Wolff made a motion to move forward with the recommendations of the Planning Commission with the caveat that the Board gets answers from the Attorney on the #2 recommendation. Mr. Crockett seconded the motion.

A discussion ensued.

Mr. Wolff amended the motion to accept the recommendations of the Planning Commission with the caveat that #2 from the JLUS Work Plan be withheld until a ruling from the Attorney that represents the County is received, and that #2 from the requested

action proposed by the Planning Commission is made as transparent as possible. Mr. Crockett seconded the motion. The motion was unanimously approved.

### **Poultry House Report**

Mr. Morrison told the Board that the twenty four (24) poultry houses on Turkey Run Road had been reduced to 16 on that property per the instruction of Tysons and introduced Mr. Jared Goodman, General Manager of Tyson Foods.

Mr. Goodman responded to questions from the Board. He told the Board Tyson had turned down more new request than they had approved. He addressed the question about setbacks and buffers explaining that Tyson's standard was a 500 foot setback even though the County has a 300 foot Setback Ordinance and that Tyson was requiring all new construction to have complete buffers.

A lengthy discussion ensued.

Mrs. Lewis and Mr. Crockett stated they felt the same way as Mr. Goodman did, that buffers and better setbacks should be put in place for future applications. Mr. Goodman expressed that Tyson was trying to be a good neighbor in all regards and that Tyson's goal was to listen to the community and hear what they have to say.

Mr. Crockett made a motion to direct staff to continue to work with Tyson Foods and other poultry companies to work out a solution related to resident's concerns with existing poultry houses and the poultry houses that are already in the pipeline to be built, direct staff and the Planning Commission to review the existing zoning ordinances regarding poultry houses and explore other areas and come back to the Board with recommendations. Mr. Wolff seconded the motion. The motion was unanimously approved.

### **Recess**

The Chair recessed the meeting for half an hour. The meeting recessed at 7:15p.m.

### **Call to Order**

The Chair called the meeting back to order at 8:45 p .m.

### **Solar Project Discussion**

Mr. Crockett told the Board that due to a recent conversation Dr. Miner had with Community Energy representatives noting that the company indicated they were going to continue with their efforts through the State Corporation Commission to seek local tax exemption. He said he felt it was in the best interest of the Board to send a letter to the

State Corporation Commission stating the Board objected to granting any change in exemption from the state level regarding the request.

Mr. Crockett made a motion to have Dr. Miner write a letter to the State Corporation Commission stating the Board of Supervisors was opposed to granting any change in local tax exemption for Consumer Energy from the state level with a copy of to Delegate Robert Bloxom, Senator Lynwood Lewis, and Lieutenant Governor Ralph Northam. He also asked that the Attorney receive a copy and to advise him the Board may need his assistance to fight the issue before the State Corporation Commission so he could take the necessary steps to prepare for any hearing that may transpire. Mr. Hart seconded the motion. A discussion ensued. The motion was unanimously approved.

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

Mrs. Gordy made a motion to reappoint Stella Rohde to the Parks and Recreation Advisory Commission for a four-year term beginning immediately and ending June 30, 2019. Mr. Hart seconded the motion. The motion was unanimously approved.

#### **Airport Emergency/Maintenance Vehicle**

Mr. Crockett made a motion to approve the request to purchase a 2004 F250 diesel truck from Kool Ford for the amount of \$8000 for the Accomack County Airport. Mrs. Gordy seconded the motion. The motion was unanimously approved.

#### **Land Protection Value Study**

Mr. Hart made a motion to appoint Mr. Frederick “Fred” Janci, Mayor of Wachapreague as an elected official representative to the Project Team of the Virginia Coastal Zone Management Program to oversee the development of an academic study of the pros and cons of land preservation on the Shore. Mrs. Thornton seconded the motion. The motion was unanimously approved.

Mrs. Thornton made a motion to appoint Mr. Brent Hurdle, County Assessor as a county government representative to the Project Team of the Virginia Coastal Zone Management Program to oversee the development of an academic study of the pros and cons of land preservation on the Shore. Mr. Crockett seconded the motion. The motion was unanimously approved.

#### **CIP Priority Projects**

Courtney Rogers, Financial Consultant, Davenport & Company, informed the Board that the \$6.2 million capital improvement plan request was reduced to \$4.2 million and some other type of financing would be sought to fund the \$2 million pledge for a new

library. He said the \$4.2 million portion of the capital request would proceed and included \$2 million for the renovations to the Health Department, \$250,000 for the Commonwealths Attorney's Office, \$500,000 for a new public works building, and \$1.5 million for school projects. Mr. Rogers explained 3 alternate possibilities for obtaining the pledge for a new library funding but it would have a higher interest rate since it could not be bundled with the \$4.2 million for other projects due to the failure of the citizen support of the library project. He gave a complete financial analysis of all of Accomack County's financial ratios and stated the County was in excellent shape with its finances and the alternatives for the library financing would be presented at the September meeting seeking the Boards approval.

#### **4<sup>th</sup> Quarter Summary Financial Report (includes FY15 Surplus Estimate)**

Finance Director Michael Mason gave a brief year end analysis stating that revenue was up 2.2% from the previous year which had been estimated to be down .2%. He told the Board this gave the County \$1.6 million surplus and explained the rainy day fund was now at \$8.4 million with a projection for 2016 to be \$9.5 million. He added that the only line item that was over budget for the year ending June 30, 2015 was legal services and responded to questions.

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

Dr. Miner stated the Closed Session item on the agenda was not needed. He told the Board the interviews for the County Attorney would be held Wednesday, September 9<sup>th</sup> and Thursday, September 10<sup>th</sup> at 4:30pm.

#### **Board of Supervisors Comments**

Supervisor Grayson Chesser informed the Board and the public that he would no longer be associated with the Shorekeepers organization. He said he had made contributions over the years to them; that he felt that they again, as they had done with the sewer project, sensationalized the poultry house issue and that he was tired of the false presentations. He said most of the people that live by him have worked and raised chickens for Tysons over the years and this industry was a critical element in the economy of the County.

Supervisor Thornton told the Board that the Department of Environmental Quality (DEQ) Director Paylor had sent her an invitation asking her to sit on the Eastern Virginia Groundwater Management Advisory Board advising the General Assembly about the



groundwater on the western shore/eastern part of Virginia and stated she had attended her first meeting on the day prior that it was a very informative meeting.

Mrs. Thornton requested that a list of the ownership of the Nature Conservancy on the barrier islands, how much tax each paid for that parcel or parcels, what was open to the public or not opened to the public, and what process they required for the public to use it. She asked that Mr. Miner furnish the information to all board members.

Supervisor Lewis informed the Board that the Town of Parksley had created the Jerry Burkhead Memorial fund for all veterans. She presented pictures of the proposed Memorial that would list Accomack County deceased veterans from all wars (WWI, WWII, Korean War, and Vietnam War). She said the estimated cost for this Memorial was approximately \$20,000 and \$6,000 had already been raised. She informed the Board the Town of Parksley has set up an account for anyone that would like to make donations.

Supervisor Wolff thanked Rich Morrison for attending his monthly meeting on Monday night.

Chairman Major read the following letter into the record from Diane Musso, Chief Executive Officer of Eastern Shore Area on Aging/Community Action Agency.

*C. Reneta Major, Chair  
Accomack County Board of Supervisors  
P. O. Box 509  
Painter, Virginia 23420*

*Dear County Supervisors:*

*The Eastern Shore Area Agency on Aging/Community Action Agency (ESAAA/CAA) appreciates the financial support you provide to us each year. Over the last several years we have lost nearly 40% of our Federal funding that goes to support our core programs. While we have worked diligently to find ways to replace these funds, we are currently struggling to provide Home Delivered Meals to all the seniors who need them.*

*Our Board of Directors suggested that we request a one-time donation of \$3,000 from each County to allow us to continue to provide meals to all homebound seniors rather than instituting a waiting list for these meals until the new fiscal year begins.*

*We appreciate your consideration of this request and thank you again for your support.*

*Sincerely,  
Diane Musso, Chief Executive Officer*

Mr. Hart made a motion to allocate \$3000 to Eastern Shore Area Agency on Aging/Community Action Agency to offset the Meals on Wheels Program. Mr. Crockett seconded the motion. The motion was unanimously approve.

**Payables**

Upon certification by the County Administrator, Mrs. Thornton 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 Wednesday, September 9, 2015 at 4:30pm. in the Board Chambers. Mr. Crockett seconded the motion. The motion was unanimously approved. The meeting adjourned at 9:30p.m.

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C. Reneta Major, Chair

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Date