

Draft Accomack County Board of Supervisors Minutes of January 18, 2012

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 18th day of January , A.D., 2012, at 5:00 p.m.

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

Others Present: Steven B. Miner, County Administrator
Yvonne N. Pennell, Administrative Assistant
Mark B. Taylor, County Attorney

Call to Order

The meeting was called to order by the Chair and opened with a prayer by the Reverend Broad, after which the Pledge of Allegiance to the Flag was recited.

Adoption of the Agenda

Mr. Hart made a motion to adopt the Agenda. Mr. Crockett seconded the motion. The motion was unanimously approved.

Public Comments

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

The following persons offered comments:

William Starr, Atlantic, VA, spoke on county development

Mark Baumgartner, Attorney for Atlantic Town Center, LLC, gave comments on the proposed Sewage Treatment Facility.

Shirley Zamora from Onancock commented on the Old McMath Building and said the County should consider acquiring the building because of economic development and would give space in the County that was much needed.

Minutes

Mr. Crockett made a motion to approve the Minutes of the December 21, 2011 Adjourned Meeting, the December 21, 2011 Regular Meeting and the January 4, 2012, Organizational meeting with corrections. Mr. Hart seconded the motion. The motion passed unanimously.

Consent Agenda

Mrs. Thornton made a motion to approve the following items under the Consent Agenda. Ms. Major seconded the motion. The motion passed unanimously.

- 4.1(a). To authorize letter of Intent for Hazard Mitigation Grant Program for up to ten (10) houses, and
- 4.2(b). Schedule Public Hearing for Zoning Text Amendment regarding definition of Water and sewer facilities, public

Mr. Wolff made a motion to schedule a Public Hearing on February 13, 2012, at 7:00 p.m in the Cafetorium of Metompkin Elementary School to afford interested persons the opportunity to be heard or to present written comments concerning a request by Atlantic Town Center Properties, LLC to amend the language of Section 106. Zoning, Article I. Definitions, of the Code of the County of Accomack, Virginia, the definition for water and sewer facilities Ms. Lewis seconded the motion. The motion passed unanimously.

Report of Public Officials

Richard Pearsall – gave a briefing concerning the event OPSAIL 2012, the Tall Ship at Onancock Festival and requested \$5,000.00 funding assistance for the event.

A discussion ensued.

Mrs. Thornton made a motion to regretfully deny contributing to the Tall Ship at Onancock Festival. Mr. Crockett seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Lewis, Mr. Crockett, Mrs. Gordy, Mr. Hart. Nays: Ms. Major.

Accomack County Public Schools

Dr. W. Bruce Benson, Division Superintendent, Accomack County Public Schools briefed the Board regarding the proposed FY12-FY13 School Board budget and responded to questions.

Reassessment

County Assessor Brent Hurdle gave a brief summary on the 2012 Reassessment Report and responded to questions.

Advertisement of the Board's Agenda

Mrs. Thornton made a motion to discontinue advertising the Boards Agenda. Mr. Chesser seconded the motion. The motion passed unanimously.

Solid Waste PPEA Proposals

Public Works Director Stewart Hall gave a briefing regarding PPEA and introduced James Stenborg, PE, Senior Project Engineer, with Gershman, Brickner & Bratton, Inc. who gave a PowerPoint presentation on the PPEA Evaluation Report and responded to questions.

Ms. Major made a motion to reject the three (3) proposals received and direct staff to prepare plans for retrofitting the Southern Landfill Baler Building for use as a transfer station following landfill closure. Mr. Hart seconded the motion. The motion passed unanimously.

It was noted by Mr. Hall that he would have plans back to the Board at the March meeting.

Wachapreague Greenbox Site – Proposed Closure

Public Works Director Stewart Hall told the Board that the Solid Waste Committee had voted at its December meeting to recommend the closure of the Wachapreague greenbox site and explained same.

A lengthy discussion took place with Mr. Hall responding to questions.

Mr. Crockett made a motion to close the Wachapreague greenbox site. Mr. Wolff seconded the motion.

It was the consensus of the Board to postpone discussion and action until after the scheduled Public Hearings.

Recess

By consensus, the Chair declared the Board in recess until 7:30 p.m.

Call to Order

The Chair called the meeting back to order and as a member of the Riverside Shore Memorial Hospital Board of Trustees relinquished the Gavel to Vice Chair Thornton to conduct a Public Hearing regarding the Riverside Shore Memorial Hospital Rezoning Application.

Public Hearings

Riverside Shore Memorial Hospital Rezoning Application

The Vice Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Riverside Shore Memorial Hospital rezoning application.

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

Planning and Community Development Director Rich Morrison gave a brief staff report for the rezoning application.

Representatives from Riverside Shore Memorial Hospital gave a brief PowerPoint presentation on the application detailing a site plan showing the hospital, parking lots medical office building, etc. and responded to questions.

A brief discussion took place. Mr. Wolff made a motion to accept the rezoning application with proffers along with the traffic light issues. Mr. Gray seconded the motion. The motion passed unanimously.

Mrs. Thornton asked Mr. Morrison how he plans to negotiate and address all the concerns VDOT has. Mr. Morrison stated a Conditional Use Permit application would have to be applied for.

Proposed Amendment to County Code Chapter 106, Zoning, Section 106-239, Applications and Permits

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed amendment to the Code of the County of Accomack, Virginia, Chapter 106, Zoning, Section 106-239, Applications and Permits, to provide that building permits may be issued by the Building Official to enable repairs necessary to avoid waste in emergency situations, regardless of whether real estate taxes are owed on the property for which the permit is sought.

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

Following comments of explanation by County Attorney Mark B. Taylor, Mrs. Thornton made a motion to adopt the following Resolution and refer same to the Planning Commission for a recommendation. Mr. Crockett seconded the motion. The motion passed unanimously.

RESOLUTION OF INITIATION

**RE: INITIATE CONSIDERATION OF ZONING ORDINANCE AMENDMENT
TO ALLOW BUILDING PERMITS FOR REPAIRS NECESSARY TO
AVOID WASTE IN EMERGENCIES**

WHEREAS, the Board of Supervisors is authorized pursuant to §§ 15.2-2280 and §§ 15.2-2286 of the Code of Virginia to prepare, adopt, and amend a zoning ordinance to regulate future land development in Accomack County; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require that the Accomack County Zoning Ordinance should be amended to provide for the issuance of Building Permits for repairs necessary to avoid waste in emergency situations, regardless of whether real estate taxes are owed on the property for which the permit is sought.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Accomack County does hereby initiate consideration of amendments to the Accomack County Zoning Ordinance Sect. 106-239, to provide for the issuance of Building Permits for repairs necessary to avoid waste in emergency situations, regardless of whether real estate taxes are owed on the property for which the permit is sought.

Wachapreague Greenbox Site (continued)

A discussion continued concerning the proposed closure of the Wachapreague greenbox site.

Mr. Hart made a motion to continue to leave the Wachapreague greenbox site open and instruct staff to continue to look for a second site in the southern end of the County utilizing the \$271,000 that was put aside for convenience centers. Ms. Major seconded the motion.

Discussion continued.

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

Mr. Crockett made motion that the Board of Supervisors instruct Mr. Hall to close the Wachapreague Greenbox Site using the same mythology used in the past by advertising in the paper, etc. at the earliest convenience. Mr. Wolff seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Lewis, Mr. Crockett, Mrs. Gordy. Nays: Ms. Major and Mr. Hart.

Mr. Hart made a motion that the \$271,000 remain in reserve for use in the southern end of the County for a convenience center. There was no second.

Appointments

Committee to Review Boards, Committees, and Commissions Appointed by the Board

Mrs. Gordy asked the Board to make a motion to appoint a committee of two members to review the County's boards, committees and commissions and assign them a task to review the bylaws of various boards, committees, and commission, review the attendance records, review the district representation, time limit to serve on the committee, and contact other counties in Virginia and review their methods of appointments by other board members and after sixty (60) days bring back to the full Board their recommendations.

Mrs. Thornton made the motion to appoint a two member board to serve on the Committee. Mr. Hart seconded the motion. The motion was passed unanimously. Mrs. Gordy appointed Mrs. Thornton and Ms. Lewis to serve on the committee.

Eastern Shore of Virginia Tourism Commission

Mr. Crocket stated he would like to go on record stating he had a brother applying to serve on the Eastern Shore of Virginia Tourism Commission and he would be abstaining from voting on the motion.

Mr. Hart made a motion to appoint Mr. Dennis K. Crockett to the Eastern Shore of Virginia Tourism Commission for a three-year term effective February 1, 2012 and expiring on December 31, 2014 to fill the unexpired term of Robert Lentz who has resigned. Mrs. Thornton seconded the motion. The motion was approved with Mr. Crockett abstaining.

Harborton Public Facilities Committee

Mr. Hart made a motion to reappoint Mr. John Hershey to the Harborton Public Facilities Committee for a four-year term beginning January 1, 2012 and ending on December 31, 2015. Mr. Wolff seconded the motion. The motion passed unanimously.

Accomack Transportation District Commission

Ms. Major made a motion to reappoint Mrs. Wanda Thornton, Mr. Ron Wolff, and Mr. Donald L. Hart, Jr. to the Accomack Transportation District Commission. Mr. Gray seconded the motion. The motion was unanimously approved.

Accomack-Northampton Planning District Commission

Mrs. Thornton made a motion to appoint Ms. Kay Lewis to fill the unexpired term of Mrs. Sandra Hart Mears. Mr. Wolff seconded the motion. The motion was unanimously approved.

Economic Development Authority

Mr. Crockett made a motion to appoint Ms. Kay Lewis to the Economic Development Authority as the liaison. Mr. Wolff seconded the motion. The motion was unanimously approved.

Eastern Shore of Virginia Groundwater Committee

Ms. Major made a motion to appoint Mr. Grayson Chesser to the Eastern Shore of Virginia Groundwater Committee effective immediately to fill the unexpired term of Mr. Donald L. Hart, Jr, who has resigned as of January 18, 2012. Mr. Hart seconded the motion. The motion was unanimously approved.

Social Services Board

A discussion ensued concerning three (3) Board of Supervisors serving on the Social Services Board (Mrs. Gordy, Ms. Lewis, and Ms. Major).

County Attorney Mark Taylor reviewed explained the provision of the Code of Virginia related the membership on the Board.

Mrs. Thornton made a motion to leave the composition of the board as is until June, when terms expire. Mr. Crockett seconded the motion. The motion was unanimously approved.

FY 2011 Comprehensive Annual Financial Report (CAFR)

Michael Mason, Finance Director presented the Comprehensive Annual Financial Report (CAFR) to the Board of Supervisors.

First Responder Stipend Authorization for Tasley Volunteer Fire Company

County Administrator Steve Miner a brief the Board regarding a request from the Tasley Volunteer Fire Company to continue to receive the annual \$4,000 County contribution for EMS operations as provided though the company was no longer able to continue to provide First Responder service because of loss of volunteer personal due to relocation, military duty, etc.

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A brief discussion took place and it was noted that the company did meet the criteria as provided for in the Fire & Rescue Commission's Bylaws.

Mr. Crockett made a motion to leave the Fire and Rescue Commission Bylaws as written. Mr. Gray seconded the motion. The motion was unanimously approved.

Lee Ruark Safety Award Program FY2011 Comprehensive Annual Financial Report

Mr. Hart made a motion to approve the Lee Rurak Safety Award Program. Mrs. Thornton seconded the motion.

A discussion ensued.

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

County Attorney's Report

County Attorney Mark Taylor handed out information on the TDML, legislative issues, and commented on issues related to Atlantic Town Center.

Board of Supervisors Comments

Ms. Major said members has received an email concerning delinquent taxes and asked that staff would respond.

Ms. Lewis stated she looked forwarded to working with the Board of Supervisors. She told the Board she had been attending the Parksley Town Meeting and she had spoken with the fire stations in her area and told them she would avail herself whenever needed.

Mr. Wolff thanked Mr. Miner for attending his meeting on Monday night. He also informed the Board of a meeting that would be held on Thursday, January 19, 2012 at 6:30 at the NASA Visitor Center to give a briefing on upcoming launch programs and other projects.

Mrs. Thornton told the Board that the Groundwater Committee had set priorities to look at disposal issues. She said that she had mentioned to the Chair to have a representative from the Department of Environmental Quality to come before the Board to give an update on waste water disposal.

Mrs. Gordy presented Mr. Hart a plaque commending him for his great work as Chairman of the Board in the year of 2011.

Mr. Crockett thanked Mr. Hart on his outstanding help doing the redistricting process and thanked him for his great work as the Chair of the Board of Supervisors last year.

Budget Items

Budget and Appropriation Items

From Contingencies (Balance as of 1/1/12=\$207,598)

Decrease Contingency

Operating Contingency \$8,638

Increase Expenditures

Planning \$8,638

--The existing plotter in the planning office, purchased back in 2003, is approaching the end of its useful life. Performance of this plotter has been problematic and continues to hamper production. Replacement parts are not longer available for this model. Approval of this budget item would allow a new plotter to be purchased.

OTHER

Increase Revenue

Miscellaneous Recoveries \$12,095

Increase Expenditures

EMS

Sheriff \$ 250

--Insurance claim recoveries \$11,845

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

Payables

Mr. Wolff made a motion to authorize the payment of invoices. Ms. Lewis seconded the motion. The motion passed unanimously.

Closed Meeting

Mr. Wolff made a motion to go into Closed Meeting pursuant §2.2-3711 of the Code of Virginia of 1950, as amended, pursuant to subsection (A) (3) for discussion or consideration the acquisition of real property for a public purpose, or of the disposition of publicly held real property, here discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Mrs. Thornton 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 Mrs. Thornton seconded by, to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3711 (A) of the Code of

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

Roll Call

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|------|-------------|------------------|--------------|
| Aye: | Mr. Chesser | Mrs. Thornton | Mr. Crockett |
| | Mr. Wolff | Ms. Kay W. Lewis | Mrs. Gordy |
| | Ms. Major | Mr. Gray | Ms. Major |

Nays: None

Adjournment

Mr. Wolff made a motion to adjourn. Mr. Crockett seconded the motion. The motion passed unanimously. The meeting adjourned at 10:25p.m.

Chair