

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of

Accomack held in the Board Chambers in Accomac, Virginia on the 17th
day of February, A.D., 2016 at 5:00 p.m.

Members Present: Ron S. Wolff, Chair
Robert D. Crockett, Vice Chair
William J. "Billy" Tarr
Grayson C. Chesser
Harrison W. Phillips, III
Paul E. J. Muhly
Donald L. Hart, Jr.
C. Reneta Major

Member Absent: Laura Belle Gordy

Others Present: Steven B. Miner, County Administrator
Cela J. Burge, County Attorney
Michael T. Mason, Finance Director
Shelia West, Administrative Assistant

Call to Order

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

Adoption of the Agenda

Mr. Crockett made a motion to adopt the Agenda. Ms. Major seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Public Comment

County Attorney Cela Burge read the rules governing conduct during the public comment period.

Comments of support for the CAFO's and Mass Balance Study was offered by Toni Picardi of Belle Haven, VA

Minutes

Mr. Crockett made a motion to approve the Minutes of the January 13 and January 20, 2106 meetings. Mr. Hart seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Consent Agenda

Mr. Crockett made a motion to approve the following items under the Consent Agenda with the exception of Item 5.6, Surplus Property. Mr. Muhly seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

- 5.2 To schedule a Public Hearing on March 16, 2016 at 7:30 p.m. to afford interested persons the opportunity to be heard or to present written comments concerning a request from Emmett G. Taylor, Jr. to rezone two parcels 42-2-A and 42-2-A1 from Residential to Agricultural,

- 5.3 To schedule a Public Hearing on March 16, 2016 at 7:30 p.m. to afford interested persons the opportunity to be heard or to present written comments concerning the Davis Wharf Agricultural and Forestal District,
- 5.4 The revision of the Regulations Governing Water Supply and Waste Discharge to reduce the Central Accomack waste disposal service rate from \$20.02 per thousand gallons to \$19.12 per thousand gallons,
- 5.5 The following Resolution to decrease the authorized petty case amount at the Sheriff's Office from \$1,500 to \$500 per §15.2-1229 of the Code of Virginia of 1950, as amended, and

RESOLUTION

WHEREAS, Virginia Code §15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

WHEREAS, the Board of Supervisors has, by resolution, already established a number of existing petty cash accounts used to provide change to customers or to make small dollar purchases; and

WHEREAS, the Sheriff has requested that the amount of petty cash funds previously approved for his office be reduced:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Accomack County approves the creation of or increases in the following petty cash funds:

<u>Department</u>	<u>Type</u>	<u>Amount Previously Approved</u>	<u>Decrease</u>	<u>Amount Approved</u>
Sheriff's Office	Cash	\$1500.00	\$1000.00	\$500.00

- 5.7 Contract for elevation of 4 South Street in Wachapreague and 11437 Breezy Point Lane for the DR-4024 HMGP Elevation Project and authorize the County Administrator to execute the contracts for the construction project

Surplus Property

Following a brief discussion related to surplus property, Mr. Crocket made a motion to approve the sale of surplus County vehicles. Mr. Hart seconded the motion.

The motion was unanimously approved with Mrs. Gordy absent.

Statement of the Chair

Mr. Wolff informed the Board that Mrs. Gordy's absence was due to continued illness though she was feeling a bit better.

Personnel Committee – Report on Personnel Policies

Mr. Crockett reviewed and explained housekeeping amendments to the following Personnel Policies and responded to questions.

1. Policy 503.0 – Sick Leave Bank – *number of hours an employee contributes to the Sick Leave Bank and to comply with VRS and any state laws and provides a safety net for Hybrid employees,*

2. Policy 418.0 – Worker’s Compensation – *to be in compliance and run concurrently with VRS regulations,*
3. Policy 402.0 – Starting Pay – *to delete the last paragraph of Item C.*

A general discussion took place with HR Director Donna Kellam offering comments of explanation.

A discussion ensued regarding the implementation of a random drug testing program for all employees to include Board of Supervisors members as well as how other localities addressed the issue. Mrs. Kellam noted she would provide her findings at a future meeting.

Following a poll, it was the consensus of the Board that the Committee begins the preparation of a Drug Testing Policy.

Mr. Crockett made a motion to approve the following amendments to the aforementioned Personnel Policies. Ms. Major seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

	SUBJECT:	
	SICK LEAVE BANK	
	POLICY NUMBER: 503.0	PAGE: 1 OF 2
	EFFECTIVE DATE: 10/18/2000	REVISED DATE:

OVERVIEW: It is the County's objective to provide additional sick leave for those who have a prolonged or long-term illness or injury and who have exhausted all of their leave balances.

SCOPE: This policy applies to all full-time regular and limited-term Plan 1 and Plan 2 employees and Hybrid Plan employees during their first twelve (12) months of employment. ~~positions with the exception of employees covered by the VRS Hybrid Retirement Plan which are entitled to other short term disability insurance benefits explained in Section 502.1.~~

PROVISIONS:

A.) Enrollment:

Enrollment in the sick leave bank is voluntary. Eligible employees seeking enrollment must complete an enrollment form and contribute 8 ~~32~~ hours of sick leave to the bank. The enrollment form can be obtained from the Central Accounting Department.

B.) Enrollment Period:

The enrollment period is during the first thirty calendar days of employment or during the month of May.

~~Enrollment in the sick leave bank is limited to the first 30 days after the end of an employee's first six months of employment. Thereafter, employees may only enroll during the month of December.~~

C.) Additional Assessments:

As a continuing member of the Sick Leave Bank, one will be assessed an additional

sick leave day only at such times as the bank falls below 60 days. Notification shall be sent to each member at the time an assessment is determined to be necessary. Automatic assessment shall be made when the bank falls below the established level. A member not having a sick leave day to contribute at the time of assessment shall automatically be assessed the first sick leave day subsequently earned.

D.) Benefits/Eligibility

An employee is eligible to access the sick leave bank after six months of employment.

The first 15 calendar days (120 hours) of the illness or injury will not be covered by the bank but must be covered by the employee's own leave or leave without pay.

A member of the bank will not be able to utilize sick leave bank benefits until all of his or her leave balances are depleted.

Members utilizing sick leave days or hours from the bank shall not have to replace the days or hours used.

While Plan 1 and Plan 2 employees are on approved Family and Medical Leave (see policy 504), a maximum of 45 days in a 365 day period may be drawn by any one member from the Sick Leave Bank. Access to and usage of the sick leave bank will end after employees have depleted their twelve (12) weeks of FML in a twelve (12) month period, regardless of the number of sick leave bank days already used.

Upon submission of the required completed Sick Leave Bank forms (S.B. Forms #1 and #2), the ~~County Administrator~~ The HR Director makes a determination regarding whether or not the prolonged illness or injury qualifies for Sick Leave Bank time and approves or disapproves the request based on this determination.

E.) Accessing the Sick Leave Bank:

Requests for the use of sick leave bank days must be submitted to the County Administrator on S.B. Form #1. The employee must also have his/her physician complete S.B. Form #2 and submit it with S.B. Form #1. These forms can be obtained from the ~~Central Accounting Department~~ HR Department.

F.) Dissolution:

If the Sick Leave Bank shall become inoperative for any reason, the sick leave days in the bank shall be distributed to those members receiving benefits. From the remaining balance, 1/2 sick days shall be credited to each participating member if a sufficient number of days exists. If an insufficient amount of days prevents this action, then the sick leave bank will terminate and no further distribution will take place.

The Board of Supervisors will not be held responsible for loss of sick leave bank deposits to anyone currently drawing from the bank or to anyone then eligible or who may thereafter become eligible to draw from the bank should the Sick Leave Bank become inoperative.

G.) Other Restrictions and Guidelines:

Employer paid benefits remain in place while time is being used from the sick leave bank. Employees are responsible for paying their portion of all benefits costs.

Employees will continue to accrue leave hours while using sick leave bank (to be used in conjunction with hours drawn from the bank)

Use of days from the sick leave bank is confined to the member's personal illness.

No employee on Worker's Compensation shall be permitted to draw from the bank.

Participating employees are not permitted to withdraw or receive compensation for

contributed days upon termination of employment.

Upon termination of employment, following sick leave payout per policy 502, any balances remaining will be added to the sick leave bank, whether the terminating employee is a sick leave bank member or non-member.

If the Sick Leave Bank becomes inoperative for any reason, the sick leave days (or hours) in the bank will be equally distributed among current members of the Sick Leave Bank.

If the Sick Leave Bank becomes inoperative for any reason, the County will not be held responsible to anyone currently drawing from the bank or to anyone then eligible or who may thereafter become eligible to draw from the bank.

~~An employee drawing from the Sick Leave Bank shall not accrue annual or sick leave.~~

	SUBJECT: WORKER'S COMPENSATION	
	POLICY NUMBER: 418.0	PAGE: 1 OF 3
	EFFECTIVE DATE: 10/18/2000	REVISED DATE:

OVERVIEW: In compliance with the Virginia Worker's Compensation Act, the County is committed to ensuring that all employees incurring a work related injury or disease will receive worker's compensation benefits.

SCOPE: All employees are eligible for the mandatory benefits provided by the Virginia Worker's Compensation Act. The additional/supplemental benefits provided by the County apply only to full-time regular and [limited-term](#) employees.

PROVISIONS:

A. Basic Benefits:

The County provides all employees with Worker's Compensation insurance in accordance with the Virginia Worker's Compensation Act (VWCA). This insurance covers any injury or illness which results from or is incurred during the course of employment. This coverage is provided at no cost to the employee.

B. Supplemental Benefits

Because workers' compensation insurance does not pay any lost wages incurred during the first seven (7) days after an injury or illness unless the injury or illness precludes work for 21 days, in addition to the benefit provisions of the VWCA, the County will grant full-time ~~permanent~~ regular or limited-term employees full pay during the first seven calendar days he or she is unable to work, beginning on the first day after the ~~incident~~ illness/injury. Part-time employees will be paid for hours scheduled during the first seven calendar days he or she is unable to work, beginning on the first day after the illness/injury.

An employee who is paid by both worker's compensation and the County for the first seven days of incapacity shall reimburse the County immediately upon receipt of these monies from worker's compensation

~~Following this seven calendar day period, the County will supplement the disability compensation the employee receives through the Worker's Compensation program and continue to maintain the employer's share of contributions to employee benefit programs for a period of up to 30 calendar days from the date of the incident/injury. The supplement paid by the County will bring the employee's total compensation to that of his/her regular monthly salary (worker's compensation pay + supplement = regular salary).~~

If the employee continues to be on Worker's Compensation leave, beyond ~~30~~ seven (7) calendar days, accumulated sick, annual, compensatory and special leave may be used in

order to bring the employee's total compensation to that of his/her regular salary. Only the amount of leave which equates to the difference between the Worker's Compensation pay and the employee's regular salary will be deducted from accrued leave balances. Total compensation cannot exceed the employee's normal salary. Once all available leave is exhausted, the employee will only receive-worker's compensation pay.

Hybrid plan employees must also submit a short-term disability claim. Hybrid Plan employees will be paid in accordance with the Short-term Disability plan benefits. For VRS Plan 1 and Plan 2 employees, once all leave is exhausted, the employee will receive only workers' compensation benefits until he/she returns to work. Semi-monthly leave accruals will continue until all leave is exhausted. Then, accruals will cease until the employee returns and works a full-pay period. Per policy, employees cannot access the sick leave bank for workers' compensation injuries.

If the employee is eligible and the work-related illness or injury also meets the criteria for family and medical leave as outlined in policy 504 "Family and Medical Leave," the time missed on workers' compensation leave will be considered family and medical leave and be counted against the available family and medical leave hours. (I.e., the leaves run concurrently.)

~~The County will begin to periodically reevaluate whether it will continue to maintain its share of contributions to employee benefit programs if the employee continues to be on Worker's Compensation longer than the 30 calendar days.~~

~~Employees shall not accrue sick or annual leave while on Worker's compensation.~~

C. Responsibilities:

~~The County Administrator's office~~ **The Human Resources Department** is responsible for the administration of the program.

Employees are responsible for reporting every work related injury or illness, regardless of severity, to their immediate supervisor. Whenever possible, the employee should complete a written incident report at the time he or she informs the immediate supervisor.

The immediate supervisor is responsible for notifying the ~~County Administrator's office~~ **the Human Resources Department** and the Department Head upon learning about the incident or injury. The immediate supervisor will complete the supervisor's accident report and forward the report to the ~~County Administrator's Office~~ **the Human Resource Department** no later than the first working day after the injury.

The County Administrator's office is responsible for all necessary reporting requirements to the County's insurance carrier, and will process forms necessary to ensure proper reporting and distribution of worker's compensation payments. The ~~County Administrator's office~~ **the Human Resource Department** is also responsible for maintaining all required files/records and for posting OSHA notices.

D. Medical Treatment:

If an injured employee requires medical attention, he or she shall be given a list of authorized physicians from which the employee may receive treatment. If an employee elects to use a physician who is not on the authorized list, the treatment may be incurred at the employee's expense.

To ensure receipt of the maximum benefits pertaining to payment of medical expenses and worker's compensation payments, an employee must accept medical treatment and keep appointments with the authorized physician.

	SUBJECT:	
	STARTING PAY	
	POLICY NUMBER: 402.0	PAGE: 1 OF 1
	EFFECTIVE DATE: 10/18/2000	REVISED DATE: 03/21/2007

OVERVIEW: This policy defines how the pay rate is determined for new employees.

SCOPE: This policy applies to all employees.

PROVISIONS:

A. General Rule:

Typically, the starting salary for a new employee is the entry level or salary minimum of the position classification's assigned salary range.

B. Authority:

The County Administrator retains authority to hire employees at a starting rate that differs from the minimum of the position's salary range.

C. Exceptions:

An employee may be hired at a salary which is higher in the range if he or she possesses qualifications which surpass those required for the class and/or will not accept the appointment at the minimum rate.

~~An employee may be hired at a rate lower than the minimum of the salary range when he or she does not possess the minimum qualifications of the job and requires additional training.~~

Virginia Institute of Marine Science- Mass Balance Study

Dr. Richard A. Snyder, Director of the Eastern Shore Laboratory of the Virginia Institute of Marine Science and Dr. Mark Reiter of the Eastern Shore Agricultural Research and Extension Center appeared before the Board, gave a brief presentation related to a mass balance study of the nutrient impacts of the use of poultry litter as a crop fertilizer on the Eastern Shore of Virginia and to request a letter of support from the Board in the efforts of the study.

A brief discussion took place with Drs. Snyder and Reiter responding to questions.

Mr. Crockett made a motion to send a letter expressing the Board's strong support of the study. Mr. Chesser seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Eastern Shore of Virginia Tourism Commission

Ms. Kerry Allison, Executive Director, Eastern Shore of Virginia Tourism Commission, reported on the Commission's annual activities, gave a PowerPoint presentation; offered comments related to the following and responded to questions.

- Key Performance Indicators
- Region Highlights
- Tourism jobs 2009-2014
- Tourism payroll 2009-2014
- Growth
- Lodging Tax
- Increase in travel guide requests, website visits
- Marketing
- Funding
- Programs
- Tourism partners

Accomack County Public Schools – Budget Presentation

The Chair recognized Accomack County School Board Chair Margaret Miles who introduced Mr. Warren “Chris” Holland, the newly appointed Division Superintendent which was effective January 1, 2016 who told the Board he was a student-centered Superintendent. He expressed his appreciation to each of the Board members for meeting with him individually to fully understand his agenda for the school system. He outlined the Schools FY17 budget, explained same and responded to questions.

Ms. Beth Onley, Finance Director, also explained the various line items contained in the Schools FY17 budget request of \$48,888,859 representing a \$2.6 million increase, and responded to questions.

A brief discussion took place.

It was suggested that the School Board consider streaming their meeting to enable citizens to be informed of school related actions and decisions of the School Board.

County External Audit

Finance Director Michael Mason introduced David Foley, CPA, Robinson, Farmer, Cox Associates, who reviewed with the Board the County’s external audit for the year ended June 30, 2015, presented the Auditor’s Management which detailed recommendations related to the School Board and Treasurer’s office.

A general discussion ensued with Mr. Foley responding to questions who also noted the fine job being done by the County’s Finance Department.

Economic Development Authority

Mr. Crockett made a motion to appoint Stela Rohde to the Economic Development Authority for a four-year term beginning immediately and ending on February 18, 2020. Ms. Major seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Mr. Hart made a motion to reappoint John LeCato to the Economic Development Authority for a four-year term beginning immediately and ending on February 18, 2020.

Ms. Major seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Mr. Phillips made a motion to reappoint Robert S. Bloxom, Jr. to the Economic Development Authority for a four-year term beginning immediately and ending on February 18, 2020. Mr. Muhly seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

County Administrator's Report

County Administrator Steven B. Miner reported on the following matters:

1. That the Peter Surran had been hired as the County's Fire Inspector, would be in training at the end of the month and expressed his thanks to Public Safety Director C. Ray Pruitt for managing that position,
2. To schedule a meeting with the Wallops Research Leadership Council,
3. An Environmental Assessment which he sent to the Planning Department for review, for a proposed Department of Defense installation of a 750' guyed instrumentation tower at Wallops Island,
4. That NASA representative had indicated a desire to meet individually with Board members which he and the Chair would coordinate, and
5. When questioned he responded that interviews for the Human Resources position were scheduled for Tuesday, February 23rd.

Shared Audio System at Metompkin Elementary School

Finance Director Michael Mason shared with the Board concerns relating to the shared sound system at Metompkin Elementary School noting that there were continuous issues with the system not functioning properly because of varied use by the school system and other public groups and that he had spoken with the facilities manager to address the problem. He said continuation of the problem may result in the purchase of a mobile system being used but would hope the matter could be resolved.

FY16 2nd Quarter Summary Financial Report

Finance Director Michael Mason reviewed with the Board the 2nd Quarter Summary Financial Report, explained same and responded to questions.

Recess

It was the consensus of the Board to recess for dinner at 7:05 p.m.

Call to order

The Chair called the meeting back to order at 7:40 p.m.

County Attorney's Report

County Attorney Cela Burge gave an update on the activities of her office for the month which included:

1. Reviewing and drafting various contracts,
2. Statutory interpretations for supervisors, department heads, staff or Constitutional officers,

3. Personnel policy review
4. Responded to land use questions, Ordinance drafting and review,
5. Public Hearing notice requirements,
6. Subdivision, house lifting review,
7. Operation procedures of the Board,
8. Pending appeals of the Board of Zoning Appeals; i.e. Atlantic Town Center

She expressed appreciation to Mr. Hart for his advice on contacting the Virginia Association of Counties' personnel for assistance on various matters.

A general discussion took place with her responding to questions.

Board of Supervisors Comments

Mr. Chesser offered comments relating to the close proximity of schools to NASA's hazard zone.

Board member expressed other concern related to hazardous conditions such as the location of Suburban propane to Nandua High and Middle Schools, trucks traveling along the Route 13 Corridor transporting hazardous materials, etc.

Mr. Muhly questioned the status of the Public Safety building Parksley to which Dr. Miner responded that the project was not fully funded but would be coming back to the Board for consideration but was \$85,000 short based on bids received.

Mr. Hart said he would like to receive the following statistics:

- Salary survey of teachers and administrators within the state,
- The percentage of increase for the School Board personnel who received \$25-30 thousand dollars which was included in the Schools budget request at this meeting, and
- That as Emergency Services Director he was very concerned that the school bombing threats were very scary to see the evacuation of children; that the threats were other than bomb threats.

Mr. Crockett expressed his appreciation to the Planning staff for the report related to poultry houses and the Board's support of the Mass Balance Study.

Division of Motor Vehicles

Mr. Phillips told the Board of an interest of a citizen in his district that was willing to offer his property for the possibility of the location of a DMV select office.

Mr. Phillips made a motion to have staff write a letter to the Division of Motor Vehicles to determine the status of the DMV select office location and to include the information received by himself of the person offering his property. Mr. Hart seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Budget and Appropriation Items

Resolution to Amend the Fiscal Year 2016 County Budget and Appropriate Related Funding

Mr. Hart made a motion to adopt the following resolution. Mr. Crockett 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.

Requesting Department	Fund/Function	Purpose	Funding Source	Amount
Finance	General Fund/Legal Services	County share (YTD) of legal expenses associated with ATC and various other matters. This amount is net of vacancy savings in the Legal Department.	Contingencies	\$ 45,497
Finance	General Fund/Legal Services	To recognize the receipt of insurance proceeds received from VACORP for ATC related legal expenses.	Insurance Reimbursements	\$ 58,759
Public Safety	General Fund/Emergency Services	To recognize the award of grant funds from the Rescue Squad Assistance Fund.	State Funds	\$ 26,152
Public Safety	Consolidated EMS Fund	To accept insurance proceeds to cover the cost of the cost of vehicle damages from an accident.	Insurance Reimbursements	\$ 764
Public Safety	General Fund/Volunteer Fire and Rescue	To recognize the award of additional Aid to Locality grant funds over that already budgeted.	State Funds	\$ 16,885
Sheriff	General Fund/Law Enforcement	To recognize the award of Department of Criminal Justice grant funds.	State Funds	\$ 8,258
Total				\$ 110,818

Payables

Upon certification by the County Administrator, Mr. Crockett made a motion to approve the payables. Ms. Major seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Adjournment

Mr. Hart made a motion to adjourn at 8:30 p.m. to Monday, February 22, 2016 at 5:00 p.m. in the Board Chambers and possibly Wednesday, February 23, 2016 at 5:00 p.m. Mr. Tarr seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.