

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 16th day of March, A.D., 2016 at 5:00 p.m.

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

Others Present: Steven B. Miner, County Administrator  
Cela J. Burge, County Attorney  
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 Mr. Crockett, after which, the Pledge of Allegiance to the Flag was recited.

### **Adoption of the Agenda**

Dr. Miner told the Board the following items were added to the Agenda:

**Under 9.1- Appointments** – Consideration of appointments and **under 11. New Business** – Consideration of a Memorandum of Understanding with the U. S. Fish and Wildlife Agency.

Ms. Major made a motion to adopt the Agenda with the following additions. Mr. Phillips seconded the motion. The motion was unanimously approved.

### **Add Under 9.1 Appointments**

Accomack-Wallops Working Group members  
Appoint Board Liaison to Treasure's Office  
Appointment Eastern Shore of Virginia Tourism Commission  
Assateague Island Committees

### **Add under 11 New Business**

Consider agreeing to the Memorandum of Understanding with the U. S. Fish and Wildlife Agency to assist in the performance of the required Environmental Assessment to move the beach northward on Assateague subject to approval by the Town of Chincoteague.

### **Public Comment**

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

Comments were offered by the following concerning increasing taxes on the north end of the County for EMS Medics:

Shirley Watkinson – 33495 Chincoteague Road – Wattsville, VA – offered comments concerning the JLUS on hazard zone of her church located in Assawoman and her home.

Jimmy Dennis – Saxis, VA offered comments concerning the structure fire at his home had to be responded to from Atlantic because medics had been removed the Saxis Fire Company.

Chuck Bradford – New Church, VA – read letter related to the 3 cent tax increase for EMS and talked about taking a percentage of the Ambulance Billing Services instead of raising taxes.

Lawrence Berger – Captains Cove, Greenbackville, VA – spoke about SPRINT not being eliminated until the new DPS staffing was in place and implemented.

Aubrey Justis – Saxis, VA – Tax Rate Increase for EMS and the problem in the north end of the County with staffing the stations.

Wayne McCleary – Saxis, VA – commented about returning the paid EMS staff back to Saxis and tax rate increase for EMS

Aubrey Miles – Saxis, VA – offered comments regarding the 3 percent tax increase for EMS.

Barry Outten – Greenbackville, VA – offered comments in favor of an EMS tax increase if needed, and in favor of a percentage of the billing services being used for Department of Public Safety personnel.

Jeffrey McCoy - Accomac, VA - commented about his desire in being appointed to boards, commissions, committees and said he wanted to give back to the community.

## **Minutes**

Mr. Hart made a motion to approve the Minutes of February 3, 8, 10, 17 and 22, 2016 meetings. Mrs. Gordy seconded the motion. The motion was unanimously approved.

## **Consent Agenda**

Mr. Crockett made a motion to approve the following items under the Consent Agenda and to remove 5.6 for discussion. Ms. Major seconded the motion. The motion was unanimously approved.

- 5.2 The list of surplus equipment to be sold via sealed bid. (CAT DGD Caterpillar dozer, model DGD, fair condition, has steering problem, CAT 816 Compactor, scrap, no engine, no longer needed, CAT 963 Track loader, poor condition, track/undercarriage wore out, and CAT 963B Track loader, poor condition, engine bad),
- 5.3 The contract renewal with Tidewater Fiber Corporation (TFC Recycling) for collection of recyclables for the term of April 1, 2016 through March 31, 2021 in accordance with the terms and conditions of RFP 237 and the Acceptance Agreement dated March 24, 2011,
- 5.4 The award of the contract with Engineering Services for the provision of general engineering services for existing marine, drainage, and building facilities to Moffatt and Nichol and to J. W. Salm Engineering for the initial term of March 17, 2016 through March 15, 2017 in accordance with the renewal and all other provisions of RFP 279, and

5.5 The Certification of Abstract of Votes of the March 1, 2016 Presidential Primary Election

**Item Removed from Consent Agenda 5.6 Extension of the waiver for Storm Damage Tipping Fees.**

Mr. Phillips made a motion to approve the extension of the waiver of tipping fees for brush only resultant of winter storm Jonas until the close of business on April 2, 2016. Mr. Muhly seconded the motion. The motion was unanimously approved.

**Report of Public Officials**

Mr. Wolff told the Board the Schools Superintendent and the Chief Financial Officer of Accomack County Schools were asked to attend the meeting to answer the \$6 million funds earmarked for capital projects. He stated they had responded they were not prepared at this time to make the presentation and respond to the questions Mr. Hart had asked about salaries and etc. Mr. Wolff stated the earliest they could give an answer would be in early April after the Public Hearing.

Mr. Chesser asked if the money had to be re-appropriated by the Board of Supervisors before the money could be spent. Finance Director Michael Mason stated the Board would have to vote to re-appropriate the money.

**Plan for EMS Deployment with New Positions**

Public Safety Director C. Ray Pruitt presented an anticipated staffing plan to show the effect of proposed new hires to include impacts of the new hospital operations. He said he was referring to the nine proposed 24 hour positions, if approved at budget time. He explained that 6 of the 9 proposed new positions would be to man the Painter Station with EMS services and once these were in place it would bring the total of paid EMS personnel to 45 or 15 per shift and he felt that once the hospital is was relocated, the turnaround time for the vehicles would be reduced because of being more centrally located. He explained the 3 back filled positions that were needed and responded to questions.

He presented the Accomack County Department of Public Safety Proposed staffing matrix effective July 1, 2016.

After the completion of his presentation, Chairman Wolff told everyone in the room that Parksley generated approximately 1,100 calls which exceeded \$800,000 of revenue annually to the Parksley EMS fire station.

A lengthy discussion took concerning the fact that County employees were being used to generate from some locations and in some locations \$800,000 in annual

ambulance revenue and possibly 25% to 35% of each EMS stations ambulance generated revenue should be used to fund the paid employees. He said with 12 locations in Accomack County he felt a tax increase of any type would not be needed if a policy was put in place to share the EMS revenue.

Discussion continued.

### **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 to amend the Fiscal Year 2016 Accomack County Budget. Mr. Phillips 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>Fund/ Function</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>Amount</b>
General Fund/Public Safety	To appropriate funds to cover additional costs associated with rehab of the new Public Safety Office in Parksley.	Contingencies (\$67545)/HR Dept vacancy savings (\$17455)	\$ 85,000
General Fund/Legal Services	To transfer funds to cover the executive recruitment cost of the County Attorney.	HR Department Vacancy Savings	\$ 11,550
General Fund/General Gov Admin	To transfer funds to the IT department for the cost of additional network drops installed to create the HR Office and to purchase a 55" monitor for use in the Admin. Conf. Room.	Existing HR Department Budget	\$ 2,155
General Fund/Community Development	To disburse the Tourism Commission's share of mainland transient occupancy tax collections in excess of original estimate per ordinance.	Transient Occupancy Taxes	\$ 6,442
General Fund/Emergency Services	To recognize the award of grant funds from the Virginia Department of Emergency Management Grants Office under the FY2015 State Homeland Security Program(SHSP).	State Funds	\$ 43,138
General Fund/Judicial Administration	To recognize the award of Technology Trust Funds for equipment.	State Funds	\$ 22,500
General Fund/Judicial Administration	To recognize the award of additional grant funds for the Victim/Witness Assistance Program.	Federal Funds	\$ 7,853
General Fund/Public Safety	To recognize the award of additional state grant funds for the Community Corrections Program	State Funds	\$ 1,070
Virginia Public Assistance Fund	To recognize budget adjustments needed to bring the Social Services budget in-line with the State approved budget.	State and Federal Funds	\$ 42,225
			<b>\$ 221,933</b>

### **Contract Award IFB-Public Safety Building Renovations**

Mr. Hart made a motion to award the contract for IFB 688 to the low bidder, R. H. Contracting, Inc. in the amount of \$124,458 to renovate the Public Safety Building in Parksley with an initial budget shortfall of \$85,000 Mr. Tarr seconded the motion.

Finance Director Mr. Mason identified savings from the open position to fill the budget gap. A general discussion ensued.

Mrs. Gordy stated she had a heavy heart on the Public Safety Building renovations and felt it was entirely too expensive. The motion, as stated, was unanimously approved.

### **Accomack-Wallops Working Group Committee**

Mr. Hart made a motion to appoint the following representatives to formally establish the Accomack-Wallops Working Group. Mr. Phillips seconded the motion.

The motion was unanimously approved.

**Board of Supervisors  
Planning Commission  
NASA  
A-N Planning District Commission**

**Navy  
Fish & Wildlife Service  
Town of Chincoteague**

**2 citizens representing:  
1 from the northern end of the race track  
1 from the southern end where rockets are launched**

Mrs. Gordy made a motion to appoint Mr. Grayson Chesser to the Accomack Wallop Working Group Committee. Mr. Crockett seconded the motion. The motion was unanimously approved.

Mr. Crockett made a motion to appoint Mr. Garnett Kellam, a property owner within the rocket launch area, to serve on the Accomack Wallops Working Group Committee. Mr. Wolff seconded the motion. The motion was unanimously approved.

Mr. Tarr made a motion to appoint Mr. Tommy Clark as a property owner within the north end of the race track to serve on the Accomack Wallops Working Group. Mr. Phillips seconded the motion. The motion was unanimously approved.

#### **Eastern Shore of Virginia Tourism Commission**

Mrs. Gordy made a motion to appoint Mr. Blake Johnson to the Eastern Shore of Virginia Tourism Commission to replace Mrs. Dawn Dize who resigned. Mr. Hart seconded the motion. The motion was unanimously approved.

#### **Eastern Shore Resource Conservation and Development Council (4-year term – At-Large District)**

Mr. Tarr made a motion to appoint Mr. Kenneth J. Savage to the Eastern Shore Resource Conservation and Development for a four-year term effective immediately and ending on December 31, 2018 to replace Mr. Jack Van Dame who resigned. Mr. Hart seconded the motion. The motion was unanimously approved.

#### **Eastern Shore Area Agency on Aging/Community Action Agency (4-year term)**

Mr. Crockett made a motion to reappoint Tammy Pruitt to the Eastern Shore Area Agency on Aging/Community Action Agency for a four-year term effective immediately and expiring on March 31, 2020. Mrs. Gordy seconded the motion. The motion was unanimously approved.

#### **Liaison for the Treasurer's Office**

Mr. Crockett made a motion to appoint Mr. Paul J. Muhly as the liaison for the Treasurer's Office to help with delinquent taxes. Mr. Hart seconded the motion. The motion was unanimously approved.

#### **Assateague Island Committees**

Mrs. Gordy made a motion to appoint Mr. William J. "Billy" Tarr to the Community Leaders/Liaison to Fish & Wildlife and Park Service. Mr. Hart seconded the motion. The motion was unanimously approved.

### **Memorandum of Understanding with the U. S. Fish and Wildlife**

Dr. Miner informed the Board that it was being proposed that the County apply for a transportation grant of \$10 million to relocate the beach and parking on Assateague Island. He explained the County would not be administering the distribution of funds or the project itself, but the County would have to apply to help the National Park Service and the U. S. Fish and Wildlife Agency to accomplish the relocation goal.

Mr. Tarr made a motion that Dr. Miner execute the Memorandum of Understanding with the U. S. Fish and Wildlife Agency to assist in the performance of the required Environmental Assessment to move the beach northward on Assateague subject to approval by the Town of Chincoteague. Mr. Crockett seconded the motion. The motion was unanimously approved.

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

Following comments by Mr. Crockett concerning amendments to the Agenda after its distribution, it was suggested that Dr. Miner to find a way of amending the Agenda without the Board receiving it at the last minute.

A discussion took place.

Mr. Hart suggested adding additional items at the end of the Agenda, an item identifying amended items, and specify and number the changes they were being placed on the Agenda.

Mr. Miner told the Board three dates for the rescheduling of the Wallops Research Park Leadership Council Presentation to the Board of Supervisors had been suggested and the dates were April 18, 19, and 20. It was the consensus of the Board to hold a Work Session with the Leadership Council for a Presentation on Tuesday, April 19, 2016 at 5:00p.m.in the Board Chambers.

Mr. Miner told the Board it had been invited to work with U. S. Fish and Wildlife to establish a possible grant opportunity with the Transportation Investment Generating Economic Recovery (TIGER) Program in order to move the beach. He told the Board this would require letters of support and, if funded, the money could be redirected to the U. S. Fish and Wildlife apparatus to pay up to \$10 million in costs of the new beach parking lot on Assateague Island. He said while it had not been confirmed, the Board might need to submit an application.

Mr. Tarr made a motion that Dr. Miner begins the process to get the ball rolling. Mr. Crockett seconded the motion. The motion was unanimously approved.

Mr. Miner told the Board Governor McAuliffe responded to the correspondence regarding off shore drilling. He stated Secretary Jewell announced on March 15<sup>th</sup> that the Obama administration had halted the lease process for drilling of the Southeast Coast.

### **County Attorney's Report**

County Attorney Cela Burge gave a brief update related to the 2016 General Assembly Session concerning the following matters:

- That Real Estate Disclosure issues had been continued to the 2017 session,
- That HB558 regarding on-site sewage system and private wells evaluations was on desk of the Governor waiting for his signature,
- That HB1170, Boards of Equalization, had moved to the number of Election Districts,
- That HB1250 regarding with Storm water Management and consolidation of ENS, Storm water, etc. was signed but would be studied more with possible changes, and
- That the matter regarding hunting deer with dogs had passed and gone to the Governor for signature.

### **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.

### **Public Hearings**

County Attorney Cela Burge read the rules governing conduct during

### **Public Hearings.**

#### **Davis Wharf Agricultural and Forestal District Review Public Hearing**

Following comments by Planning and Community Development Director Rich Morrison, the Chair opened the public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Davis Wharf Agricultural and Forestal District review.

No public comments were offered and the Chair closed the public hearing.

Ms. Major made a motion approve the following Resolution as recommend by the Agricultural and Forestal District Advisory Committee on January 27, 2016 and by the Planning Commission on February 10, 2016 with no modifications. Mr. Hart seconded the motion. The motion was unanimously approved.



**RESOLUTION OF ADOPTION  
DAVIS WHARF 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 Davis Wharf Agricultural and Forestal District for a period of four years beginning April 1, 1980; and

**WHEREAS**, the Davis Wharf Agricultural and Forestal District has been renewed every four years since 1980 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 2012; and

**WHEREAS**, the Agricultural and Forestal District Advisory Committee reviewed the Davis Wharf Agricultural and Forestal District on January 27, 2016, 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 Davis Wharf Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on February 10, 2016, 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 March 2, 2016, and March 9, 2016, and a Public Hearing was held by the Board of Supervisors on March 16, 2016; and

**WHEREAS**, the landowners in the Davis Wharf Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the February 10 2016, Planning Commission Public Meeting and the March 16, 2016, Board of Supervisors Public Hearing, and provided the following information regarding the proposed modification of properties in the district and the proposed modifications to the district conditions: copy of the proposed Davis Wharf Agricultural and Forestal District Ordinance, including a list 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 Davis Wharf Agricultural and Forestal District Ordinance to continue such district.

**Queen Hive Rezoning**

Mr. Morrison told the Board the Planning Commission was recommending approval of the requested rezoning as depicted in the boundary survey entitled "Remainder of Parcel "A" Queen Hive" developed by Shoreline Surveyors (which

consists of sheet 1 dated October 20, 2015) for tax map numbers 42-2-A and 42-2-A1 from conditionally rezoned R (Residential) to Ag (Agricultural).

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a rezoning request to rezone Tax Map numbers 42-2-A and 42-2-A1 from Residential to Agricultural.

No public comments were offered and the Chair closed the public hearing.

Mr. Chesser made a motion to approve the rezoning of Tax Map numbers 42-2-A and 42-2-A1 Residential to Agricultural. Mr. Wolff seconded the motion. The motion was unanimously approved.

### **Board of Supervisors Comments**

Mr. Phillips thanked Senator Lynwood Lewis and Delegate Rob Bloxom's for their hard work for the County on the following Eastern Shore projects that had been funded in the \$100 billion biennial budget for the Commonwealth:

- \$500,000 was included towards the new Accomack Public Library,
- \$850,000 was appropriated to establish the Unmanned Systems Commercial Center of Excellence to work in collaboration with the Mid-Atlantic Aviation Partnership and the Virginia Commercial Space Flight Authority,
- \$236,000 designated for Virginia's share of an Army Corps of Engineers project to construct a seawall to preserve the harbor on Tangier, and
- An additional \$6.3 million in support for the operations of the Mid-Atlantic Regional Spaceport.

Ms. Major thanked Sheriff Todd Godwin, Captain Todd Wessells, and the 2 investigators for the response in answering the citizens in the community questions concerning the breaking and entering in the Boston community.

Mr. Chesser commented about the County Attorney's review of the Board's procedures and the need to follow their own rules. He said the Board needed to look at amending its rule which states that says you can only address an item that is on the Agenda.

Mr. Crockett suggested to consider during the March 24<sup>th</sup> budget adoption meeting a 3% raise for County employees rather than the proposed 2%; that an additional \$70,000 would come from the state and that Those funds and the \$270,000 already set aside would allow the board to provide the same hike to county employees that state workers would get, and that he would make a motion at the appropriate time for action.

### **Tangier Jetty Project**

Mr. Crockett made a motion to adopt a resolution in support of a jetty project for Tangier and send it to the Army Corps of Engineers and any other representative to show

the Board fully supports the construction of the jetty. Mr. Hart seconded the motion.

The motion was unanimously approved

Mr. Muhly asked Dr. Miner the contract completion date of the Public Safety Building. A short discussion ensued.

Mr. Tarr commented on the following matters:

- He told the Board volunteers were a dying breed and asked the Board to consider no tax increase; that Chincoteague was talking about giving some of their billing money to hire more paid staff on Chincoteague, and
- That the General Management Plan that had been delivered to him from the National Park Service. He told the Board Chincoteague should have their process ready to address the manual in April would like the Board to support Chincoteague.

Mr. Wolff said he heard that June 24<sup>th</sup> was the date that had been set for Antares Launch.

He gave personal invitation to the Board on April 5<sup>th</sup> for the 32<sup>nd</sup> Anniversary of Wolff's Sandwich Shoppe.

### **Payables**

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

### **Closed Meeting**

Mrs. Gordy made a motion that the Board go into closed meeting pursuant to Section 2.2-3711. (A) (7), of the Code of Virginia of 1950, as amended, for the following purposes. Mr. Muhly seconded the motion. The motion passed unanimously.

1. (A)(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

### **Open Session**

The Chair declared the meeting open to the public.

### **Certification of Closed Meeting**

Mr. Hart made a motion, seconded Ms. Major seconded, 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:	Mr. Tarr	Mr. Wolff	Mr. Chesser	Nays: None
	Mr. Muhly	Mr. Phillips	Mr. Crockett	
	Mrs. Gordy	Mr. Hart	Ms. Major	

**Wallops Research Park – Consent Order**

Mr. Crockett made a motion to enter into and execute the Consent Order with the State Department of Environmental Quality that includes a penalty of \$19,337 for causing erosion which allowed soil to enter a stream without a permit on property the Wallops Research Park leases from NASA. Mr. Muhly seconded the motion. The motion was unanimously approve.

**Adjournment**

Mr. Crockett made a motion to recess at 8:30p.m. to April 4, 2016 at 5:00p.m. in the Board Chambers. Mr. Phillips seconded the motion. The motion was unanimously approved.

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Ron S. Wolff, Chair

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Date