

“Initial” Draft Accomack County Board of Supervisors Minutes of May 16, 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 16th day of May , 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
Mark B. Taylor, County Attorney
Shelia S. Goodman, Administrative Assistant

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. Mr. Hart thanked the Board, County employees, and citizens of the County for all the expressions of sympathy for himself and his family of the passing of his baby brother.

Adoption of the Agenda

Mr. Wolff made a motion to adopt the Agenda. Ms. Major seconded the motion. The motion carried.

Public Comments

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

No one from the public signed up to speak.

County Administrator, Steve Miner stated he had received an email from Public Works Director, Stewart Hall stating Reverend Vincent A. Miller had sent an email to him and would like it to be read into the public record.

Hi for 12 years I lived on the shore and I'm 1 pastor likes to help the community if can. I noticed a lot dangerous things that you should address. I noticed like 80% of our docks has hand rails now this will open your eyes. I had a stroke balance is ad if me or any any I like me can fall off docks or say like a person gets dizzy over water h/she fall over or a wheel chair needs rails or the wheel chair and rider both over in water or say like shoe untied oops trip because Accomack no use brains to put rail on docks I cannot be at meeting but my words there I hope Accomack looks into this before person/people get hurt or drown in water I'm the man if you look me up I got the north blue star transit buses back if you would like know more contact wesr I was no radio about lazy ness buses was doing I was in eastern shore post million times I was on TV about buses this my step 1. and Step 2. News papers radio TV this is very important. Please contact me back.

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From

*Reverend Vincent A. Miller
29250 Tyler Drive
New Church, VA 23415
757-824-0280*

Mrs. Thornton asked that Mr. Miner respond to the letter that Reverend Vincent A. Miller had sent via email.

Consideration of Minutes

Mr. Crockett made a motion to approve the Minutes of April 18, 2012. Mr.

Wolff seconded the motion. The motion was carried.

Items Removed from Consent Agenda

Mrs. Thornton asked to remove Item 4.3 - Solid Waste Hauling – Town of Tangier be removed from the Consent Agenda to discuss it.

Consent Agenda

Mr. Hart made a motion to approve the Consent Agenda and Ms. Major seconded the motion to approve the Consent Agenda and remove Item 4.3 – Solid Waste Hauling-Town of Tangier for discussion. The motion carried.

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

4.2 Eastern Shore Juneteenth Festival Resolution
Presented by Jane Carrabus for the BOS to adopt the Eastern Shore Juneteenth Festival Resolution.

4.4 Contract Award - RFP 250 Engineering Services for Solid Waste Award of Contracts to CHA Consulting, Inc. for Southern Landfill closure and transfer station construction; Arcadis/Malcom Pirnie for the new cell at the Northern Landfill and Draper Aden Associates for groundwater work. Other Projects are to be awarded as needed based on the firm's area of expertise. The contract award is for one year with an option to renew for four additional one-year terms.

4.5 Contract Award - IT Consultant Services (Fauquier County Government Cooperative Procurement)
Award contract to Network Technologies & Support, Inc. for the term of 1 year to provide Computer Technician staff augmentation in the amount of \$67, 183.92 and support services for both desktop/helpdesk support and server/network support in the amount of \$42,786 to support the County's Information Technology environment. This contract was competitively procured by Fauquier County Government and Public Schools and contains language that allows other public bodies to participate in the contract for Information Technology Consulting Services. Authorize staff to execute the documents(s) required to finalize the engagement subject to final review of said document(s) by the County Attorney.

**RESOLUTION
EASTERN SHORE JUNETEENTH CELEBRATION**

WHEREAS, Accomack County's economic and social well-being requires the best efforts and cooperation of county residents of all races, creeds and backgrounds; and

WHEREAS, for thirteen years, the Juneteenth Festival has been an arena to educate and promote cultural enlightenment and diversity to the residents of the Eastern Shore of Virginia; and

WHEREAS, Juneteenth, also known as "Freedom Day" or "Emancipation Day" is the oldest known festival to celebrate the end of slavery and celebrates African-American freedom, encourages strong family structure, and emphasizes the importance of the church in the African- American community; and

WHEREAS, today many African Americans across the United States celebrate Juneteenth through the traditions of picnicking and barbecuing but also through prayer services, African arts and craft sales, concerts and parades; and

WHEREAS, this year's festival will be held on Saturday, June 16, 2012 at the Eastern Shore Community College and will be combined with a health fair to encourage and educate Eastern Shore residents on healthy living practices.

NOW, THEREFORE, the Accomack County Board of Supervisors does hereby endorse the EASTERN SHORE JUNETEENTH FESTIVAL to be held June 16, 2012.

Adopted this 16th day of May, 2012.

Solid Waste Hauling – Town of Tangier

Mrs. Thornton discussed the issue she had concerning sending a truck to Crisfield to pick their trash and haul the trash back to the North Landfill and the County would have to absorb the cost. Mr. Hall responded to questions and a discussion ensued.

Mr. Crockett made a motion to move forward with paying the increase and the cost to pick up Tangier's solid waste. Mr. Wolff seconded the motion. The motion was carried with Mrs. Thornton voting no. Mrs. Thornton made a friendly amendment for Mr. Hall find out whatever he can find out about getting someone to haul the trash to Harborton and the Board postpone this until the next meeting. No one seconded the motion. A discussion ensued.

Proclaim May 19, 2012 thru May 25, 2012 as National Safe Boating Week

The Board proclaimed May 19 through May 25, 2012 as National Safe Boating Week and Mr. Wolff read and presented the proclamation

**PROCLAIMING
MAY 19 THROUGH MAY 25, 2012
As
NATIONAL SAFE BOATING WEEK**

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical "Rules of the Road," drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly NOT the smart thing to do, are all examples of human error or a lack of proper judgment. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

Whereas, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

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Whereas, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

Whereas, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

Whereas, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public and

Whereas, U.S. Coast Guard Auxiliary Flotilla 12-02 Painter, and Flotilla 12-06 Chincoteague provides safe boating instruction for persons of all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur.

Therefore, we, the Accomack County Board of Supervisors, do hereby support the goals of the North American Safe Boating Campaign and proclaim May 19-25, 2012, as National Safe Boating Week and the start of the year-round effort to promote safe boating. And I encourage all boaters to wear their life jackets, boat responsibly, and enroll in a safe boating class.

In Witness Whereof, I urge all those who boat to "Boat Smart. Boat Safe. Wear it." and practice safe boating habits.

Given under my signature and the seal of **The County of Accomack, Virginia** this 16th day of May, 2012.

Laura Belle Gordy, Chairman
Accomack County Board of Supervisors

Proclaim month of May as "Lyme Disease Awareness Month"

Mrs. Thornton read the Lyme Disease Awareness Month proclamation and presented it to Ms. Kim Wright, District Epidemiologist of the Accomack County Health Department.

**"Lyme Disease Awareness Month"
Proclamation**

Whereas, according to the Centers for Disease Control and Prevention, Lyme disease is an infectious disease not limited to age, ethnicity or geographical area and is the most common vector-borne disease on the Eastern Shore of Virginia, and

Whereas, Lyme disease is transmitted by the bite of an infected blacklegged tick, caused by a bacteria and causes early symptoms, such as a bulls-eye rash, fever, aching muscles, headache and fatigue; and

Whereas, more than 500 people that reside on the Eastern Shore of Virginia have tested positive for Lyme Disease in the last 5 years, while numerous cases go unreported or detected each year; and

Whereas, avoiding tick habitats, wearing a repellent, checking for ticks, and proper tick removal are imperative, and if done correctly and promptly can aid in the prevention of the disease; and

Whereas, the Accomack County Health Department provides residents with information about Tick-borne Illness Prevention to protect people from this disease;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors on behalf of the residents of Accomack County, does hereby proclaim May 2012, as

Lyme Disease Awareness Month

In Accomack County and urges all residents to learn about Lyme disease and how to protect themselves and prevent this illness so they "Don't get sick from the bite of a tick."

Laura Belle Gordy, Chairman
Accomack County Board of Supervisors

Medical Benefits—Health, Vision and Dental

Darlene Burton, Purchasing Agent summarized Commercial Risk Consultants, Inc., John Newby's recommendation. She told the Board Mr. Newby recommended the County select Local Choice Key Advantage 250 as the County's medical plan. Mrs. Burton stated a committee was formed per the Board's request. She continued and stated the following department/agencies representation were: Todd Wessells, Sheriff's Office; Billie Jean Miles, Department of Public Safety; Jeb Wilson, Public Works; Bruce Herbert, Building and Zoning; Don Strautz, Assessor's Office; Libby Beasley, Social Services; and herself. She said the Committee recommendation was to continue with Anthem's KeyCare 15 Plan that resulted in a 9.9% premium increase as a result of the RFP which was down from the 18.1% premium increase quoted in the renewal proposal. The Committee consider the \$250 annual deductible for Local Choice Advantage 250 and the 20% and the 10% coinsurance requirements on some procedures to be not favorable and ultimately costing employees more annually. She continued and stated the committee recommended that the employee only premium be subsidized by the County and that any savings from the 18.1% to 9.9% premium increase be applied to employee only premiums. The Committee recommended that all employees receive the same dollar amount of employer contribution regardless of the number of dependents insured under the plan and this would eliminate the subsidy towards dependent care approved during the budget process. Mike Mason, Finance Director gave a presentation on the financial analysis of the options.

Mr. Wolff made a motion to accept the recommendation of the Committee to use the Anthem Insurance that we already have which is Key Care 15 to exclude the supplement of the difference of the 18 % except for the 9.9% premium increase to be applied to employee premiums but would include the recommendation from the committee that all employees be treated equal as far as the dollar amount of employer contribution and that would include Supervisors. Mrs. Gordy seconded the motion for discussion.

Mr. Wolff explained the original motion after asked by Supervisor Crockett and others. He stated that basically the motion was to accept the recommendation of the committee to use the Anthem Insurance that we already have (Key Care 15). To exclude

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the supplement of the difference of the 18% the 9% to employees. He continued by saying the committees recommendation eluded to Mrs. Burton about spending that money I am saying not to do it, but said that the recommendation from the committee that all employees receive the same dollar amount of employer contribution and that should include all BOS who are employees of the County. Mr. Wolff said his check was signed by the County Administrator just like anybody else in the County that is under our employment. He said he based this on what the Board adopted about a year and ½ ago. He continued and said when that issue was brought up it was passed that the Board be treated just like the employees.

Mrs. Thornton offered a friendly amendment to remove the Board of Supervisors like the Board previously did. Mr. Wolff stated he did not accept the friendly amendment. A discussion ensued.

Chairman called Gordy called for the question and the motion passed with Mrs. Thornton voting no.

Appointments

Eastern Shore Area Agency on Aging/Community Action Agency

Mr. Crockett made a motion to appoint Tamara B. Pruitt to the Eastern Shore Area Agency on Aging/Community Action Agency commencing immediately and expiring on March 31, 2016. Ms. Major seconded the motion. The motion carried.

Eastern Shore Community College Board

Mrs. Thornton made a motion to appoint Mr. Jack Van Dame to the Eastern Sore Community College Board commencing on July 1, 2012 and expiring on June 30, 2016. Mr. Hart seconded the motion. The motion passed.

Committee Study Report on Appointments

Mrs. Lewis gave a report on the handouts that were attached to the list of appointees for all the committees, commissions, and boards. Chairman Gordy stated that Mrs. Thornton and Mrs. Lewis agreed with her to have the Board look these over and they would be discussed at the June meeting. It was the consensus of the Board to go over the data at the June meeting.

Mrs. Thornton and Mrs. Lewis' recommendations were as follows:

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- 1.) All districts needed to be represented on boards and commissions as much as possible
- 2.) Reframe from appointing citizens to more than one policy making board
- 3.) All boards and commissions have term limits
- 4.) Members of the Wetlands Board should not serve on the Planning Commission Board

Mrs. Thornton and Mrs. Lewis responded to questions that were asked from the Board members.

County FY12 Third Quarter Financial Report

Finance Director Mike Mason gave an update on the 3rd Quarter Fiscal Year 2012 Financial Summary Report. Mr. Mason stated the County's major revenues were down 1.7% for the 3rd Quarter of fiscal year 2012 as compared to the prior year because most of the decrease is due delinquent personal property tax collections which are lagging from the previous year and year-to-date, major revenues are down 2.5% as compared to the previous year. Mr. Mason stated in order to meet our estimates for FY12, total major revenues must decrease no more than 2.1% of prior year actual revenue.

Mr. Mason told the Board sales and use taxes continued to improve from their poor showing in the 1st Quarter posting gains of 2.5% in the 3rd Quarter over the same quarter of last year and recordation taxes finally showed some growth which was a good sign for the real estate market. Mr. Mason stated in his summary the tipping fee estimate were adjusted down by \$215,000 after lower than expected numbers through the 3rd Quarter. He continued and stated Communication taxes were down 7.0% because of a \$12.9 million refund paid by the State to one of the larger wireless providers. Mr. Mason stated consumer utility taxes were down 7.5% due largely to a warm winter. He continued by saying consumer taxes are levied on the kilowatts used not the cost of energy meaning warmer winters generate less revenue. Mr. Mason stated also the delinquent personal tax collections were being monitored and current personal property tax collections were exceeding the estimate, delinquent personal property tax collections were running well behind last years numbers by approximately \$300,000.

Mr. Mason responded to questions presented by the Board.

County Administrator's Report

County Administrator Steve Miner gave an update on the space needs study. He told the Board a group of County staff have been meeting with Howard Collins and Steve McNaughton of Waller, Todd and Sadler Architects to provide a presentation to the Board of an analysis of our existing space needs, and the projected cost to provide for as many of those needs as possible at either the old Accomack Primary School, the Atlantic Publications building, and/or other available buildings and land in the community. The group includes the school superintendent and we have coordinated with the Health Department, the Sheriff, Commonwealth's Attorney and our own affected departments. Mr. Miner told the Board they had wanted to present something to the Board as soon possible due to fact that one or more of the options is currently on the private market for sale; we have no purchase options and no current plans or any directive to get one. He continued and said there was not a presentation to finalize yet and Waller, Todd and Sadler Architects were developing a more detailed estimate of cost for Accomac Primary. Mr. Miner asked the Board to tentatively mark June 6th for a work session to receive the report. It was the consensus of the Board to meet at 4:00 p.m. in the Board of Supervisors Chambers on June 6, 2012 to here the presentation.

Mr. Miner gave an update on the Virginia Public Records Requirement from the Library of Virginia. Mr. Miner stated he was pleased to report he did not find any evidence of documents destroyed without following the law. He told the Board that a mandatory refresher orientation for all department of County Government on the mandates of the act.

A discussion ensued on FOIA Requests being put on the County Website.

Mr. Chesser made a motion to have all FOIA requests and responses be put on the County Website. Mr. Wolff seconded the motion. The motion was approved.

TMDL Phase II Public Meeting

County Attorney Mark Taylor gave an update for the scheduled state public meetings for the Phase II implementation plan of the Chesapeake Bay Water Improvement Plan. He stated the purpose of those meetings was to provide a brief update on the status of the Phase II WIP, the next steps in the Chesapeake Bay TMDL planning process and to provide local governments, planning district commission, soil & water

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conservation districts and stakeholders with an opportunity to comment on the Phase II WIP. Mr. Taylor stated the date and location for the only scheduled hearing on the Shore would be May 23, 1012 from 6:00 p.m. – 8:00 p.m. at the Painter Research Station.

Mr. Crockett made a motion to authorize the submittal of comments to TMDL.

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

Board of Supervisors Comment Period

Ms. Major stated she had attended the Older American Extravaganza on Chincoteague and it was a really nice event and suggested other Board of Supervisor members attend the event in the future more often.

Mrs. Thornton stated she had been reading the information in the packet concerning the zoning and it had come up about Mr. Hickman having a conflict of interest and she wanted to point out to Mr. Taylor she asked him several months ago she had received some complaints on Mr. Hickman concerning the Eastern Shore Rural Health issue and it was a conflict of interest and she wanted Mr. Taylor or Mr. Miner to give Mr. Hickman a copy of what the conflict of interest was.

Mr. Taylor stated he wanted it publicly stated he had talked with Mr. Hickman concerning the conflict of interest. Comments were made by Mr. Crockett stating Mr. Hickman had filed a disclosure and had signed it.

Mr. Chesser stated he would hope people would take advantage of putting FOIA requests and responses on the website.

Mrs. Gordy congratulated Mike Mason on his sixteenth wedding anniversary.

She stated she had attended the Eastern Shore Community College Graduation and they had 158 students that graduated.

Recess

Chairman Gordy recessed the meeting until 7:30 p.m.

Public Hearings

County Attorney Mark Taylor read the rules of Public Hearings.

Mrs. Thornton made a motion to open the Public Hearing. Mrs. Lewis seconded the motion. The motion carried.

VDOT Proposed Secondary Road Six Year Plan 2013/2014-2017/2018 and Improvement Priorities for FY 2013-2014 for Accomack County

The Chair opened a public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the VDOT Proposed Secondary Road Six year Plan 2013-2014-2017/2018 and Improvement Priorities for FY2013/2014 for Accomack County.

Mr. Chris Isdell gave an update on the four projects that would be fully funded in the Secondary Six Year Program and he continued by saying any funding that would be left over would put on the Cemetery Road Route 602 or Locustville Road Route 789.

Mr. Isdell responded to questions from Mr. Hart.

There was no public comment.

Mrs. Major made a motion to approve the recommendation from VDOT to adopt the Secondary Road Six Year Plan 2013/2014-2017/2018 and Improvement Priorities for FY2013-2014 for Accomack County. Mr. Hart seconded the motion. The motion carried.

Mr. Hart made a motion for the Board to direct the County Administrator and VDOT to come up with the old priority list in the same order it was in and have it formulated and present to the Board as an unfunded priority list and then present it to VDOT. Ms. Major seconded the motion. The motion was carried.

The Chair closed the public hearing.

Amend Ordinance, Chapter 106, Zoning, Section 106-239

The Chair opened a public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the ordinance amendment to provide that building permits may be issued to enable repairs necessary to avoid waste in emergency situations, whether real estate taxes are owed on the property.

Rich Morrison commented on the Planning Commission's Public Hearing on April 11, 2012. He stated the Commission recommended approval as the Board of Supervisors had sent it to them.

Chairman Gordy closed the public hearing.

There was no public comment.

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Mr. Chesser stated he was in favor of the amendment and thought it was a good thing but the more he looked at it he felt it should not be done and could no longer support the amendment.

Mrs. Lewis stated she also felt that it was not in the best interest of the County.

Mrs. Thornton made a motion to deny Section 106-239 Zoning Ordinance Amendment. Mr. Crockett seconded the motion. The motion was carried.

Residential Zoning District Amendments

The Chair opened a public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Residential Zoning District Amendments.

Rich Morrison gave a power point over view presentation and responded to questions. A discussion ensued.

Chairman Gordy closed the public hearing.

There was no public comment.

Mr. Gray made a motion to postpone a single family dwelling septic until the information can be obtained from the Health Department pending further research. Mr. Chesser seconded the motion. The motion was carried.

Mr. Crockett made a substitute motion to vote on Section 106-83 to do away with the 35 foot buffer. Mrs. Thornton seconded the motion. The motion was carried with Mr. Chesser voting nay.

Mr. Gray made a motion to postpone the rest of the issue. Ms. Major seconded the motion. The motion carried.

Burn Building Renovation Grant Budget Amendment

The Chair opened a public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Burn Building Renovation Grant Budget Amendment.

Chairman Gordy closed the public hearing.

There was no public comment.

Mr. Hart made a motion to approve the cost of \$500,000 to renovate and expand the County's burn building training facility that had been received or had been awarded by grant funds. Mr. Wolff seconded the motion. The motion was carried.

General Business District Zoning Ordinance Amendment-Removal of Poultry Houses as Special Exception/Special Use Permit

The Chair opened a public hearing to afford interested persons the opportunity to be heard or to present written comment concerning the General Business District Amendment.

Chairman Gordy closed the public hearing.

There was no public comment.

Mrs. Thornton made a motion to approve the amendment to the General Business District Zoning Ordinance Amendment-Removal of Poultry Houses as Special Exception/Special Use Permit. Ms. Major seconded the motion. The motion was carried.

Payables

Mr. Miner certified the payables.

Mrs. Thornton made a motion to approve the payables. Mr. Hart seconded the motion. The motion was unanimously approved.

Closed Meeting

Mr. Wolff made a motion to go into Closed Meeting pursuant to §2.2-3711 of the Code of Virginia of 1950, as amended, pursuant to subsection (A) (3) and (5) for the following purpose (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and (5) for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. Mr. Crockett 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 to reconvene in Open Meeting, seconded by Mrs. Thornton, and to certify by roll call vote, pursuant to Section 2.2-3711 (3) 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 discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property,

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where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; the protection of the privacy of individuals in personal matters not related to public business and consultation with legal counsel employed or trained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel lawfully exempted from Opening Meeting requirements under this chapter as were identified in the motion by which the Closed Meeting was convened. Mrs. Thornton seconded the motion. The motion carried.

Roll Call

Aye: Mrs. Thornton	Mr. Gray
Mr. Wolff	Mrs. Gordy
Mr. Chesser	Mr. Crockett
Ms. Lewis	Mr. Hart
	Ms. Major

Adjournment

Mr. Wolff made a motion to Recess the meeting until June 6, 2012 at 4:00 p.m. and Mr. Crockett seconded the motion. The motion carried. The meeting adjourned 9:35 at p.m.

Chair

Date