

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 19th day of December, A.D., 2012, at 5:00 p.m.

Members Present: Laura Belle Gordy, Chair
Wanda J. Thornton
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
Shelia S. Goodman, Administrative Assistant

Call to Order

The meeting was called to order by Mrs. Gordy and opened with a prayer by Reverend Broad 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.

Public Comments

Chairman Gordy opened the public comments session.

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

Mr. Irv "BK" Kurzbard handed out a letter to the Board concerning his home being flooded during Hurricane Sandy.

Chairman Gordy closed the public comment session.

Consideration of Minutes

Mr. Hart made a motion to approve the Minutes of November 7, 2012 WRPLC Work Session and the November 14, 2012 Regular Monthly Meeting. Mr. Wolff seconded the motion. The motion was approved.

Consent Agenda

Mrs. Thornton made a motion to approve the Consent Agenda. Ms. Major seconded the motion. The motion was approved.

5.2 EDA – YMCA Bond Financing Approval

RESOLUTION APPROVING ISSUANCE OF
A REVENUE BOND FOR THE BENEFIT OF THE
YOUNG MEN'S CHRISTIAN ASSOCIATION OF SOUTH HAMPTON ROADS

WHEREAS, there have been described to the Economic Development Authority of Accomack County, Virginia (the Authority), the plans of the Young Men's Christian Association of South Hampton Roads (the Borrower), whose principal place of business is 250 West Brambleton Avenue, Norfolk, Virginia, for the issuance by the Authority of its revenue bond (the Bond) in an aggregate principal amount not to exceed \$3,872,000 to assist the Borrower in (a) financing a portion of the cost of acquiring and improving a multi-story office building located at 916 and 918 Corporate Lane, Chesapeake, Virginia, and (b) paying the cost of issuing the Bond;

WHEREAS, the Authority held a public hearing on November 13, 2012, with respect to the above described plan of finance and the issuance of the Bond as required by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the Act), and the Internal Revenue Code of 1986, as amended (the Code), and adopted an approving resolution (the Authority Approving Resolution) with respect to the Bond and the above described plan of finance;

WHEREAS, the Code provides that the highest elected governmental officials of the governmental unit having jurisdiction over the issuer of private activity bonds shall approve the issuance of such bonds;

WHEREAS, the Authority issues its bonds on behalf of Accomack County, Virginia (the County), and the members of the Board of Supervisors of Accomack County, Virginia (the Board), constitute the highest elected governmental officials of the County;

WHEREAS, Section 15.2-4906 of the Act provides that the Board shall within 60 calendar days from the public hearing with respect to industrial development revenue bonds either approve or disapprove the issuance of such bonds; and

WHEREAS, a copy of the Authority Approving Resolution, a reasonably detailed summary of the comments expressed at the public hearing with respect to the Bond and a statement in the form prescribed by Section 15.2-4907 of the Act have been filed with the Board, together with the Authority's recommendation that the Board approve the issuance of the Bond;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA:

1. The recitals made in the first preamble to this Resolution are hereby adopted as a part of this Resolution.

2. The Board of Supervisors of Accomack County, Virginia, approves the issuance of the Bond by the Authority to assist in the plan of finance described herein for the benefit of the Borrower to the extent required by the Code and Section 15.2-4906 of the Act.

3. The approval of the issuance of the Bond, as required by the Code and Section 15.2-4906 of the Act, does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Borrower, and, as required by Section 15.2-4909 of the Act, the Bond shall provide that neither the County nor the Authority shall be obligated to pay the Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County nor the Authority shall be pledged thereto.

4. The Board of Supervisors of Accomack County, Virginia, hereby designates the Bond as a "qualified tax-exempt obligation" within the meaning of Section 265(b) (3) of the Code for calendar year 2012.

5. The Board of Supervisors of Accomack County, Virginia, hereby acknowledges that the City Council of the City of Chesapeake, Virginia, concurred with the Authority Approving Resolution as required by the Act and approved the issuance of the Bond as required by the Code.

6. This Resolution shall take effect immediately upon its adoption.

Adopted by a quorum of the Board of Supervisors of Accomack County, Virginia, on December 19, 2012.

5.3 Approve Award of Contract IFB 653 Queen Sound Access Road to Dilley Contracting in the total amount of \$27,999 for repairs to the Queen Sound Access Road.

5.4 Schedule a public hearing for January 16, 2012 to afford interested persons the opportunity to be heard concerning the application for an amendment to the previously approved Wal-Mart Supercenter Conditional use Permit: 2006-05 which would allow the applicant to place a 19 square foot "Subway" sign on the front of the Wal-Mart building to advertise the Subway restaurant located within.

5.5 Resolution authorizing purchase and signing on Shaw property (11.529 Acres) near Grangeville, Route 180, from Shaw's.

RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA, RELATIVE TO THE PURCHASE OF 11.529 ACRES, MORE OR LESS, NEAR GRANGEVILLE, ROUTE 180, ACCOMACK COUNTY, VIRGINIA, AND FURTHER KNOWN AS TAX MAP #: 112-A-129 VIRGINIA, FROM NINA R. SHAW AND WILLIAM T. SHAW FOR THE SUM OF \$125,000.00

WHEREAS, Accomack County desires to purchase approximately 11.529 acres of property near Grangeville, Route 180, in Accomack County, Virginia, being Tax Map #: 112-A-129, from Nina R. Shaw and William T. Shaw; and

WHEREAS, Nina R. Shaw and William T. Shave have agreed to sell the same the for the sum of One Hundred and Twenty-five Thousand Dollars (\$125,000.00); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA:

1. The Accomack County Administrator is authorized to sign any and all necessary documents to effectuate the purchase of the property known as 11.529 Acres, more or less, near Grangeville, Route 180, located in Accomack County, Virginia, Tax Map #112-A-129 for the sum of One Hundred and Twenty-five Thousand Dollars (\$125,000.00)
2. That said property may be used for a convenience center site and may be used for that or any other lawful purposes.
3. This Resolution shall take effect immediately upon its adoption.

BE IT SO RESOLVED THIS 19th DAY OF DECEMBER, 2012.

5.6 State Holiday Schedule Change – Approve December 26, 2012 as additional holiday.

Public Officials

Upcoming Virginia Tourism Plan

Ms. Lynne Locken from the Virginia Tourism Corporation appeared before the Board and went over basic statistics for tourism revenue for the Commonwealth of Virginia and the Virginia Tourism Plan that would be presented to the Board in January 2013. Ms. Locken told the Board she would be retiring on December 2012 after 37 years and thanked them for the support they had shown tourism and had shown her.

Old Business

Solid Waste Transfer Station Bid 650

Public Works Director, Stewart Hall, told the Board that the operations at the Southern Landfill will be ceasing in twelve (12) days, but will continue to receive waste at the site as they have been doing all along with the exception of large concrete slabs or poles that would damage the trailers. He continued and stated the bids for the new Transfer Station came in higher than anticipated. Mr. Hall recommended the bid be awarded to Beauchamp Construction in the negotiated amount of \$2,001,922. He told the Board funding for the project had been budgeted with \$1,512,900 from the project's capital budget and \$489,022 from surplus capital funds. Mr. Hall responded to questions from the Board.

Mr. Hart made a motion to extend hauling of the storm debris until January 31, 2013. Mrs. Thornton seconded the motion. The motion was unanimously approved.

Baylor Grounds Committee Report

Mr. Miner presented the Baylor Grounds Committee Report to the Board with their three (3) recommendations. 1) That the members have a variety of concerns over current practices, use and management of state-owned bottom, as well as interpretation of regulations as they currently exist and as they relate to shellfish lands and other matters as discussed during the meeting. These concerns are greatly compounded by the proposal to alter the boundaries of the currently known public grounds. The Committee felt that these sorts of issues should be considered and studied in their own right without the complexities of boundary changes. 2) Any studies carried out and which might affect the current legal or regulatory framework on the Eastern Shore seaside should include the local committee from the inception of the study process, to include initial study design

and scoping determinations. 3) That the SB 550 as it is today should be voted down or withdrawn permanently.

Mrs. Thornton made a motion to send the Baylor Grounds Report to Senator Northam, Delegate Lewis, and the Committee, and a cover letter be sent saying the Board supports the Baylor Committee Report and the Board was not in favor of it. Mr. Hart seconded the motion. A discussion ensued. Mr. Chesser stated he did not have a problem with the sending the letter but stated he was not necessarily in agreement with the Committee's findings. The motion carried.

Appointments

Eastern Shore Community Services Board

Mrs. Thornton made a motion to reappoint Mrs. Gina Crocket to the Eastern Shore Community Services Board for a three year term commencing on January 1, 2013 and expiring on December 31, 2015. Ms. Major seconded the motion. The motion passed with Mr. Crockett abstained because of a conflict of interest.

Mrs. Gordy made a motion to reappoint Mr. Travis Bradley to the Eastern Shore Community Services Board for a three year term commencing on January 1, 2013 and expiring on December 31, 2015. Mr. Wolff seconded the motion. The motion was approved.

Eastern Shore Resource Conservation and Development Council

Mr. Crockett made a motion to reappoint Ms. Sandra Hart Mears to the Eastern Shore Resource Conservation and Development Council for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Mr. Chesser seconded the motion. The motion was approved.

Mr. Crockett made a motion to reappoint Mr. Michael A. Sterling to the Eastern Shore Resource Conservation and Development Council for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Mr. Chesser seconded the motion. The motion was approved.

Greenbackville Boat Harbor Committee

Mr. Wolff made a motion to reappoint Mr. Allen Dwayne Marshall to the Greenbackville Boat Harbor Committee for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Mr. Hart seconded the motion. The motion was approved.

Mr. Wolff made a motion to reappoint Mr. Ronald W. Evans to the Greenbackville Boat Harbor Committee for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Mr. Hart seconded the motion. The motion was approved.

Harborton Public Facilities Committee

Mr. Hart made a motion to reappoint Mr. Webster Martin to the Harborton Public Facilities Committee for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Ms. Major seconded the motion. The motion was approved.

Mr. Hart made a motion to reappoint Mr. Obediah Sample to the Harborton Public Facilities Committee for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Ms. Major seconded the motion. The motion was approved.

Planning Commission

Ms. Lewis made a motion to reappoint Mr. George T. Parker to the Planning Commission for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Mrs. Thornton seconded the motion. The motion was approved.

Mr. Hart made a motion to reappoint Mr. Leander Roberts, Jr. to the Planning Commission for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Ms. Major seconded the motion. The motion was approved.

Mr. Gray made a motion to reappoint Mr. Brantley T. Onley to the Planning Commission for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Ms. Lewis seconded the motion. The motion was approved.

Mr. Chesser made a motion to reappoint Mr. C. Robert Hickman to the Planning Commission for a four year term commencing on January 1, 2013 and expiring on December 31, 2016. Mr. Wolff seconded the motion. The motion was approved.

Chesapeake Bay ASAP Policy Board (Two Non-Core Members)

It was the consensus of the Board for the staff to make recommendations.

New Business

Coalition Against Domestic Violence

Ms. Kathryn Tolbert Fredholm appeared before the Board and gave statistics of the shelter and crisis they were facing. Reverend Broad asked the Board to grant tax exemption to the two properties that would only be costing a little over \$500. Reverend

Broad requested the Board contribute thru the budget annually \$1000 for support of the Coalition. Mr. Crockett stated he fully supported the services the Coalition Against Domestic Violence was providing for the citizens.

Resolution to support lowering the toll on the Chesapeake Bay Bridge & Tunnel

Mrs. Thornton made a motion to adopt the resolution. A discussion ensued. Ms. Major seconded the motion. The motion carried 8-1 with Mr. Chesser opposing.

R E S O L U T I O N

WHEREAS, the Accomack County Board of Supervisors is actively promoting economic development in Accomack County, and

WHEREAS, the Accomack County Board of Supervisors recognizes that the Chesapeake Bay Bridge Tunnel is a vital infrastructure, links Accomack County to the mainland and offers opportunities for trade, economic development, and increased employment.

NOW, THEREFORE, BE IT RESOLVED that the Accomack County Board of Supervisors supports and encourages efforts by the Chesapeake Bay Bridge Tunnel Commission to provide reduced (affordable) toll rates to regular commuters and short term vacation visitors.

Adopted this 19th day of December, 2012.

Community Development Block Grant Application for Hurricane Sandy Relief

Mr. Miner briefed the Board of a CDBG grant opportunity for communities hit by Hurricane Sandy and stated it would be a beneficial method of getting needed assistance to citizens who need help particularly given the disqualification from individual assistance from FEMA.

Mr. David Annis stated this was a new type of Grant they had not tried for before and it was called Urgent Need and it would work almost identical to the types of housing rehab projects in the past. He continued and stated it would be loans to individual families to do repairs or replacement of the houses that had been damaged by Hurricane Sandy. He told the Board the maximum total grant amount would be \$700,000.

Mr. Crockett made a motion to approve the Community Development Block Grant Application. Ms. Major seconded the motion. The motion was approved.

Audit Survey of Organizations Receiving County Funding

Mr. Crockett stated he felt a survey should be sent to all agencies/entities that receive county funding. A discussion ensued concerning audits. Mr. Mason responded to questions from the Board. Mr. Crockett made a motion that staff send out a survey to all agencies and entities that received county funding to ascertain whether they are annually audited by a licensed CPA or CPA Firm and if so who performs the audit. Ms. Lewis seconded the motion. The motion was approved.

County Administrator's Report

Mr. Miner gave an update to the Board on the follow up meeting he had with the Tourism Commission concerning the changes that had been made to the Resolution over the years and the representation on the Tourism Commission. He stated the next step would be for the chair of the two boards to meet, and the County Administrators after the first of the year. Mrs. Thornton made a suggestion for the current chair that was taking office in January 2013 and the past chair and the chair and past chair of Northampton do the same and they could meet and discuss the issues. A discussion ensued regarding the legality of the meeting.

Mr. Miner gave a brief update concerning the Housing Mitigation Grant Program (HMGP) and he felt comfortable the County could oversee the program again. He continued and told the Board Mr. Fluhart had agreed to oversee the program. Mr. Miner stated the Board needed to go into Closed Session to talk about ramifications. Mr. Miner responded to questions from the Board.

County Attorney's Report

Mr. Taylor stated due to illness he did not attend make it to Delegate Lynwood Lewis's General Assembly "Kick Off" at the Community College however, he stated he had been communicating with Delegate Lewis electronically via email. Mr. Taylor asked the Board their consensus to consider a policy or practice to develop with Stewart Hall the extension on the tipping fees for Hurricane Sandy. He informed the Board he had been working with Mr. Fluhart's Office concerning Code Enforcement issues that involve property that was in need of clean up for a variety of reasons. Mr. Taylor told the Board the tenants or property owners of the properties were having hardships in paying tipping fees. He asked the Board of Supervisors to consider a mechanism of policy or authority be given to Stewart Hall or David Fluhart to provide a waiver simply to resolve the Code

Enforcement issue. Mr. Taylor responded to questions from the Board. Mr. Taylor stated he would bring something back to the Board at the January 2013 meeting in writing.

Board of Supervisors Comments

Mr. Chesser wished everyone a Merry Christmas and hoped 2013 would be a better one.

Mr. Gray wished all a Merry Christmas and he stated he believed next year would be a good year for all.

Ms. Lewis wished all a Merry Christmas to everyone.

Mr. Wolff wished all a Happy Holiday and stated the trip to the aircraft carrier was above and beyond anything he could have possibly imagined.

Mr. Crockett echoed Mr. Wolff's comments on the aircraft carrier trip and stated it was a lifetime experience. He wished all a Merry Christmas and told Chairman Gordy she had done a great job this year as chair and appreciated her hard work and was looking forward to next year.

Mrs. Thornton echoed everything that was said about the aircraft carrier trip and was an opportunity of a lifetime and a great experience. Mrs. Thornton told the Board she had attended her first meeting of a Soil and Water Conservation Board last week and would like to have some type of discussion at the January 16, 2013 meeting about the Storm Water Ordinance that would be coming down the pipe. Mrs. Thornton wanted all Board members to receive a hard copy of the ordinance so they could look at it and understand it. She wished all a Merry Christmas.

Ms. Major stated she wanted everyone to know the great experience she had on the aircraft carrier trip and all that was said about it and was so grateful she had the opportunity to go and be a part of such a wonderful experience. She wished all a Merry Christmas.

Mr. Hart stated he was jealous of the four members that got to go on the aircraft carrier trip.

Reverend Broad wished all happiness and enjoyed being with the Board this year and looked forward to next year.

Mrs. Gordy thanked all for being in attendance and wished all a Merry Christmas and a Happy New Year.

Budget Items

Mr. Wolff made a motion to approve the following budget and appropriation items. Ms. Major seconded the motion. The motion was approved.

Budget and Appropriation Items

Grants

Increase Revenues

Revenue from the Commonwealth \$5,000

Increase Expenditures

Electoral Board \$5,000

--Voting equipment purchase grant reimbursement

Increase Revenues

Revenue from the Commonwealth \$22,981

Increase Expenditures

Litter Control

--FY13 Litter prevention/recycling grant award \$22,981

Contingencies (Balance as of 12/4/12=\$263,988)

None

Other

Increase Revenues

Insurance Recoveries \$5,704

Increase Expenditures

Airport

--Property insurance claim reimbursement \$5,704

Payables

County Administrator, Steve Miner certified the payables.

Mr. Hart made a motion to approve the payables. Ms. Major seconded the motion. The motion was approved.

Closed Session Rules

The County Attorney Mark Taylor read the rules for Closed Session.

Closed Session

Supervisor Wolff made a motion to go into Closed Session pursuant to Code Section 2.2-3711.A (1) for discussion of work assignment, including the County Attorney and County Administrator and discussion regarding re-entry into the hazard mitigation program; (7) for consultation with legal counsel pertaining to pending litigation, in particular, the Townsend case; and (29) for discussion of the award of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body concerning a contract related to public

sewer service for Central Accomack County. Ms. Major seconded the motion. The motion was approved.

Open Session

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Hart made the motion to certify by roll call vote, pursuant to Section 2.2.3711.A (1), (7) and (29) 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 discussion or consideration of the matters that were identified in the motion by which the Closed Meeting was convened, being Virginia Code Section 2.2-3711.A(1), (7) and (29). Ms. Major seconded the motion. The motion was approved.

Roll Call

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

Adjournment

Mr. Hart made a motion to adjourn. Mrs. Thornton seconded the motion. The motion was approved. The meeting adjourned at 7:15p.m.

Laura Belle Gordy, Chair

Date