

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 20th day of July, A.D., 2011.

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

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

Call to Order

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

Adoption of the Agenda

The Chair requested the following amendments to the Agenda:

REMOVE - UNDER CONSENT AGENDA

- 1) 7-c – Scheduling a Public Hearing to receive public comment on the Bell Neck, Cashville, Greenbush, New Church, and Wattsville Agricultural and Forestal Districts

ADD - UNDER CONSENT AGENDA

7-e – Consider requesting the Planning Commission to stream their meetings online

ADD - UNDER APPOINTMENTS

Consider the appointment of Mr. John Read to the Eastern Shore of Virginia Broadband Authority to replace Mr. Dimitri Plionis, who resigned, the term beginning July 1, 2011.

ADD - CLOSED MEETING

Pursuant to §2.2-3711 of the Code of Virginia of 1950, as amended, Pursuant to subsection (A) (1) for discussion or consideration, of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Mr. Wolff made a motion to approve the Agenda, as amended. Mrs. Mears seconded the motion. The motion passed unanimously.

Public Comment

The Chair read the Rules governing conduct during the public comment period.

Comments related to the issue of uncollected taxes were given by Wesley Edwards.

Comments related to the proposed Waste-water Treatment Plant in Atlantic were given by Mark Baumgartner.

Comments concerning the County's Procurement process were given by John Custis who was representing several clients.

Comments concerning the proposed Fire and Rescue Funding Accountability Policy were given by James Bagwell from Bloxom representing the Accomack County Fire and Rescue Commission.

Minutes

Mrs. Mears made a motion to approve the minutes of March 3, April 20, May 12, May 18, and June 15, 2011, with corrections. Mr. Wolff seconded the motion. The motion was unanimously approved.

Approval of Consent Agenda

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

- a. The contract renewal of IFB 615 for petroleum products,
- b. The contract award of RFP 241 to design and install a HVAC system for County Administration building, and
- d. The following Resolution for proposed amendments to the Accomack-Northampton Enterprise Zone as petitioned by Northampton County.

RESOLUTION

WHEREAS, the Counties of Accomack and Northampton constitute the Accomack-Northampton Enterprise Zone; and

WHEREAS, the County of Northampton deems it necessary to amend its boundaries of the Accomack-Northampton Enterprise Zone; and

WHEREAS, it is required that all participating jurisdictions approve any amendment to the boundary of the Enterprise Zone.

NOW, THEREFORE, BE IT RESOLVED, that the County of Accomack hereby approves the amendment to the Accomack-Northampton Enterprise Zone as petitioned by the County of Northampton.

Accomack County Public Schools

Mrs. Patti White, member, Accomack County School Board, introduced the new Accomack County Public School Division Superintendent, Dr. William Bruce Benson. Dr. Benson gave an update on school activities and stated he was looking forward to working with the Board of Supervisors and giving updates on what was happening throughout the school year.

Mary N. Smith Alumni

Mr. Custis gave an update on the behalf of the Mary N. Smith Alumni Association. He said the group had taken three (3) major steps. The first was officially

establishing the Alumni Association as a legal entity under Virginian Law. Secondly, the Alumni worked with Mr. Miner and Mr. Taylor to legally obtain title to the property, and thirdly, have gone through the process of obtaining tax exempt status.

Alumni President Kelvin Pettit expressed his appreciation to the Board for its support.

Rural Economic Development

Mr. Rhet Tignor gave a presentation on the recent visit with Mary Rae Carter, Deputy Secretary for Rural Economic Development.

Briefing from Elaine Meil, Executive Director, A-N Planning District Commission

Elaine Meil, Executive Director, Accomack-Northampton Planning District Commission, gave a briefing regarding Bay TDML Phase II WIP and answered questions.

Mrs. Thornton made a motion to have the County Attorney, as soon as possible, look at other areas in the state as well as multi-state areas, who may be faced with the same type issues and to include contacting Northampton County, and any other county who is facing similar issues; the Virginia Association of Counties and the Virginia Municipal League. Mrs. Mears seconded the motion. The motion passed unanimously.

Mrs. Thornton made a motion to send a letter of commendation for Elaine Meil to the A-NPDC for the outstanding job she did. Mr. Wolff seconded the motion. The motion passed unanimously.

Fire and Rescue Funding Accountability Policy

Finance Director Michael T. Mason gave a PowerPoint presentation and overview concerning the Draft Fire and Rescue Funding Accountability Policy and responded to questions.

Mr. Crockett made a motion to adopt the policy as presented by staff. Mr. Wolff seconded the motion.

A lengthy discussion ensued concerning the county holding funds.

Mr. Gray stated he would like to amend the motion to adopt the Policy with the exception that funds continue to be distributed as they are currently.

Discussion continued.

Mr. Gray made a substitute motion that the accountability policy be adopted but that funds are distributed upfront. Mrs. Thornton seconded the motion.

Following parliamentary procedure, a lengthy discussion continued on Mr. Crockett's motion and in particular, the disbursement of funds to the fire companies.

Mrs. Thornton called for the question on Mr. Crockett's motion.

Discussion continued on Mr. Gray's substitute motion.

Mrs. Thornton called for the question.

Mr. Crockett objected to the call.

The vote to sustain discussion on Mr. Gray's substitute motion: Ayes: Mrs. Thornton, Mr. Wolff, Mr. Gray, Mrs. Gordy, Mr. Hart, Miss Major. Nays: Mr. Crockett, Mrs. Mears, Mr. Chesser.

Discussion continued.

Mrs. Thornton called for the question.

The vote on the whether the substitute motion would become the main motion: Ayes: Mrs. Thornton, Mr. Wolff, Mr. Gray, Mrs. Gordy, Mr. Hart, Miss Major. Nays: Mr. Chesser, Mrs. Mears, Mr. Crockett.

Following comments by County Administrator Steven B. Miner, Mrs. Mears made a motion to postpone action until such time as staff could bring back a resolution to address how funds will be disbursed to fire companies. Mr. Wolff seconded the motion. The motion passed unanimously.

Recess

By consensus, the Chair recessed the meeting until 7:30 p.m.

Call to Order

The Chair called the meeting to order at 7:30 p.m.

Proposed Amendment to Fiscal 2010/2011 Budget

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed amendment to the Fiscal 2010/2011.

No public comments were offered.

The Chair closed the Public Hearing.

Mr. Wolff made a motion to budget and appropriate \$8,711,018 to the Accomack County School Board to reflect receipt of federal and state grant funds to be used for No Child Left Behind Programs and Initiatives, K-3 Initiative & Other State Grant Programs,

and Special Education Programs. Mrs. Mears seconded the motion. The motion passed unanimously.

Announcement Related to the Draft Fire & Rescue Funding Accountability Policy

Mr. Hart stated during the break it had been brought to his attention the policy had not gone back to the Commission to vote on; that as earlier stated during public comment that all the fire companies were against was not a true statement.

Wallops Research Park

Mrs. Thornton made a motion that the Board of Supervisors commit to do everything in their power to see that the Wallops Research Park moves forward and each member would do individually whatever they could to see that this would become a reality. Mr. Wolff seconded the motion. The motion was unanimously approved.

Appointments

Eastern Shore Agency on Aging/Community Action Agency

Ms. Major made a motion to appoint Mrs. Patsy Selby to the Eastern Shore Agency on Aging/Community Action Agency to fill the unexpired term of Muriel Howard commencing immediately and ending on March 31, 2012. Mrs. Mears seconded the motion. The motion passed unanimously.

Eastern Shore Community College Board

Mrs. Mears made a motion to appoint Terry Ewell to the Eastern Shore Community College Board to fill the unexpired term of Laura Flournoy for a three year term beginning immediately and ending on June 30, 2013. Mr. Wolff seconded the motion. The motion passed unanimously.

Eastern Shore Public Library Board

Mrs. Thornton made a motion to appoint David T. Johnson to the Eastern Shore Public Library Board to fill the unexpired term of Linda Ryan beginning immediately and ending on June 30, 2015. Mrs. Mears seconded the motion. The motion passed unanimously.

Economic Development Authority

Mrs. Thornton made a motion to appoint Irene Davis to the Economic Development Authority to fill the unexpired term of Robert Watson beginning immediately and ending on February 18, 2014. Mrs. Mears seconded the motion. The motion passed unanimously.

Parks and Recreation Advisory Commission

Mrs. Gordy made a motion to appoint Stella Rohde to the Parks and Recreation Advisory Commission for a four year term beginning immediately and ending on June 30, 2015. Mrs. Mears seconded the motion. The motion passed unanimously.

Mrs. Mears made a motion to reappoint Janice B. Welsh to the Parks and Recreation Advisory Commission for a four year term beginning immediately and ending on June 30, 2015. Mr. Crockett seconded the motion. The motion passed unanimously.

Eastern Shore of Virginia Broadband Authority

by Mrs. Mears made a motion to appoint John S. Read to the Eastern Shore of Virginia Broadband Committee for a 3-year term commencing immediately and ending on June 30, 2013. Mr. Wolff seconded the motion. The motion was unanimously approved.

State Mandates on Local Governments

Mrs. Mears stated the Commission on Local Government had released the schedule of state mandates on local governments that would be subject for fiscal impact review during FY2012 and the schedule included some mandates with a huge local cost, and the secondary road systems. She suggested Mr. Miner bring back a plan of action to the Board concerning the mandates.

Mrs. Thornton made a motion to have County Attorney track how our representatives are voting on issues and publish how they voted in the newspaper. Mrs. Mears seconded the motion. The motion was unanimously approved.

Eastern Shore of Virginia Bicycle Plan 2011

Following a presentation of the Eastern Shore of Virginia Bicycle Plan 2011 by Barbara Schwenk, Economic Development Coordinator, A-N Planning District Commission, Mrs. Thornton made a motion to adopt the Eastern Shore of Virginia Bicycle Plan 2011 excluding all the private properties until the people agree. Mrs. Mears seconded the motion. The motion was approved.

Part-Time Assistant Registrars

Following a briefing by Anne Loukx, General Registrar, Mrs. Gordy made a motion to budget and appropriate \$15,000 from Contingencies to the Registrar's budget to hire a permanent part-time employee in the office. Mrs. Mears seconded the motion. The motion passed unanimously.

Additional Video Equipment for the Office of the Magistrate and Remote Video for Tangier Island

Following comments by Jimmy Rowley of the Magistrate’s Office, Mr. Crockett made a motion to budget and appropriate \$21,054.60 from the Courthouse Security Fund for additional video equipment for the Magistrate’s office and to add a video site for the citizens of Tangier. Mr. Wolff seconded the motion. The motion passed unanimously.

Board of Supervisors Comment Period

Mr. Crockett commented on the Policy and Procedure Rules.

Mrs. Thornton had a questioned the status of the delinquent tax collection audit.

Budget Items

Mrs. Gordy made a motion to approve the following budget and appropriation items and Mrs. Mears seconded the motion. The motion passed unanimously.

FISCAL YEAR 2011

Grants

Increase Revenues	
From the Federal Government	\$95,000
Increase Expenditures	
Summer Food Program	\$95,000
--FY11/12 Sumer Food Program Grant	
Increase Revenues	
From the Federal Government	\$11,000
Increase Expenditures	
Emergency Management	\$11,000
--Citizen preparedness grant award	

Other

Increase Revenues	
Insurance Recoveries	\$14,270
Increase Expenditures	
Consolidated EMS	\$13,831
Hazardous Materials	\$ 439
--Receipt of insurance rehabilitation	
Increase Revenues	
Donations	
Increase Expenditures	\$ 425
Fire Training Center	
--Fire training shelter rehabilitation	\$ 425
Increase Revenues	
Charges for Services	\$18,522
Increase Expenditures	
Sheriff	\$18,522
--Special event income/expenditures	

Increase Revenues	
Miscellaneous Recoveries	\$ 8,183
Increase Expenditures	
Public Works	\$ 8,183
--Public Works garage interdepartmental charges	

Other

Increase Revenues	
Miscellaneous Recoveries	\$ 13,220
Increase Expenditures	
Treasurer	\$ 13,220
--DMV stop fees collected and paid to Commonwealth	

Increase Revenues	
Miscellaneous Recoveries	\$ 20,243
Increase Expenditures	
Treasurer	\$ 20,243
--Delinquent tax collection related attorney fees and court costs collected and paid	

Increase Revenues	
Miscellaneous Recoveries	\$ 290
Increase Expenditures	
SPCA	\$ 290
--Proceeds from the sale of "Animal Friendly" license plates	

FISCAL YEAR 2012

Other

Increase Revenues	
Transient Occupancy Tax	\$ 22,800
Increase Expenditures	
Tourism Commission	\$ 22,800
--Appropriate the additional revenue from increasing the transient Occupancy tax from 2% to 5% to the Tourism Commission	
<u>Payables</u>	

Mrs. Gordy made a motion to authorize the payment of invoices. Mrs. Mears seconded the motion. The motion passed unanimously.

Closed Meeting

Mr. Wolff made a motion that the Board go into closed meeting pursuant §2.2-3711 of the Code of Virginia of 1950, as amended, Subsection (A) (1) for discussion or consideration, of employment, assignment, appointment, promotion, performance, demotion, salaries, discipline, or resignation of specific public officers, appointees, or employees of any public body for the following purposes pursuant to. Mrs. Mears 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 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 Opening Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened. Mrs. Mears seconded the motion. The motion was unanimously approved.

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

Nays: None

Transcript of Portion of Minutes

Mr. Crockett requested a verbatim transcript of the portion of the meeting concerning the statement made by Accomack County Fire and Rescue Commission Chairman James (Jody) Bagwell stating no one in the Accomack County Fire and Rescue Commission supported the proposed.

Adjournment

Mrs. Mears made a motion to adjourn. Mrs. Thornton seconded the motion. The motion passed unanimously. The meeting adjourned at 10:10PM

Chair

FOLLOWING ARE THE COMMENTS MADE BY FIRE AND RESCUE COMMISSION CHAIR JAMES (JODY) BAGWELL REGARDING THE FIRE AND RESCUE FUNDING ACCOUNTABILITY POLICY.

COMMENTS MADE UNDER PUBLIC COMMENT:

Mr. Bagwell: Good afternoon – uh, I’m here and, uh, representing the Accomack County Fire and Rescue Commission. Um – we met last month and we had a discussion on the table about the Accountability Policy that the County is implementing. Um, pretty much all the members are in favor to – all the Accountability changes with the exception of how the money would be distributed. Um, we don’t want the County to hold our money until we give receipts – we’d like to continue receiving our money on

January, March, and July payments as we currently do without giving financial reports with the expenditures and revenues at the end of the year. Um, we're asking that we continue to do business the way that we're doing it now with us giving you those financial reports at the end of the year. We have no problems with audits, we're not hiding anything; if you want cancelled checks, receipts – we can provide that information also. We just – we don't understand why the sudden change into holding the money until we can get receipts for the money. So, we agree with the concept – with all of the accountability issues and have no problem with that; the only that problem we have is holding the money and we would ask that you guys would continue to do business like we've been doing for years with a January, March, and July checks with an expenditure report at the end of the year. Thank you.

COMMENTS MADE FOLLOWING A QUESTION FROM MR. GRAY:

Mr. Gray: Mr. Chairman, may I ask, may I ask Jody Bagwell for something about this during the discussion?

Mr. Hart: You wanna wait for a second turn and - you mean you just want to ask him about what Robert just asked you?

Mr. Gray: Yeah, yeah – if I may, if I may.

Mr. Hart: Go ahead, go ahead.

Mr. Gray: Jody, would you stand up please and answer - what do you think the Fire Commission – what do you think the Fire Commission – uh – majority of 'em – would think the way, uh, uh, uh, of uh Mr. Crockett's – uh the way he put it – what do you think?

Mr. Bagwell: They don't agree with it.

Mr. Gray: (Not understanding Mr. Bagwell's response) I'm sorry –

Mr. Bagwell: They don't agree with it. They want the monies, uh - released like they are for us to continue to do business the way we are. Uh, like I said before we had that problem with submitting the year-end budget – have a problem submitting the receipts, checks for the entire amount and there's not too many companies that are going to have that much money left over from (unintelligible) from receipts. Every fire company has a

\$20,000 + insurance bill. A lot of departments are paying twenty to thirty thousand dollars (\$20,000 -30,000) for fuel. That's two line items right there that will eat that money up quick. Um, the best, the least, the best amount that we receive right now is \$75,000 to \$120,000 in contributions and um, (unintelligible) you can start eating those cost up very quickly with equipment maintenance, building maintenance; we are going to have a large building payment (unintelligible). We felt that we've been accountable in the past. We've given them what they've asked for without any issues. I'm safe to say that we can go back in years past and produce any information they want to audit in years past. We just don't understand the sudden course of change, so but the majority is not.