

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 October, A.D., 2011 at 5:00 p.m.

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 Rev. 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

12-b – Presentation of Eastern Shore of Virginia Water Supply Plan Summary

Add – Under Closed Meeting

Pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended Paragraph Pursuant to subsection (A) (3) Discussion or consideration of the acquisition of real property for 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.

Mrs. Mears made a motion to approve the agenda, as amended. Mrs. Thornton seconded the motion. The motion passed unanimously.

Public Comment

The following persons gave comments:

Wesley Edwards offered comments to the sound system not being audible and Board members eating on taxpayer's money

Marie Paccioretti acknowledged the passing of Mr. Bob Gresham.

Minutes

Mrs. Mears made a motion to approve the Minutes of the September 21, 2011, meeting with corrections. Mr. Wolff seconded the motion. The motion passed unanimously.

Employee Recognition

Public Safety Director Jason Loftus presented a plaque to Fire Medic Thomas Copenhaver in recognition of his achieving the level of Fire Medic.

Consent Agenda

Mr. Hart asked that Item 8-a be removed to be voted on separately because a portion of property he owned was included in the proposed amendment to the Accomack Northampton Enterprise Zone as petitioned by Northampton County. He noted that he would not vote on this matter.

Miss Major made a motion to approve the following items under the Consent Agenda. Mrs. Mears seconded the motion. The motion passed unanimously.

- b. Proposed holiday schedule,
- c. Sale of surplus vehicles at auction, and
- d. Schedule a Public Hearing to receive public comment concerning the Mutton Hunk Agricultural and Forestal District

Proposed Amendment to the Accomack Northampton Enterprise Zone

Mrs. Thornton made a motion to adopt the following Resolution. Miss Major seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Crockett, Mrs. Gordy, Miss Major. Nays: None. Abstentions: Mr. Hart.

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.

Delinquent Tax Collection Study

Stephanie D. Davis, Vice President/Consultant, Springsted, Inc., presented and reviewed with the Board the Study of Delinquent Tax Collection Processes and

Procedures in Accomack County, noted that there were 15 findings that were broken down into four key category areas and explained each.

A general question and answer period took place with Ms. Davis responding to various questions and comments.

Mr. Crockett made a motion to accept the Delinquent Tax Collection Study. Mr. Wolff seconded the motion. The motion passed unanimously.

Mr. Crockett made a motion to have the staff develop, based on the recommendations from Springsted, Inc., a check sheet so the Board and the Treasurer can be held accountable for meeting those recommendations and that the check sheet be brought back to the Board for discussion at the earliest convenience. Mr. Wolff seconded the motion. The motion passed unanimously.

Mrs. Thornton said she was sure the Study was to have included the offices of the Treasurer, Commissioner and Central Accounting.

Treasurer Dana T. Bundick offered comments related to the Study and based on her statements, Ms. Davis was asked to return to the meeting to respond to those concerns. County Administrator Steven B. Miner and Finance Director Michael T. Mason also offered comments of clarification to Mrs. Bundick's concerns.

Ms. Davis returned to respond to the Treasurer's comments and to note that some of her concerns which were relevant were included in the Study.

Eastern Shore Rural Health System, Inc.

Nancy Stern, CEO, Eastern Shore Rural Health System, Inc., accompanied by Harry Dietch, member of the ESRHS Board, presented a Resolution of Support for Community Health Month and offered comments noting the importance of continued federal funding for local health centers and in particular, the Eastern Shore Rural Health System, Inc. health centers.

Mrs. Thornton made a motion to adopt the following Resolution of Support. Mrs. Gordy seconded the motion. The motion passed unanimously.

**RESOLUTION
ACCOMACK COUNTY BOARD OF SUPERVISORS
SUPPORT FOR MAINTENANCE OF FEDERAL FUNDING
FOR COMMUNITY HEALTH CENTERS INCLUDING
EASTERN SHORE RURAL HEALTH SYSTEM, INC.**

WHEREAS, Eastern Shore Rural Health System, Inc., as a member of America's Health Center network, is a vital part of our nation's safety net providing health care to 23 million people in medically underserved communities; and

WHEREAS, Health centers have proven their ability to improve health, reduce illness, and reduce health costs; and

WHEREAS, the survival of Eastern Shore Rural Health System, Inc. is critically important to the health and wellbeing of our local communities; and

WHEREAS, the communities served by health centers, including Accomack County, have higher proportions of both uninsured persons and individuals covered by Medicaid; and

WHEREAS, Eastern Shore Rural Health System, Inc. currently provides medical, dental and preventive healthcare services to 29,000 people on the Eastern Shore; and

WHEREAS, Eastern Shore Rural Health System, Inc. is an integral component of future economic development by offering a system of care for potential business growth and offering employment opportunities on the Eastern Shore; and

WHEREAS, the current federal fiscal situation threatens important domestic programs like Health Centers;

NOW THEREFORE BE IT RESOLVED, that the Accomack County Board of Supervisors hereby supports the National Association of Community Health Center's "Campaign for America's Health Centers" in its efforts to demonstrate to the federal and state governments that health centers like Eastern Shore Rural Health System, Inc. are an essential part of America's commitment to health care and an essential part of the strategy to deliver cost effective, efficient AND high quality care; and

BE IT FURTHER RESOLVED that the Accomack County Board of Supervisors pledges their strong support for the efforts provided by Eastern Shore Rural Health System, Inc. as well as the National Association of Community Health Centers, The Virginia Community Health Care Association, and others; and hereby appeals to Congress and the Administration to assure that this support continues.

Jenny O'Neill, Coordinator, Waste Watchers of the Eastern Shore

Jenny O'Neill, Coordinator, Waste Watchers of the Eastern Shore, gave a presentation concerning enforcement of Litter Laws on the Eastern Shore and presented petitions containing approximately 2,000 signatures in support of the enforcement of current litter laws. Mrs. O'Neill introduced members Paul Mulick and Vicki Parker who also offered comments on the litter problems.

Accomack County Public Schools

Accomack County Public Schools Division Superintendent, Dr. William Bruce Benson gave a report concerning the new pilot program for new teacher performance appraisal and evaluation, SOLs, other programs and responded to questions.

Recess

By consensus, the Chair recessed the meeting until 7:30 P.M.

Call to Order

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

Public Hearings

Agricultural and Forestal Districts

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning continuing the following Agricultural and Forestal Districts with modifications: Hack's Neck, Hallwood, and Parramore Island Agricultural and Forestal Districts

Mr. Rob Testerman, Land use Planner, gave a brief presentation of the districts and responded to questions.

The Chair closed the Public Hearings.

Mr. Hart made a motion to adopt the following Resolution. Mrs. Mears seconded the motion. The motion passed unanimously.

**RESOLUTION OF ADOPTION
OF
HACK'S NECK 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 Hack's Neck Agricultural and Forestal District for a period of four years beginning October 19, 1983; and

WHEREAS, the Hack's Neck Agricultural and Forestal District has been renewed every four years since 1983 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 2011; and

WHEREAS, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

WHEREAS, the Agricultural and Forestal District Advisory Committee reviewed the Hack's Neck Agricultural and Forestal District on August 2, 2011, 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 Hack's Neck Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on September 14, 2011, 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 October 5, and October 12, 2011, and a Public Hearing was held by the Board of Supervisors on October 19, 2011; and

WHEREAS, the landowners in the Hack's Neck Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the September 14, 2011, Planning Commission Public Meeting and the October 19, 2011, 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 Hack's Neck Agricultural and Forestal District Ordinance, including a list of properties in the district, a copy of the Accomack County Agricultural and Forestal District Ordinance, and a copy of the current district ordinance; 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 Hack's Neck Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

Mr. Wolff made a motion to adopt the following Resolution. Mr. Thornton seconded the motion. The motion passed unanimously.

**RESOLUTION OF ADOPTION
OF
HALLWOOD 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 Hallwood Agricultural and Forestal District for a period of four years beginning October 19, 1983; and

WHEREAS, the Hallwood Agricultural and Forestal District has been renewed every four years since 1983 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 2011; and

WHEREAS, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

WHEREAS, the Agricultural and Forestal District Advisory Committee reviewed the Hallwood Agricultural and Forestal District on August 2, 2011, 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 Hallwood Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on September 14, 2011, 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 October 5, and October 12, 2011, and a Public Hearing was held by the Board of Supervisors on October 19, 2011; and

WHEREAS, the landowners in the Hallwood Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the September 14, 2011, Planning Commission Public Meeting and the October 19, 2011, 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 Hallwood Agricultural and Forestal District Ordinance, including a list of properties in the district, a copy of the Accomack County Agricultural and Forestal District Ordinance, and a copy of the current district ordinance; 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 Hallwood Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

Mr. Hart made a motion to adopt the following Resolution. Mr. Chesser seconded the motion. The motion passed unanimously.

**RESOLUTION OF ADOPTION
OF
PARRAMORE ISLAND 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 Parramore Island Agricultural and Forestal District for a period of four years beginning October 19, 1983; and

WHEREAS, the Parramore Island Agricultural and Forestal District has been renewed every four years since 1983 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 2011; and

WHEREAS, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

WHEREAS, the Agricultural and Forestal District Advisory Committee reviewed the Parramore Island Agricultural and Forestal District on August 2, 2011, 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 Parramore Island Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on September 14, 2011, 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 October 5, and October 12, 2011, and a Public Hearing was held by the Board of Supervisors on October 19, 2011; and

WHEREAS, the landowners in the Parramore Island Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the September 14, 2011, Planning Commission Public Meeting and the October 19, 2011, 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 Parramore Island Agricultural and Forestal District Ordinance, including a list of properties in the district, a copy of the Accomack County Agricultural and Forestal District Ordinance, and a copy of the current district ordinance; 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 Parramore Island Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

Proposed Amendment Accomack County Code, Chapter 42, Fire Prevention and Protection, Article I, in General, Section 42.1, Official Public Safety Program, Article III, Fire and Rescue Districts

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the proposed amendment to Accomack County Code, Chapter 42, Fire Prevention and Protection, Article I, in General, Section 42.1, Official Public Safety Program, Article III, Fire and Rescue Districts

No public comments were offered.

The Chair closed the Public Hearing.

Mr. Wolff made a motion to adopt the following Ordinance. Mrs. Thornton seconded the motion. The motion passed unanimously.

AN ORDINANCE TO AMEND CHAPTER 42, FIRE PREVENTION AND PROTECTION, ARTICLE I, IN GENERAL, SEC. 42.1, OFFICIAL PUBLIC SAFETY PROGRAM, AND ARTICLE III – FIRE AND RESCUE DISTRICTS, DIVISION 2, DISTRICT 2, SEC. 42-103, POWERS; DIVISION 3, DISTRICT 3, SEC. 42-128, POWERS; DIVISION 4, DISTRICT 4, SEC. 42-153, POWERS; DIVISION 5, DISTRICT 5, SEC. 42-178, POWERS, OF THE ACCOMACK COUNTY CODE

WHEREAS, the Board of Supervisors of Accomack County finds that there exists a necessity to amend the County Code as it pertains to public safety; and

WHEREAS, the Board of Supervisors finds that §15.2-955 of the Code of Virginia enables the Board to make the necessary changes as it relates to public safety and fire and rescue districts; and

WHEREAS, the Board of Supervisors of Accomack County is, therefore, desirous of amending Accomack County Code, Chapter 42, Fire Prevention and Protection, Article I, In General, Sec. 42.1, Official Public Safety Program, and Article III, Fire and Rescue Districts, Division 2, District 2, Sec. 42-103, Powers; Division 3, District 3, Sec. 42-128, Powers; Division 4, District 4, Sec. 42-152, Powers; and Division 5, District 5, Sec. 42-178, Powers.

NOW, THEREFORE, BE IT ORDAINED by the Accomack County Board of Supervisors this 17th day of August, 2011, that Accomack County Code, Chapter 42, Fire Prevention and Protection, Article I, In General, Sec. 42.1, Official Public Safety Program, and Article III, Fire and Rescue Districts, Division 2, District 2, Sec. 42-103, Powers; Division 3, District 3, Sec. 42-128, Powers; Division 4, District 4, Sec. 42-152, Powers; and Division 5, District 5, Sec. 42-178, Powers, is hereby amended as follows:

ARTICLE I – IN GENERAL.

Sec. 42-1. – Official public safety program.

A. Each of the following organizations is ~~are~~ recognized as an integral part of the official public safety program of the county.

- (1) Accomack County Department of Public Safety;
- (2) Atlantic Volunteer Fire Company, Inc.
- (3) Bloxom Volunteer Fire Company, Inc.
- (4) Chincoteague Volunteer Fire Company, Inc.
- (5) Community Volunteer Fire Company,, Inc. (Exmore);
- (6) Greenbackville Volunteer Fire Department Inc.;
- (7) Melfa Volunteer Fire and Rescue Company, Inc.;
- (8) NASA Wallops Fire Department;
- (9) New Church Volunteer Fire and Rescue Company, Inc.;
- (10) Oak Hall Rescue, Inc.;
- (11) Onancock Volunteer Fire Department, Inc.;
- (12) Onley Volunteer Fire and Rescue Company, Inc.;
- (13) Painter Volunteer Fire Company, Inc.;
- (14) Parksley Volunteer Fire Company, Inc.;
- (15) Saxis Volunteer Fire Company, Inc.;
- (16) Tangier Volunteer Fire Company, Inc.;
- (17) Tasley Volunteer Fire Company, Inc.; and
- (18) Wachapreague Volunteer Fire Company, Inc.

B. Each of the organizations recognized in this Section is hereby specified a primary service area within Accomack County, as designated on the Accomack County Emergency Response Primary Service Areas Maps that are adopted concurrent with this

Ordinance. Such maps shall be maintained by the GIS Coordinator, and copies thereof shall be maintained in the Accomack County Department of Public Safety.

State law references – Line of Duty Act, Code of Virginia, § 2.1-133.5 et seq.; Code of Virginia, § 15.2-955.

ARTICLE III – FIRE AND RESCUE DISTRICTS

DIVISION 2. - DISTRICT 2

Sec. 42-103. - Powers.

The board of supervisors shall have any and all powers expressly conferred by the provisions of Code of Virginia, § 27-23.1, relative to the creation,~~operation~~ and financing of District 2 Fire and Rescue District, specifically including but not limited to the contracting with, or the securing of the services of, any individual, corporation, organization or municipal corporation, or any volunteer firefighters for such fire and rescue protection as may be required within the district, and the annual levying of a tax on the assessed value of all property real and personal within such district subject to local taxation, to raise funds for the purposes of providing such required fire and rescue protection.

(Code 1982, § 10.1(3))

Secs. 42-104—42-125. - Reserved.

DIVISION 3. - DISTRICT 3

Sec. 42-128. - Powers.

The board of supervisors shall have any and all powers expressly conferred by the provisions of Code of Virginia, § 27-23.1, relative to the creation,~~operation~~ and financing of District 3 Fire and Rescue District, specifically including but not limited to the contracting with, or the securing of the services of, any individual, corporation, organization or municipal corporation, or any volunteer firefighters for such fire and rescue protection as may be required within the district, and the annual levying of a tax on the assessed value of all property real and personal within such district subject to local taxation, to raise funds for the purposes of providing such required fire and rescue protection.

(Code 1982, § 10.4(3))

Secs. 42-129—42-150. - Reserved.

DIVISION 4. - DISTRICT 4

Sec. 42-153. - Powers.

The board of supervisors shall have any and all powers expressly conferred by the provisions of Code of Virginia, § 27-23.1, relative to the creation,~~operation~~ and financing of District 4 Fire and Rescue District, specifically including but not limited to the contracting with, or the securing of the services of, any individual, corporation, organization or municipal corporation, or any volunteer firefighters for such fire and rescue protection as may be required within the district, and the annual levying of a tax on the assessed value of all property real and personal within such district subject to local taxation, to raise funds for the purposes of providing such required fire and rescue protection.

(Code 1982, § 10.2(3))

Secs. 42-154—42-175. - Reserved.

DIVISION 5. - DISTRICT 5

Sec. 42-178. - Powers.

The board of supervisors shall have any and all powers expressly conferred by the provisions of Code of Virginia, § 27-23.1, relative to the creation, ~~operation~~ and financing of District 5 Fire and Rescue District, specifically including but not limited to the contracting with, or the securing of the services of, any individual, corporation, organization or municipal corporation, or any volunteer firefighters for such fire and rescue protection as may be required within the district, and the annual levying of a tax on the assessed value of all property real and personal within such district subject to local taxation, to raise funds for the purposes of providing such required fire and rescue protection.

(Code 1982, § 10.3(3))

State law references: Similar provisions, Code of Virginia, §

This Ordinance is effective upon adoption.

Emergency Standby Generator for County Administration Building

Following comments by Public Safety Director Jason Loftus related to a request for funding for an emergency standby generator for the County Administration Building, Mr. Crockett made a motion to issue request for proposals for installation of the generator and bring back before the Board for consideration. Mr. Wolff seconded the motion. The motion passed unanimously.

Additional Funding for the FY2012 Fire Academy

Public Safety Director Jason Loftus requested the board consider an additional funding allocation of \$10,000 for the FY2012 Fire Academy noting that participation had increased. He also noted that Northampton County had been requested to share in the cost as there were participants from Northampton County as well. He said that the Northampton County Board of Supervisors would like to meet with the Accomack County Board of Supervisors to discuss this matter as well as similar funding issues sometime in the spring.

Mr. Hart said he would like the record to show that he objected to the way Northampton County handled this matter to wait until after funding was needed to discuss it.

A general discussion took place with Mr. Loftus responding to questions.

Mr. Crockett made a motion to budget and appropriate \$10,000 from Contingencies to the Department of Public Safety's budget to provide additional funding for the FY2012 Fire Academy. Mrs. Mears seconded the motion.

Mr. Crockett noted for the record that he objected to Northampton County waiting until after the funds were spent before wanting to have a meeting with the Board to discuss shared funding for the Fire Academy.

Mr. Wolff said he would like to amend the motion to include that the County try to insure that Northampton County would come to the table for discussion and any funding received be returned to the General Fund.

Mr. Crockett accepted the amendment and the motion, as amended, was unanimously approved.

Procurement Policy Related to Business Licenses

Purchasing and Contracts Manager Darlene C. Burton briefed the Board concerning the function of her office particularly as concerned with the Procurement Policy as related to the requirement of business licenses to do business within the County.

A lengthy discussion ensued with Mrs. Burton responding to questions concerning when a prospective bidder would be required to purchase a business license irrelevant to the cost of the proposed project.

Mr. Wolff made a motion that anyone proposing to bid on a county project be required to produce a valid business license. Mr. Gray seconded the motion.

Mrs. Thornton amended the motion to include that a license be provided prior to the award of a contract.

The County Attorney affirmed that a business license would need to be provided prior to the award of a contract.

Mr. Wolff accepted the amendment.

Discussion continued with County Administrator Steven B. Miner and Commissioner of the Revenue Leslie Savage giving comments, as provided for by the Code of Virginia, an explanation of persons required to provide proof of a business license; i.e., any contractor (builders, plumbers, etc.) doing \$25,000 worth of business in a calendar year; that companies which do not have a place of business in the county are not required to provide a license.

By general consent, Mr. Wolff withdrew his motion.

It was the consensus of the Board that Mr. Miner, Mr. Taylor, Mrs. Burton, and Mrs. Savage provide options, in writing, to be considered at the November meeting.

Appointments

Quinby Boat Harbor Committee

Mr. Hart made a motion to appoint William Patrick Bell to the Quinby Boat Harbor Committee commencing immediately and expiring on June 30, 2015. Mrs. Mears seconded the motion. The motion was unanimously approved.

The Board requested a listing of the members of the Planning Commission, district represented, and occupation of each.

HB 2185 Discussion

Mrs. Thornton made a motion to send a resolution opposing HB2185 and send it all our elected officials and State representatives, Health Department and VACo. Mr. Crockett seconded the motion. The motion passed unanimously.

County Administrator’s Report

County Administrator Steven B. Miner told the Board he had received an offer from Alan Whit to give a presentation related to planned unit development and would be at the November meeting to present same.

County Attorney’s Report

County Attorney Mark Taylor distributed the following information to the Board of Supervisors, explained same and asked that he be contacted if there were questions.

- Memorandum of Understanding for the TDML issue, and
- A letter to Lou Hines, Chincoteague Wildlife Refugee Director concerning the Beach Access Committee on Chincoteague.

Board of Supervisors Comment Period

Mrs. Thornton told the Board of Supervisors the Groundwater Committee would be holding a workshop on October 20th from 6:30 p.m. - 8:30 p.m. at the Eastern Shore Chamber of Commerce.

Mr. Wolff publically thanked Rich Morrison, Planning Director/Economic Community Development, for attending his meeting on Monday night.

Budget and Appropriation Items

FISCAL YEAR 2012

Grants

Increase Revenues

Revenue from Commonwealth \$11,000

Increase Expenditures

Emergency Management \$11,000

--2010 State Homeland Security Grant award for Citizen Preparedness

Increase Revenues
Revenue from the Commonwealth \$17,422

Increase Expenditures
Litter Control \$17,422
--DEQ Litter Prevention and Recycling Program Grant award

Increase Revenues
Revenue from the Federal Government \$10,668

Increase Expenditures
Sheriff \$10,668
--Edward Byrne Justice Memorial Grant award

Increase Revenues
Revenue from the Federal Government \$ 1,875

Increase Expenditures
Cooperative Extension Program \$ 1,875
--Agricultural Programs Grant award from VDACS

From Contingencies (Balance as of 9/29/11=\$217,598

None

Other

None

Mr. Wolff made a motion to approve the budget items. Mears seconded the motion. The motion was unanimously approved.

Payables

Mr. Miner certified the payables.

Mrs. Thornton made a motion to authorize the payment of invoices. Mr. Wolff seconded the motion. The motion passed unanimously.

Closed Meeting

Mr. Wolff made a motion to go into Closed Meeting pursuant §2.2-3711 of the Code of Virginia of 1950, as amended, for the following purposes. Mrs. Mears seconded the motion. The motion passed unanimously.

- 1) Pursuant to subsection (A) (10) for discussion or consideration of honorary degrees or special awards, and
- 2) Pursuant to subsection (A) (3) for 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.

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

Nays: None

Adjournment

Mrs. Thornton made a motion to adjourn. Mr. Crockett seconded the motion.

The motion passed unanimously. The meeting adjourned at 9:31 PM.

Chair