

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board of Supervisors Chamber in Accomac, Virginia on the 16th day of November, A.D., 2016 at 5:00 p.m.

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

Others Present: Steven B. Miner, County Administrator  
Cela J. Burge, County Attorney  
Michael Mason, Finance Director  
Shelia West, Administrative Assistant

### **Call to Order**

The meeting was called to order by the Chair and opened with a prayer by Mr. Tarr, 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 to adopt the Agenda was unanimously approved.

### **Public Comment**

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

Comment(s) were offered by the following persons:

Aubrey Justice - 20071 Road – Saxis - President of the Saxis Volunteer Fire and Rescue, requested that during their budget deliberations, the Board consider providing EMS staffing in the northern part of the County during the day time hours. He told

members that the staffing was still needed because of the lack of volunteers they have. He stated he would return with a formal request/recommendation to present during the Board's budget process for fire/medic help. He invited members to visit sites in the northern end.

As requested, Finance Director Mike Mason gave Mr. Justice a deadline of December 19<sup>th</sup> to submit the formal request to the Public Safety Director for the budget process.

Tim Getek – 3343 High Sea Dr. – Greenbackville, Captains Cove – as a homeowner and resident of Captain's Cove requested that the Board of Supervisors write a letter of support to the FCC requesting a public hearing to better understand what the rate increases were for.

John Ward – 3535 Captain's Corridor – Greenbackville, Captains Cove – follow-up to Mr. Getek's comments regarding the proposed rate increase and gave a brief update regarding the issue.

### **Minutes**

Mr. Hart made a motion to approve the minutes of the October 19, 2016 meeting. Mr. Crockett seconded the motion. The motion was unanimously approved.

### **Consent Agenda**

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

5.2 - Approved the Fiscal Year 2018 Budget Call Memorandum and Draft Budget Calendar.

5.3 – Scheduled two (2) public hearings for the conditional use permit requests made by SunTec Solar ESVA One, LLC for a proposed utility scale solar project for the Board’s January 18, 2017 meeting. (General Business and Agricultural)

5.4 – Scheduled a public hearing for January 18, 2017 to consider Ordinance amendments to Section 106-51 and Section 106-54 (11) and (12) to remove Utility-Scale Solar and Utility-Scale Wind Energy Systems from the Agriculture Zoning District as recommended by the Planning Commission.

5.5 – Approved contract award – RFP 266 to Elliott, LeBoeuf & McElwain to provide inspections of the burn building at the Fire Training Center for the term of January 1, 2017 through December 31, 2017 in accordance with the terms and conditions of the RFP 266.

5.6 – Approved contract renewal for RFP 264 Wastewater and Water Systems Consulting to Bowman Consulting for the term of December 20, 2016 through December 19, 2017 in accordance with the terms and conditions of RFP 264.

5.7 - Approved contract renewal with SLAIT Consulting, LLC to provide service desk functions for the County’s Information Technology system for the term of December 1, 2016 through November 30, 2017 in accordance with the terms and conditions of the Service Level Agreement.

**Contract Award – IFB 695 Quinby Harbor Phase III – B Emergency Repair**

Mr. Steward Hall, Public Works Director, briefed the Board regarding the call he had received from a member of the Quinby Boat Harbor Committee advising him of the condition of a section of the bulkhead at the Quinby Harbor that had failed. He stated upon visiting the site, he discovered that severe erosion had caused a hazardous and emergency condition and needed replacing.

He advised members of the bid process, noting that two (2) bids had been received and requested that the bid be awarded to the low bidder, Fisher Marine Construction in the amount of \$80,797.32 using FY 2017 Contingency Funds for emergency improvements to the Quinby Harbor.

Mr. Hart made a motion to award Contract – IFB 695 Quinby Harbor Phase III – B Emergency Repair to the low bidder, Fisher Marine Construction in the amount of \$80,797.32 for the emergency repairs at Quinby Harbor using funds from the 2017 Contingency Fund. Mr. Crockett seconded the motion. The motion was unanimously approved.

Mr. Hart thanked Mr. Hall for handling the matter in such a timely manner.

Mr. Wolff offered complimentary comments to Mr. Hall and staff for their prompt attention given to residents, whom had contacted him, regarding the water drainage problems they had resultant of the storm.

### **Appointments**

#### **Accomack County Fire and Rescue Commission**

Mrs. Gordy made a motion to appoint Mr. Robert Crockett to the Accomack County Fire and Rescue Commission as a representative of the Board of Supervisors, per the Fire & Rescue Commission Bylaws on an annual basis. Mr. Tarr seconded the motion. The motion was unanimously approved.

#### **Eastern Shore of Virginia Ground Water Committee**

Mr. Tarr made a motion to appoint Mr. Daniel D. Hersey to the Eastern Shore of Virginia Ground Water Committee to replace Mr. J. Wesley Jeffries, who has resigned. The term will commence immediately and expire on June 30, 2019. Mr. Hart seconded the motion. The motion was unanimously approved.

### **Notification from Greenbackville Harbor Committee**

Mr. Wolff informed members that he had received a call from a member of the Greenbackville Harbor Committee notifying him that Mr. Perry Romig, a member, had passed away and a letter would be forthcoming with a recommendation from the committee for a replacement.

### **Rate Hearing for Residents of Captain's Cove**

Mr. Wolff made a motion that a letter of support be written to Virginia State Corporation Commission (SCC) requesting that rate hearing Public Hearing be held for the water utility users in Captain's Cove for the proposed rate increases by Aqua Water Utility. Mr. Hart seconded the motion. The motion was unanimously approved.

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

#### **Health Department Building Bid**

County Administrator Steve Miner briefed members on the Health Department Building addition bid and informed them that bids came in higher than expected, stating that he and Finance Director Michael Mason would be discussing the matter further and it would be placed on the December agenda.

#### **Landfill Equipment Financing**

Mr. Miner told members that the item would be placed on the Board's agenda in December and reminded the Board of its intent to borrow funds for several significant capital items at the landfill, noting that the value of money was \$1.3 million over a five (5) year period. A discussion continued regarding the money borrowed for the School Board and other matters.

**Environmental Director Position**

Mr. Miner informed members that interviews for the Environmental Director position were being conducted during the latter part of the month which had been vacant for some time.

**County Attorney’s Report**

**Resolution – Windgate Subdivision**

County Attorney Cela Burge told members that she had a few items that she would discuss in closed session.

She requested that the Board approve the adoption of a Resolution requesting the Virginia Department of Transportation to include the streets in the Windgate Subdivision into the secondary system of State highways per Virginia Code Section 33.2-705 and AM-44.3 Form. A discussion continued and County Attorney Burge responded to an inquiry and to give clarity to the difference in the Rural Road program.

Mrs. Gordy made a motion to adopt the Resolution requesting the Virginia Department of Transportation to Include the Streets in the Windgate Subdivision into the Secondary System of State Highways, as presented. Mr. Crockett seconded the motion.

The Roll Call Vote: Ayes: 9 Nays: None Abstaining: None Absent: None

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF ACCOMACK COUNTY, VIRGINIA,  
REQUESTING THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO INCLUDE THE STREETS IN  
THE WINDGATE SUBDIVISION INTO THE SECONDARY  
SYSTEM OF STATE HIGHWAYS**

**WHEREAS**, following streets, which are shown on a plat recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, have been constructed to standards equal to the Virginia Department of Transportation’s Secondary Street Acceptance Requirements as a requisite for acceptance for maintenance as part of the Second System of State Highway’s; and

**WHEREAS**, the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

**WHEREAS**, the Accomack County Board of Supervisors does hereby guarantee unencumbered rights-of-way, as described on the following form AM-4.3.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of Accomack this 16<sup>th</sup> day of November, 2016, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets identified on the attached AM-4.3 Form as part of the Secondary System of State Highways, pursuant to Virginia Code Section 33.2-705, 1950, as amended, and the regulatory requirements of the Virginia Department of Transportation.

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to the developer of Windgate and to the Virginia Department of Transportation.

The foregoing Resolution was adopted by the Board of Supervisors of Accomack County, Virginia, at its regular meeting held on the 16<sup>th</sup> day of November 2016 in Accomack, Virginia.

VOTING AYE: 9 VOTING NAY: NONE ABSTAINING: NONE ABSENT: NONE

Witness the following signatures and seals.

BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA

By: \_\_\_\_\_  
Ron S. Wolff, Chairman

ATTEST:

\_\_\_\_\_  
Steven B. Miner, Clerk to the Board

**Board of Supervisor's Comment Period**

**Chair, Ron S. Wolff**

Chairman Wolff recognized the Honorable Donald L. Hart, Jr., and congratulated him on his re-election as Secretary-Treasurer for the 9<sup>th</sup> year at the recent annual VACo Conference.

**Supervisor Grayson C. Chesser**

Mr. Chesser stated he was happy that everyone returned from the annual VACo

Conference “safe and sound.”

**Supervisor Laura Belle Gordy**

Mrs. Gordy recognized that Ms. Major would be celebrating a birthday soon and wished everyone a “Happy Thanksgiving.”

**Supervisor Ron S. Wolff**

Mr. Wolff expressed sentiments regarding his term as Chair of the Board of Supervisors for 2016 and thanked Vice Chair Crockett, Board members and County staff that had helped him.

**Resolution to Amend the Fiscal Year 2017 Budget**

Mr. Hart made a motion to approve the following Resolution to amend the Fiscal Year 2017 Budget and Appropriate Related Funds. Mr. Crockett seconded the motion.

The motion was unanimously approved.

**RESOLUTION TO AMEND THE FISCAL YEAR 2017 ACCOMACK COUNTY BUDGET**

WHEREAS, it is the responsibility of the Accomack County Board of Supervisors to approve and maintain the budget for Accomack County; and

WHEREAS, on May 18, 2016, the Board of Supervisors finalized the Accomack County Fiscal Year 2017 Budget; and

WHEREAS, during the course of the fiscal year certain unanticipated events occur that compel amendments to the budget be made; and

WHEREAS, staff has reviewed the following requested budget amendments and recommends that they be approved; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2017 County budget be amended by the amounts listed below and the amounts appropriated for the purposes indicated.



Requesting Department	Fund/Function	Purpose	Funding	Total
Finance	General Fund/Health Department	The County's contract with the Health Department requires the County to pay 37.568% of the Department's net expenditures. Based on the Health Department's FY16 Year End Settlement Statement, the County's appropriations of \$531,096 were \$15,819 short of satisfying the terms of the agreement. Therefore the County owes the State this amount. Plans have been put into place that are expected to eliminate this shortfall for FY17.	Budget Contingency	\$15,819
Public Works	General Fund/Litter Control	To recognize award of a Litter Prevention and Recycling grant from DEQ.	State Funds	\$15,912
Public Works	Landfill Enterprise Fund	The FY17 budget authorizes the financing of various pieces of heavy equipment to be used at the County's North Landfill and South Transfer Station. The amount approved in the budget was \$1,258,500; however, actual cost is \$1,367,523 (net of trade). We are short by \$109,023. Replacement of this equipment is vital to the Landfill's operation so Finance recommends the shortfall be funded from the Landfill Fund Balance which is normally reserved for cell closure and construction. Our estimate for the closure cost of cell 2 is conservative enough that we feel there will be available funds but ultimately we won't know for certain until we bid closure of cell 2.	Landfill Fund Balance	\$109,023
<b>Total</b>				<b>\$140,754</b>

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Ron S. Wolff, Chair  
Accomack County Board of Supervisors

ATTEST:

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Steven B. Miner, Ed.D  
Clerk to the Board of Supervisors

**Payables**

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

**Closed Meeting**

Mr. Tarr made a motion that the Board go into closed meeting pursuant to Section

2.2-3711. (A.19), (A.7), (A.1), (A.3) of the Code of Virginia of 1950, as amended, for the following purposes. Mr. Crockett seconded the motion. The motion was unanimously approved.

1. For the purpose of receiving a staff information technology update and to discuss those information technology system records excluded from the provisions of the Freedom of Information Act.
2. For discussions with legal counsel regarding BZA appeal case.
3. For discussion or considerations relating to County Administrator personnel matters.
4. For discussion and consideration of the acquisition of real property for a public purpose.

### **Open Session**

The Chair declared the meeting open to the public.

### **Certification of Closed Meeting**

Mr. Hart made a motion, seconded by Ms. Major to reconvene in Open Meeting and to Certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, that to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully exempted from Open Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened.

Ayes:	Mr. Tarr	Mr. Wolff	Mr. Chesser	Nays: None
	Mr. Muhly	Mr. Phillips	Mr. Crockett	
	Ms. Major	Mrs. Gordy	Mr. Hart	

### **Purchase of Real Estate**

Mr. Crockett made a motion to authorize the County Administrator to execute any and all documents in reference to the purchase of real estate per discussion in closed session. Mr. Muhly seconded the motion. The motion passed unanimously.

## **Recess**

The Chair, by consensus, declared the meeting in recess.

## **Call to order**

The Chair called the meeting back to order.

## **Public Hearing – Proposed Lease or sale of certain County properties currently used for Agricultural purposes.**

County Attorney Cela Burge read the rules governing conduct during Public Hearings.

County Administrator Steve Miner gave a brief update regarding the status of the revalidation with the Board on the agreements with certain County properties currently used for agricultural purposes and being leased. He also informed members that an additional property (property near the Hermitage in Onancock) had been added for potential sale if the Board desired. He stated that it was staff's recommendation to continue to lease the properties as they had in the past. He also stated that the property near the Hermitage was no longer needed for its intended purpose to serve as a location for the expansion of the Town's sewer plant. A discussion ensued.

Mr. Crockett suggested that an appraisal of the property near the Hermitage be done to determine its worth. A discussion continued.

Mr. Muhly advised members of the conversation that he had with Sheriff Godwin and Captain Wessells regarding the property near the Hermitage since they had acquired a boat, suggesting that part of the property could be retained as a location for the boat. A discussion continued.

County Attorney Burge gave a brief update regarding the leased parcels.

The Chair opened the public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the proposed lease or sale of certain County properties currently used for agriculture purposes.

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

Mr. Hart made a motion, excluding the property near that Hermitage, that all the County properties listed by staff be advertised to be leased. Mr. Crockett seconded the motion. Mr. Chesser suggested that it only be a yearly lease. The motion was unanimously approved.

It was the consensus of the Board to have staff obtain an appraisal of the property near the Hermitage and to ask Sheriff Godwin to have the water checked.

### **Adjournment**

Mr. Crockett made a motion to adjourn the meeting at 7:45 p.m. Mr. Tarr seconded the motion. The motion was unanimously approved.

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Ron S. Wolff, Chair  
Accomack County Board of Supervisors