

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 15<sup>th</sup> day of March, A.D., 2017 at 5:00 p.m.

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

Others Present: Michael Mason, Acting County Administrator  
Cela J. Burge, County Attorney  
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. Wolff made a motion to adopt the Agenda. Mr. Tarr 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.

No public comments were received.

### **Minutes**

Mr. Hart made a motion to approve the minutes of the February, 6, 2017, February 8, 2017 and February 15, 2017 meetings. Mr. Wolff seconded the motion. The motion was unanimously approved.

## **Consent Agenda**

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

5.2 – Received Notification letter from Commonwealth of Virginia Department of Alcoholic Beverage Control dated February 28, 2017, regarding license applied for wine and on/off premises/keg permit, mixed beverages restaurant, for Ropewalk Chincoteague.

5.3 – Approved contract renewal with Moffatt & Nicol and J. W. Salm Engineering for the term March 17, 2017 through March 16, 2018 for the provision of engineering services for existing facilities in accordance with the terms and conditions of RFP 279.

## **Report of Public Officials**

### **Cara Burton, Director, Eastern Shore Public Library**

Ms. Cara Burton, Director, Eastern Shore Public Library recognized members of the Library Board of Trustees and the E. S. Public Library Foundation that were present.

She provided members copies of the “New Public Library Project” presentation and discussed the following:

- New Library Services Librarian position
- Youth Services Initiatives
- Fundraising Activities
- Campaign Launch Events
- Checks Received - Financial Contributions
- Construction Committee
- Capital Finance Committee
- ESPL Foundation
- Capital Campaign Events

She stated that a RFP for Architectural Engineering Services had been issued through the County and was hoping for some good competitive bids.

She informed members that the Construction Committee was discussing whether the project would be done in phases or not. She continued to discuss other related matters.

Ms. Burton stated that as of March 8<sup>th</sup>, they had “in hand” contributions in the amount of \$362,000 and pledges of \$105,500 with a total of almost \$3 million which included the County’s commitment of \$2 million.

She continued by giving an overview of the types of funding they had received from various entities. She discussed the various phases of the timeline for the proposed project and other related matters. A discussion continued regarding the various groups that were being involved and an invitation was extended to the Board to attend a festival that was being held on Sunday, April 4<sup>th</sup> from 1 p.m. to 4:00 p.m. at the Parksley location.

Comments were offered regarding the different programs involving all spectrums of the community.

Ms. Major suggested that the library partner with the Parks and Recreation program for some of its Youth programs.

### **County External Audit and Auditor’s Management Letter**

Acting County Administrator Michael Mason introduced Mr. David Foley, CPA, of the audit firm of Robinson, Farmer and Cox Associates.

Mr. Foley, County’s Audit Manager for the FY 2016 audit, appeared before the Board and discussed the results of same. He stated there were three (3) main pieces to the audit that were done for the County, namely:

- 1) To determine that the County’s Financial Statements are accurate and are prepared in accordance with general accepted County principles.
- 2) In accordance with the Government’s audit standards, examine the County’s Internal Controls that are in place and test to make certain they are operating correctly.
- 3) In accordance with the Federal Compliance piece of the audit, they make sure that the County’s major Federal Programs are in compliance with the list of requirements.

He briefed members about the three (3) different reports that are issued by the firm that communicates the results of the audit and described same and stated that all three were clean in addition to the report issuing the Auditor's Management Letter.

Mr. Foley responded to an inquiry regarding concerns in the audit report relating to Accomack County School Board and a Constitutional Officer.

He offered comments regarding Accomack County being one of the "stronger" Financial Departments in the State of Virginia.

Mr. Mason informed members that the Auditor's Management Letter had been disseminated to all of the entities concerned and that he had spoken to the Treasurer's Office.

On behalf of the Board, Chairman Crockett expressed his gratitude to Mr. Foley for his appearance at the meeting and offered comments congratulating the Finance Director and staff for a doing an excellent job.

#### **Accomack County Building and Fire Code Board of Appeals**

Mr. Phillips made a motion to reappoint Mr. Don Amadeo, whose term will expire on March 31, 2017, to the Accomack County Building and Fire Code Board of Appeals for a 4-year term. The term will commence on April 1, 2017 and expire on March 31, 2021. Mr. Muhly seconded the motion. The motion was unanimously approved.

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

##### **Update on Senate Bill 364**

Acting County Administrator Michael Mason gave an update on Senate Bill 364, Health Insurance Plan. He informed members that based upon the results from the Department of Human Resources and after review of the rate comparisons felt it was not a viable option for the

County to participate and would no longer pursue the plan unless there were objections from the Board.

### **Utilization of Code Red**

Mr. Mason informed members of the plan for utilization of Code Red mass notification system to communicate County office closings and delays to Management and the Board. He explained how it would function similarly to the system the School Division uses to put out mass notices. He stated if any Board member would like to receive the alerts, they should contact the Acting County Administrator or the Public Safety Director and instructed them on how to register their mobile phone. A discussion continued.

### **April Awareness First Responder Training**

Mr. Mason informed members about the Airport Awareness First Responder Training that will take place on March 18, 2017, should they want to attend.

### **Public Hearings for FY18 Budget and Tax Rates**

Upon the Board's directive for scheduling the public hearings on the FY18 proposed budget and tax rates, Mr. Mason apprised members that Metompkin Elementary School was available for the Public Hearings on Tuesday, March 28<sup>th</sup> and had been scheduled at 6:00 p.m. in the cafetorium.

### **Budget and Tax Rate Adoption Meeting**

Mr. Mason proposed that the Board consider setting the meeting for the Adoption of the budget and tax rate on Wednesday, April 5<sup>th</sup>, noting that according to the Code of Virginia Section 15.2-2506, the Board may not adopt the budget and tax rates until 7 days have passed since the date of the public hearing.

Following a brief discussion, Mr. Hart made a motion to schedule the Budget and Tax Rate Adoption meeting on Wednesday, April 5, 2017 at 5:00 p.m. in the Board Chambers. Mr. Wolff seconded the motion. The motion was unanimously approved.

### **Timeline for Central Recreation Park**

Mr. Mason expressed sentiments regarding the name chosen for the first Accomack County “Central” Recreation Park, suggesting that it should be renamed.

He stated that he had proposed to present a timeline for the Park opening but decided to defer the presentation because of some gaps until the April meeting at which time he had requested Parks and Recreation to deliver a very informative timeline.

He informed members about the formation of a Project Team consisting of the Parks and Recreation Director Wayne Burton, Public Works Director Stewart Hall, Purchasing and Contracts Manager Darlene Burton, and Finance Director Michael Mason. He stated that in addition to those persons, he expressed an interest in bringing in a stakeholder from the Parks and Recreation Advisory Board and asked for the Board’s blessing of same.

### **Other**

Mr. Mason informed members he planned to keep “Other” as an agenda heading under County Administrator because there are times when items come up that need to be addressed.

### **Community Energy Proffer**

Mr. Mason briefed members regarding the \$200,000 proffer that was received from the rezoning of the Solar Farm. He stated that \$100,000 of the funds was to go towards Solar Energy equipment for the County and \$100,000 toward derelict buildings.

He gave a brief update on the status of the two projects resultant from the \$200,000 proffer, noting that within the next 30 days an RFP should be issued for Solar Solution and planned to put solar panels in the recreation park that will be used to generate power, etc.

He also gave a brief update regarding the use of the funds that were set aside for the derelict building project, noting the focus was on the northern end of the county and identifying derelict structures within a three-mile radius of the Withams area which the proffer was supposed to address mostly. He stated that upon the property identification, staff would move forward with crafting a policy and plan of action. A discussion continued and Mr. Mason responding to questions.

County Attorney Burge responded to an inquiry relating to the responsibility of mortgage companies for the upkeep of vacant property. She informed members that she had been doing research as well on derelict structures and briefed members regarding the County's Code that deals with Derelict Structures in 18-4 - the Building Section. A discussion continued and Mrs. Burge informed the Board of a couple of different options that the State Code allows and the County Ordinance which speaks to 15.2-906 "derelict, dilapidated, unsafe, dangerous structures".

A discussion continued regarding related matters.

### **County Attorney's Report**

There was no report from the County Attorney.

### **Board of Supervisors Comment Period**

#### **Supervisor Tarr**

Mr. Tarr informed members and the public that he had obtained a library card.

### **Supervisor Wolff**

Mr. Wolff offered expressions of gratitude to Chairman Crockett for attending his monthly meeting and stated that he had received positive comments from those in attendance.

### **Supervisor Muhly**

Mr. Muhly congratulated Mr. Tarr on the acquisition of his library card and stated how impressed he was of the Chincoteague Library.

### **Supervisor Crockett**

Mr. Crockett offered comments regarding his pleasure in attending Mr. Wolff's monthly meeting. He told members that the topic was mainly on the County's FY18 budget.

He made members aware of an email he had received from A-N Planning District Commission (with attachment) concerning a letter that the Chair of the Inland Waterways Committee had sent to Congressman Scott Taylor with a serious concern about the proposed budget cuts that the Coast Guard could be facing of \$1.4 billion which was 14% to 16% of their entire budget. Comments were offered regarding same.

Following discussion, Mr. Tarr made a motion that a letter from the Board be sent to Congressman Taylor expressing their concern about the proposed budget cut and that copies be sent the County's Congressional delegation, that they take all the necessary action to protect Chincoteague, Wachapreague, and Cape Charles Coast Guard stations. Mr. Hart seconded the motion. The motion was unanimously approved.

It was recommended that a copy of the letter be sent to Northampton County and ask them to consider doing the same.

**Budget and Appropriation Items**

**Resolution to amend the Fiscal Year 2017 Budget and Appropriation Related Funds**

Mr. Mason briefly explained the request to adopt the resolution which contained three Fiscal Year 2017 requested budget amendments totaling \$32,711.

Mr. Hart made a motion to adopt the following Resolution. Mr. Wolff 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 Source           | Total            |
|-----------------------|---------------------------------|---|--------------------------|------------------|
| Risk Management       | General Fund/General Gov.       | To cover the projected FY17 budget shortfall for property insurance which includes both real property and inland marine property. Past budgets have used VaCORP dividends to cover any potential shortfalls but VaCORP is not issuing a dividend in FY17. | Contingencies            | \$ 15,000        |
| Social Services       | Welfare Fund                    | To recognize various State-initiated budget adjustments. Approval of these adjustments is needed to bring the local Social Services' department budget in line with the State's approved budget.  | State Aid<br>Federal Aid | \$ 2,711         |
| Public Safety         | General Fund/Emergency Services | To recognize the award of a Local Emergency Management Performance Grant.   | State Aid<br>Federal Aid | \$ 15,000        |
| <b>Total</b>          |                                 |   |                          | <b>\$ 32,711</b> |

### **Public Hearing on the School Board's Requests**

Acting County Administrator Michael Mason briefed members regarding scheduling a public hearing on the School Board's request to appropriate School Division FY16 State Carryover Funds to FY17 in accordance with the 2015 Appropriation Act. He informed members that the School Board had notified staff by memorandum that they had \$5.7 million in State carryover funds that needed to be re-appropriated under the provision of the Act.

He also briefed members regarding scheduling a public hearing on the School Board's request to amend the School Divisions Budget to recognize Federal and State grants and entitlements for FY17.

Mr. Mason stated that it would be cost effective to authorize the public hearing requests so that only one advertisement needed to be prepared.

Mr. Hart made a motion to approve scheduling the public hearing on the School Board's request to appropriate School Division FY 16 State Carryover Funds to FY17 on April 19<sup>th</sup> at 7:30 p.m. in the Board Chambers and to request the School Board to give an accounting of the carryover funds. Mr. Muhly seconded the motion.

A discussion continued regarding the School Board's budget and the carryover funds.

The motion was unanimously approved.

Mr. Hart made a motion to approve scheduling a public hearing on the School Board's request to amend the School Divisions Budget to recognize Federal and State grants and entitlements for FY17 on April 19<sup>th</sup> at 7:30 p.m. in the Board Chambers. The public hearings are to coincide. Ms. Major seconded the motion. The motion was unanimously approved.

There was a brief discussion regarding the process of the "Rainy Day Fund" and Mr. Mason responded to questions.

### **Payables**

Upon certification of the payables by Acting County Administrator, Mr. Tarr made a motion to approve the March 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), and (A.1) of the Code of Virginia of 1950, as amended for the following purposes. Mr. Wolff seconded the motion. The motion was unanimously approved.

1. For the purpose of receiving an Information Security Comprehensive Assessment Results Briefing.
2. For the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel
3. For the purpose of receiving and reviewing applicant responses for the County Administrator position.

**Open Session**

The Chairman declared the meeting open to the public.

Mr. Hart made a motion, seconded by Mr. Wolff to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, and 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      Mr. Hart      Ms. Major  
Mr. Muhly      Mr. Phillips      Mr. Crockett      Mrs. Gordy  
Nays: None      Absent: None

**Recess**

Chairman Crockett declared the meeting in recess.

## **Open Session**

Chairman Crockett declared the meeting open to the public.

## **Public Hearings**

### **Public Hearing – Proposed Sale of County Property (Watts Property) currently used for Agricultural Purposes**

County Attorney Cela Burge read the rules governing conduct during Public Hearings for the three (3) Public Hearings.

Acting County Administrator Michael Mason briefed members regarding the three Public Hearings, stating that they were all related to sale of property or lease of property.

He informed members of the changes that had been made after the agenda had been put out regarding the sale of the Watts Property located in Onancock adjacent to the Town's sewer plant. He apprised members of the other options that had been presented regarding the property and discussed same. A discussion continued.

Mr. Wolff informed members about the suggestion that had been brought up at his monthly district meeting and the request to have Mr. Crockett look into it. Mr. Mason stated that Mr. Guvernator would also be looking into the matter. A discussion continued.

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

There were no public comments.

The Chair closed the Public Hearing.

Mr. Wolff made a motion to delay the proposed sale of the Watts property until receiving the report from staff regarding the possible spoil site use of the property. Mr. Hart seconded the

motion. The motion was unanimously approved.

**Public Hearing – Lease of space on the Craddockville TTV Tower**

Mr. Mason briefed members regarding the proposal to lease space on the Craddockville Tower to a third party for use in delivering wireless internet services to the surrounding area and requested approval.

There was a brief discussion.

The Chair opened the public hearing to afford interested persons the opportunity to be heard or present written comments concerning the lease of space on the Craddockville TTV Tower.

There were no public comments.

The Chair closed the Public Hearing.

Ms. Major made a motion to authorize staff to lease Craddockville tower space. Mr. Hart seconded the motion. The motion was unanimously approved.

**Public Hearing – Farm lease of County Property adjacent to North Landfill**

Mr. Mason briefed members about the land that the County had acquired adjacent to the North Landfill that staff was seeking to lease since the County would not be utilizing the property.

The Chair opened the public hearing to afford interested persons the opportunity to be heard or present written comments concerning the farm lease of County property adjacent to the Northern Landfill.

There were no public comments.

The Chair closed the Public Hearing.

Mr. Wolff made a motion to authorize staff to move forward with the leasing of the County property adjacent to the Northern Landfill. Mr. Hart seconded the motion.

Mrs. Burge responded to an inquiry regarding the leasing of the property for hunting purposes.

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.7), (A.1), of the Code of Virginia of 1950, as amended for the following purposes. Mr. Hart seconded the motion. The motion was unanimously approved.

- 1) For the purpose of consultation with legal counsel employed or attained by public body regarding specific legal matters requiring the provision of legal advice by such counsel
- 2) For the purpose of receiving and reviewing applicant responses for the position of the County Administrator position

### **Open Session**

The Chairman declared the meeting open to the public.

Mr. Hart made a motion, seconded by Mr. Phillips to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, and 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      Mr. Hart      Ms. Major  
Mr. Muhly      Mr. Phillips      Mr. Crockett      Mrs. Gordy  
Nays: None      Absent: None

**Adjournment**

Mr. Wolff made a motion to adjourn the meeting to Tuesday, March 28<sup>th</sup> for the proposed FY18 Budget Public Hearing in the cafetorium at Metompkin Elementary in Parksley, VA at 6:00 p.m. Mr. Phillips seconded the motion. The motion was unanimously approved. The meeting adjourned at 8:22 p.m.

---

Robert D. Crockett, Chair

---

Date