

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 20th day of December, A.D., 2017 at 5:00 p.m.

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

Others Present: Michael Mason, 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. Hart made a motion to adopt the Agenda. Mr. Wolff 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.

The following persons spoke at the Public Hearing:

- 1) Carline Zach – 16251 Pungoteague Road, Keller, VA - spoke in opposition to CAPO's on the Eastern Shore

- 2) Ann Boylstor Viozi – PO Box 38 – Harborton, VA - spoke in opposition to CAPO's on the Eastern Shore and preserving the Shore. She also voiced her concerns regarding the expansion of CAPO's.

Minutes

Ms. Major made a motion to approve the minutes of the November 15, 2017 meeting.

Mr. Phillips seconded the motion. The motion was unanimously approved.

Introduction of Recently Hired Staff Member

Kathy Carmody, Chief Human Resources Officer, introduced Ms. Amanda Paoletti, who joined County staff in late October as a full time employee as Planner II in the Planning Department. She briefed members regarding Ms. Paoletti's educational background and prior experience.

Board members welcomed Ms. Paoletti as a member of County staff.

Consent Agenda

Mr. Wolff made a motion to approve the following items on the Consent Agenda. Mr. Phillips seconded the motion. The motion was unanimously approved.

5.2 – Approve the request to grant the one (1) year conditional use permit extension requested by SunTec in a letter dated November 6, 2017. Both Conditional Use Permits are extended one (1) year from the date of original CUP expiration January 18, 2018 (extended to January 19, 2019). All terms and conditions of original approval remain in effect.

5.3 – Approve contract renewal for Wastewater and Water Systems Consulting to Bowman Consulting for the term of December 20, 2017 through December 19, 2018 in accordance with the terms and conditions of RFP 264.

5.4 – Approve certification of the Abstract of Votes of the November 7, 2017 General Election as part of the county record. Section 24.2-675 of the Virginia Code indicates that the Electoral Board is to provide the Clerk of the Board with a certified copy of the election results and that they are to be recorded in the Board's Record Book.

5.5 – Approve renewal of contract with AvFuel Corporation for the provision of aviation fuel at the Airport for the term of January 16, 2018 to January 15, 2020 in accordance with the terms and conditions of RFP 265.

5.6 – Approved award of Bid #703 to Fisher Marine Construction, Inc. in the amount of \$315,000 for renovations to Greenbackville Harbor for Phase III of the project.

5.7 – Request VDOT to evaluate the need for the installation of a Children at Play/Bus Stop sign at 30602 Pettit Road – Hallwood, VA.

5.8 – Approve transfer of Election District 4 District Project Funds in the amount of \$8,846 to assist the Town of Parksley with matching funds for a downtown surveillance system and other law enforcement related equipment.

December Appointments

Accomack County Fire and Rescue Commission

Mrs. Gordy made a motion to reappoint Mr. Robert Crockett to the Accomack County Fire and Rescue Commission to represent the Board of Supervisors. Ms. Major seconded the motion. The motion was unanimously approved.

Ratification of Accomack County Fire and Rescue Commission Membership List

Mr. Hart made a motion to ratify the membership list of the Accomack County Fire and Rescue Commission, as provided. Ms. Major seconded the motion. The motion was unanimously approved.

Report from Robert Bridgham, Executive Director, E. S. Virginia Broadband Authority

Mr. Bridgham, Executive Director, E. S. of Virginia Broadband Authority (ESVBA), briefed members regarding the creation and purpose of the Broadband Authority and gave a PowerPoint presentation regarding the Broadband's recent activities which entailed:

- Creation of Broadband Initiative Program
- Broadband accomplishments
- Free Wi-Fi/hotspots
- Sites in service
- Sites being reviewed
- Pricing initiatives and fiber to homes

- WISP (Wireless Internet Service Provider) Program with 29 WISP sites
- Current Products being offered
- Recent Network Extensions

He stated that additional services were being expanded to other areas in the County and the ESVBA Board was approving additional build-out to other areas in the northern portion of the County which was a part of Phase I but was identifying funding for Phase II.

Mr. Crockett recognized members of the ESVBA that were present and offered positive comments regarding the services that were being provided by the ESVBA and stated that the Authority was considered a model for the State of Virginia and had been asked for assistance in other areas.

A discussion continued and Mr. Bridgham responded to questions.

Mr. Bridgham stated that one of the challenges was to build fiber because it was expensive.

Mr. Mason offered comments regarding the County's limited space on its local towers.

Mr. Hart offered positive comments regarding the excellent Broadband program that the County has and its valuable services.

Public Hearing

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

Conditional Use Permit Amendment to ANEC

Chairman Crockett opened the Public Hearing.

Deputy Administrator of Planning and Community Development Rich Morrison gave members a brief overview of the request from ANEC for a temporary office trailer at their facility in Tasley. He informed members that staff and the Planning Commission were recommending approval of the request.

No public comments were received.

Chairman Crockett closed the Public Hearing.

Mrs. Gordy made a motion to grant approval of the Conditional Use Permit application, amending the original CUP, requested by ANEC to allow for a temporary trailer to be used for construction and office purposes as described in the application and letters provided by ANEC and depicted on a site plan entitled “Proposed Temporary Office Trailer” prepared by Andrew W. Booth & Assoc. (dated June 28, 2017) for tax map number 93-A-87B subject to the following conditions:

1. The temporary trailer will not generate wastewater
2. The Conditional Use Permit is valid for three (3) years from the date of the Board of Supervisors approval

Mr. Chesser seconded the motion. The motion was unanimously approved.

Chairman Crockett introduced Mr. Butch Williamson, CEO, ANEC and offered expressions of gratitude regarding the services provided by ANEC and its employees.

Proposed Subdivision Ordinance Revisions – Private Roads and Streets

Chairman Crockett opened the Public Hearing.

Deputy Administrator of Planning and Community Development Rich Morrison advised members that because public hearing notice requirements that were not made properly, there had to be a re-hearing and re-adoption of Subdivision Ordinance Amendments. He briefed members regarding the current subdivision ordinance which allows private streets only in large lot subdivisions. He stated that after reviewing and discussing the current provisions for private streets in large subdivisions, the Planning Commission recommended continuing to allow private streets in large lot subdivision, but with several new requirements which included:

- ‘Caps’ the number of lots that can be served by a private street at nine (9)
- Authorizes the use of private streets in the Village Development zoning district
- Private streets must be at least 20 feet in width, have a minimum 30 foot right of way, and they must be kept clear of vegetation and overhead branches

- Private streets are to be constructed with a minimum of four (4) inches of crushed concrete or crush and run
- There are limits to the lengths of private streets and turnaround requirements for public safety vehicles

No public comments were received.

Chairman Crockett closed the Public Hearing.

Mr. Wolff made a motion to accept the proposed Subdivision Ordinance Revisions.

Mr. Phillips seconded the motion.

Public Hearing for Proposed Disposal of Property – Chincoteague Circle

County Attorney Burge briefed members regarding County owned property known as Chincoteague Circle located on Maddox Boulevard and apprised members that Chincoteague had expressed an interest in acquiring the property and she had spoken to Billy Fox, Chincoteague Counsel, about it and he had taken it before the Town of Chincoteague. She stated that Chincoteague had agreed to accept it and had authorized their Town Manager to sign any documents to relinquish the perpetual easement from the County with ANEC and pay for any costs for the removal.

No public comments were received.

Mr. Tarr made a motion to adopt the Resolution presented by County Attorney Burge for the proposed disposal by the Board of Supervisors of the real property known as Map No. 31A-A-1A, located on Chincoteague. Mr. Hart seconded the motion.

The motion was unanimously approved by the following roll call vote: Ayes: Mr. Chesser, Mr. Phillips, Mr. Muhly, Mr. Wolff, Mr. Crockett, Mrs. Gordy, Mr. Tarr, Ms. Major, Mr. Hart. Nays: None Abstentions: None

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA,
RELATIVE TO CONVEYING REAL PROPERTY KNOWN
AS MAP NO. 31A-A-1A, LOCATED ON CHINCOTEAGUE,
ACCOMACK COUNTY, VIRGINIA**

WHEREAS, by Deed dated April 18, 1973, and recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Deed Book 330, at Page 427, Accomack County received from Wyle Maddox and Louella Maddox, his wife, certain real estate situate on Chincoteague, known as that certain parcel located in the circle where the Chincoteague Chamber of Commerce is located on Chincoteague Island, Accomack County, Virginia, Tax Map No. 31A-A-1A; and

WHEREAS, there are certain restrictions and reservations that run with the property pursuant to said Deed referenced herein and the Town of Chincoteague has agreed to accept the land with the restrictions and reservations thereon; and

WHEREAS, Accomack County desires to convey to the Town of Chincoteague and the Town of Chincoteague desires to acquire said real estate; and

WHEREAS, Accomack County authorizes the County Administrator to sign the Quitclaim Deed and any other necessary documents to convey said property as above described.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA, that the County Administrator is authorized to sign the Quitclaim Deed and any other necessary documents to convey its interest in the property located at the circle where the Chincoteague Chamber of Commerce is located, Tax Map No. 31A-A-1A, Chincoteague, Accomack County, Virginia, to the Town of Chincoteague. Said property more fully described and set out in said Quitclaim Deed.

BE IT SO RESOLVED THIS 20th DAY OF DECEMBER, 2017.

County Administrator's Report

There was no County Administrator's Report.

County Attorney's Report

County Attorney Burge stated that she would give members updates in closed session.

Board of Supervisors Comment Period

Supervisor Hart

Mr. Hart wished everyone a Merry Christmas and Happy New Year. He informed members that due to family matters he would be unable to attend the Board's Christmas dinner.

Mr. Hart requested that the Board, by consensus, would approve him attending a NACo meeting being held in Tennessee to represent Virginia. By consensus, the Board approved Mr. Hart's request.

Mr. Hart advised members that he had attended a Transition Policy Meeting for Local Government in Richmond with Governor-Elect Northam who had asked him to convey to his best regards to Accomack County and "Seasons Greetings".

Supervisor Major

Ms. Major wished everyone a Merry Christmas, Happy Hanukkah, and Happy Kwanzaa.

Supervisor Tarr

Mr. Tarr wished everyone a Merry Christmas. He offered expressions of gratitude to members for their action in taking care of the Chincoteague issue.

Supervisor Gordy

Mrs. Gordy wished everyone a Merry Christmas and stated that she looked forward to 2018.

Supervisor Chesser

Mr. Chesser wished everyone a Merry Christmas and expressed sentiments regarding serving on the Board. He offered comments regarding the controversy on broadband and library issues and regionalism. He stated that he hoped in the future, the Board would proceed with caution on issues with regionalism.

Supervisor Phillips

Mr. Phillips wished everyone a Merry Christmas and Happy New Year.

Supervisor Muhly

Mr. Muhly wished everyone Seasons Greetings.

Supervisor Wolff

Mr. Wolff offered accolades regarding the Antares launch in December and referenced the newspaper articles written about the pizza from Wolff's Sandwich Shoppe that was included in the cargo. He wished everyone a Happy New Year and Seasons Greetings.

Supervisor Crockett

On behalf of the Board, Mr. Crockett extended expressions of sympathy to the families of Nancy Jo Revell, Deputy Clerk, Circuit Court Clerk's office, who had passed and also to Stewart Hall and his family during the passing of his father.

He offered expressions of gratitude to the Board for their service and his pleasure serving as Chair for 2017.

He wished everyone a Merry Christmas and Happy New Year.

He noted that the Board would be attending its annual Christmas dinner and emphasized that it was at no cost to the taxpayers.

Budget and Appropriation Items

Mr. Hart made a motion to approve the Resolution to Amend the Fiscal Year 2018 Accomack County Budgets. Mr. Phillips seconded the motion. The motion was unanimously approved.

RESOLUTION TO AMEND THE FISCAL YEAR 2018 ACCOMACK COUNTY BUDGETS

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

WHEREAS, on April 5, 2017, the Board of Supervisors finalized the Accomack County Fiscal Year 2018 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 2018 County budget be amended by the amounts listed below and the amounts appropriated for the purposes indicated.

Fiscal Year	Requesting Department	Fund/ Function	Purpose	Funding Source	Total
FY18	EMS	General Fund/ EMS	To recognize 2017 State Homeland Security Program Grant Award for State Hazardous Materials Team (NC)	Federal Funds	\$ 70,706
FY18	EMS	General Fund/EMS	To recognize increase in funding from \$5,000 to \$30,000 from Virginia Department of Emergency Management to ES Regional Hazardous Materials Response Team.	State Funds	\$ 25,000
FY18	EMS	General Fund/EMS	To recognize 2017 State Homeland Security Program Grant Award for Interoperable Communication Emergency Response Vehicle	Federal Funds	\$ 60,000
FY18	EMS	General Fund/EMS	To request transfer from contingency to Emergency Management for repair to emergency generator located at WESR	Budget Contingency	\$2,200

FY18	Finance	General Fund/Health Department	The County's contract with the Health Department requires the County to pay 37.56% of the Department's net expenditures. Based on Health Department's FY17 Year-end Settlement Statement, Health Departments operating cost were lower than budgeted. Therefore, the county will receive a \$24,000 refund. We are requesting that these funds be reallocated to the Health Department Office Construction Project.	General Fund	\$24,000
FY18	Litter Control	General Fund/Liter Control	To recognize FY2018 Grant award for Litter Prevention and Recycling Program	State Funds	\$ 19,519
Total					\$ 201,425

Payables

Upon certification of the payables by the County Administrator, Mr. Wolff made a motion to approve the December payables. Mr. Tarr seconded the motion. The motion was unanimously approved.

Closed meeting

Mr. Tarr made a motion to go into closed meeting pursuant to Virginia Code Section 2.2-3711.A.1, Personnel and 2.2-3711.A.7, Legal Consultation of the Code of Virginia of 1950, as amended for the following purposes. Mr. Phillips seconded the motion. The motion was unanimously approved.

1. Relating to personnel grievance appeal
2. Consultation with legal counsel regarding Hack's Neck Public Landing case and Joynes v. County and BZA case

Open Session

The Chairman declared the meeting open to the public.

Mr. Hart made a motion, seconded by Mr. Tarr 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, Mrs. Gordy, Mr. Chesser, Mr. Hart, Ms. Major, Mr. Muhly

Mr. Wolff, Mr. Phillips, Mr. Crockett Nays: None Abstentions: None

Adjournment

Mr. Wolff made a motion to adjourn the meeting to January 3, 2018 for an Organizational Meeting at 5:00 p.m. in the Board Chambers. Mr. Phillips seconded the motion. The motion was unanimously approved. The meeting adjourned at 6:25 p.m.

Robert D. Crockett, Chairman
Accomack County Board of Supervisors