

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 15th day of November, 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 Ms. Major, 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.

No public comments were received.

Minutes

Mr. Hart made a motion to approve the minutes of the October 18, 2017 meeting. Ms. Major seconded the motion. The motion was unanimously approved.

Recognitions

Introduction of Recently Hired Staff Member

Kathy Carmody, Chief Human Resources Officer, before introducing the new staff member, referred to an item relating to the Department of Public Safety and referenced a letter provided by Battalion Chief John Greer written by a patient's sister in which several Fire Medics, namely; Spencer Davis, Shane Parker, Captain Ryan Kellam and John Killmon were commended for the care the patient received in response to the 911 call and the Nightingale transport which was critical for the overall recovery.

Ms. Carmody stated that a copy of the letter was placed in each of their personnel records and read an excerpt of the letter.

On behalf of the Board, Chairman Crockett asked Public Safety Director C. Ray Pruitt to extend the Board's appreciation to the Fire Medics involved.

Ms. Carmody introduced Mr. Franklin "Todd" Rudiger, the newest member of the Information Technology Service team. She offered a brief bio of Mr. Rudiger and described his position with Accomack County.

Board members welcomed Mr. Rudiger to Accomack County government as a member of the IT staff.

United Way Campaign Results

Ms. Carmody gave a report regarding the outcome of the recent United Way Campaign and informed members that contributions were doubled from the previous year totaling \$12,579 which also surpassed this year's goal of \$6,500.

She publicly recognized and congratulated Billie Jean Miles of the Public Safety Department, who has been representing Accomack County employees as the United Way Campaign Coordinator for the past six (6) years, noting her successful efforts and fundraiser.

County Administrator Michael Mason reiterated Ms. Carmody's sentiments and thanked Mrs. Miles for an excellent job.

Congratulatory comments were offered by Board members.

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 Fiscal Year 2019 Budget Call and Draft Budget Calendar.

5.3 – Approve contract renewal with SLAIT Consulting, LLC to provide service desk functions for the County's Information Technology systems for the term of December 1, 2017 through November 30, 2018 in accordance with the terms and conditions of the Service Level Agreement.

5.4 - Approve the proposed Disadvantaged Business Enterprise (DBE) Program for the Accomack County Airport and designate Barbara Haxter, Airport Manager, as the DBE Liaison Officer (DBELO) and Lucy Huffman, Procurement Assistant, as the Administrative Reconsideration Official (ARO).

Annual Forestry Report

Mr. Robbie Lewis, Senior Area Forester, Department of Forestry appeared before the Board to give an annual Forestry Report and informed members that Kenny Midgett was the Area Technician. He briefed the Board regarding yearly activities and the status of ongoing programs and projects. He stated that because of the Governor's efforts, new vehicles were purchased which were badly needed.

Board members offered expressions of gratitude for Mr. Lewis' report and services offered by the Forestry Department.

Memorandum of Understanding (MOU) Between the County of Accomack, Virginia and the Treasurer of Accomack County

County Treasurer Dana Bundick requested the Board's approval of a Memorandum of Understanding (MOU) between the Treasurer's Office and the County of Accomack. She briefed members regarding the need to bring consistency in uniform pay and the compensation plan.

County Administrator Michael Mason informed members that it was the County's third Memorandum of Understanding with Constitutional offices which included the Commissioner of Revenue, Clerk of Circuit Court and thirdly, the Treasurer's Office. He stated the MOU would establish three (3) goals:

- 1) Establishing a uniform classification and compensation plan for all employees in Accomack County including those of Constitutional Officers; and,
- 2) Ensuring application of uniform personnel policies except for those that infringe upon the Constitutional Officer's authority as prescribed by law.
- 3) Formalizing the availability of County HR and IT resources and the applicability of IT policy and procedure.

He explained that the MOU(s) for each office were presented in intervals in order to keep it a budget neutral action. He continued to discuss matters relating to same.

Mr. Hart made a motion to approve the Memorandum of Understanding Between the County of Accomack, Virginia and the Treasurer of Accomack County. Ms. Major seconded the motion. The motion was unanimously approved.

November Appointments

Harborton Public Facilities Committee

Mr. Hart made a motion to appoint Mr. Kyle Bundick to the Harborton Public Facilities Committee to replace Mr. Doug Cowling, who has resigned. The term will begin immediately

and expire on December 31, 2020. Mr. Phillips seconded the motion. The motion was unanimously approved.

County's 1st Quarter Summary Financial Report

Chief Financial Officer Leslie Lewis distributed copies and gave a brief report on the County's 1st Quarter Summary Financial Report. She referred to the major revenues of the Fiscal Year '18 and noted a decrease of 13.9% of revenue from last Fiscal Year and explained same.

She told members that the full Financial Report was located on the County's Boarddocs website under the Finance Department if they would like to view it.

Update on New Public Works Office

Stewart Hall, Deputy Administrator, Public Works and Facilities gave a brief update on the progress of the new Public Works office. He reported that the office was substantially complete and they were working on a punch list of items for finishing touches. He stated that they should receive the certificate of occupancy the following week and would begin moving into the building. He discussed other matters related to the process in moving, i.e. notifying the landlord of the presently leased building, etc. A discussion continued and Mr. Hall presented a brief PowerPoint presentation illustrating photos of the new office, concession stand, ballfield and playground area.

He extended an invitation to members to visit the new office and recognized various staff that were instrumental in assisting with the project being completed.

He responded to an inquiry regarding the solar panel project and its usage.

A discussion continued regarding other related matters.

Update on Northern Landfill Closure Project

In response to an inquiry from Mr. Wolff, Mr. Hall gave an update on the Northern Landfill Closure Project, noting that he did not have information regarding the percentage of completion at this time.

Mr. Wolff offered comments regarding his observations of the project during the various phases.

Schedule a Public Hearing to Grant a Conditional Use Permit Amendment to ANEC

Mr. Crockett noted that the item was placed on the Agenda for the purpose of scheduling the Public Hearing and a request for a change of time for the December 20, 2017 meeting at 5:30 p.m.

Ms. Major made a motion to schedule a Public Hearing to grant a Conditional Use Permit Amendment to ANEC for a temporary office trailer with no pump-and-haul system to be held on December 20, 2017 at 5:30 p.m. in the Board Chambers located at 23296 Courthouse Avenue, Accomac, VA. Mr. Hart seconded the motion. The motion was unanimously approved.

Update on E. S. Public Library Construction Project & Discussion of Funding Plan

County Administrator Michael Mason informed members that several presenters were present to give an update on the E. S. Public Library Project and recognized Greg Lukmire of RRMM Architects for a PowerPoint presentation.

Mr. Lukmire gave a PowerPoint presentation and discussed the various building designs, site plans, cost assessments, etc. He stated that the total project budget was estimated at \$5 million and \$1 million had been reserved for soft costs for library costs, fees, testing, etc.

Mr. Lukmire responded to an inquiry regarding the cost per square foot and stated that the cost of materials had increased partly because of all of the disasters in the southeast. He continued to discuss other related matters. A discussion continued.

Mr. Lukmire stated that the goal was to finish the design project at the end of spring/beginning of the summer at the April/May time frame.

There was a brief discussion regarding the number of designs and concept that had been presented to the building committee and the number of changes that had been made. Mr. Lukmire responded to an inquiry regarding same.

Mr. Dennis Custis, Historian, gave a PowerPoint presentation and showed a display of several archival collections of letters, scrapbook, and books, noting that in the past few years, the E. S. Public Library did not have adequate space to contain them. He stated that there was a need for a facility such as the one being proposed that would be large enough to accommodate some of the Eastern Shore treasures; namely, a Heritage Room.

Mr. Frank Hall, Treasurer of the Library Foundation, briefed members regarding Financing Plan for the proposed new Regional Library. He discussed the projected costs, noting the pledge by the County of \$2 million. He stated that the State Legislature had contributed \$500,000 grant, and noted other pledges and other resources that had been received and that were pending, including a pending loan commitment from NCALL, totaling projected resources of \$5 million.

He referenced information that was provided to members regarding NCALL, noting that their market area was the Delmarva Peninsula area and stated they were a lender to locations that are underprivileged and community development was a high priority. He offered additional

information NCALL and responded to the County's concern about default on the loan. He recognized the representative from NCALL that were present.

A brief discussion transpired regarding the estimated value in equity on the old library building in Accomac and concerns regarding the proposed MOU.

There was discussion regarding the ownership of the present library building.

Mr. Crockett read a short statement regarding the proposed loan of \$2 million that the E. S. Public Library Board of Trustees was seeking and other related matters.

Following the statement, Mr. Crockett made a motion to advise the E. S. Public Library Board of Trustees that the Board will support a phased in approach using the funds they currently have; \$500,000 state grant, approximately \$600,000 in donations and grants and the \$2,000,000 pledged by the county. Also, the motion includes that should the Trustees commit to a loan of up to \$2,000,000 without the lending agency agreeing in writing to, hold both Accomack County and the Eastern Shore Public Library harmless should a default occur, and/or provide a schedule of loan forgiveness, then the Board will not appropriate any funds for the project. Any hold harmless language and forgiveness provisions between the lender and either the County or Eastern Shore Public Library to be considered satisfactory must be approved by the County Attorney to ensure the language properly protects both parties.

Mr. Muhly seconded the motion. A discussion continued regarding the proposed loan agreement with NCALL. County Attorney Cela Burge responded to the concern of not having a sufficient revenue stream to repay a loan and matters relating to same. She stated that she would be looking for language that protects the Board and the County from the implication of further financial liability. There was discussion regarding the library being a bi-county agency and Northampton being a part of the entity.

Discussion transpired regarding the time frame for having the MOU completed. County Attorney Burge it would be her number one priority.

Following comments and discussion, the motion was unanimously approved by the following vote: Ayes: Mr. Chesser, Mr. Phillips, Mr. Muhly, Mr. Wolff, Mr. Crockett, Mrs. Gordy, Mr. Tarr, Ms. Major, Mr. Hart. Nays: None Abstentions: None

Mr. Muhly made a motion in accordance with the previous motion that the Board of Supervisors fund the \$2 million dollar pledge made for the new Eastern Shore Main Library to be located in Parksley. The funding shall be conditioned upon two (2) items:

- 1) That a Memorandum of Understanding be finalized between the two parties which outlines all terms of the agreement.
- 2) That a project manager for the Library Project be named, who shall report directly to a steering committee, comprised of three (3) members. A Trustee from the Eastern Shore Library Board of Trustees, a member of the Accomack County Board of Supervisors and a qualified citizen to be chosen by the Chairman of the Board of Supervisors and the Chairman of the Library Board of Trustees.

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

County Administrator's Report

Riverside Shore Rehabilitation Center Update

County Administrator Michael Mason read an excerpt from an email that was received from Mark Duncan, Director of Government Relations of Riverside, regarding the finalized purchase and sale of the Riverside Shore Rehabilitation Center in Parksley on November 8, 2017, to Smith Packett and a company called Saber Healthcare Group, LLC that will operate and manage the facility.

Mr. Crockett stated that it was a pleasure working with Mr. Mason, Mrs. Burge and Mr.

Morrison to help facilitate the sale.

There was discussion regarding the closing of the Riverside Thrift stores.

There was a brief discussion regarding Arcadia-Quail Nursing Assisted Living facility possible closure. It was requested that staff reach out to the representatives at the facility.

Town of Parksley Special Use Permit Application Withdrawal

Mr. Mason informed members that notification had been received from the Town of Parksley that they are withdrawing their application for a special use permit for a LED sign that would have been placed at Fishers Corner. The notification stated that they will also be returning ownership of the existing sign at the site to the Railway Museum.

US Tax Code Reform – Proposed Changes to State and Local Taxes Deductions

Mr. Mason gave a brief update on the proposed House Bill to reform the US Tax Code which would eliminate the deduction for state and local income and sales taxes (SALT) and would cap the deduction property taxes if passed. He stated the change had potential to affect the Real Estate market which is the primary revenue source for the counties in Virginia.

He recommended that members follow to stay alert of the proposed changes.

Lifetime Dog Licenses

Mr. Mason apprised members of the conversation that he and the County Treasurer Dana Bundick had and wanted to make mention to the Board of the changes in the Code of Virginia that allows for lifetime dog licenses to be issued verses the annual one. He stated that upon further research of the issue by the Treasurer, she would bring forth a proposal at a later date.

A brief discussion transpired regarding the Hunting Deer with Dogs Committee.

County Attorney's Report

County Attorney Cela Burge stated that she had two (2) issues and one was on the agenda to be discussed. She stated that she had received notice from the Department of Alcohol and Beverage Control regarding a retail application that has been submitted. She that it was from the Walgreen Company (Rite Aid located at 25096 Lankford Highway) which intends to sell wine and beer off premise. She stated that the County had thirty (30) days to responds with support or objection. It was the Board's decision to take no position.

Public Hearing for Proposed Disposal of Property – Chincoteague Circle

Mrs. 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 owing and 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 A&N and pay for any costs for the removal.

Mrs. Burge requested to advertise and authorize a Public Hearing relative to disposal of real property located on Maddox Boulevard, Chincoteague Circle, Maddox Boulevard, Chincoteague, Accomack County, Virginia, in the favor of the Town of Chincoteague by quit claim deed.

Mr. Tarr made a motion to advertise and hold a Public Hearing on December 20, 2017 in the Board Chambers at 5:30 p.m. Mr. Hart seconded the motion. The motion was unanimously approved.

Board of Supervisors Comment Period

Supervisor Tarr

Mr. Tarr expressed his concern about the citizens that voted “no” to the referendum to spend county funds for the new library project. He stated that he had “heartburn” with the County going forward with spending \$2,000,000 when the voters said no.

Supervisor Gordy

Supervisor Gordy read a statement expressing her decision which she felt was in the best interest of the Board and because of health issues to remove herself from consideration of becoming Chair in 2018. She stated that she would continue to represent Election District 7 and looked forward to a very productive year for the county.

She offered expressions of gratitude for fellow Board members being so understanding.

Supervisor Wolff

Mr. Wolff reported that the Antares rocket lifted off Sunday morning at 7:32 a.m. and arrived at the International Space Station on Tuesday morning. He stated that the launch was a huge success for Orbital for Virginia Space for Accomack County.

He requested that a Resolution be prepared for the village of Greenbackville’s celebration of 150th Year Anniversary.

Supervisor Muhly

Mr. Muhly stated that he had also voted no on the library referendum but felt that it was sorely needed.

Mr. Muhly read a few excerpts from a letter that Kelly Lee Blake wrote to the Eastern Shore Post referring to collections of Mrs. Francis Bibbins Lattimer and the late Dr. Kirk Mariner.

Supervisor Chesser

Mr. Chesser offered heartfelt expressions regarding the statement given by Supervisor Laura Gordy and her unselfish and courageous action.

Budget and Appropriation Items

Mr. Hart made a motion to approve the Resolution to Amend the Fiscal Year 2018 Accomack County Budgets. Ms. Major 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	Sheriff	General Fund/ Sheriff	To recognize DJP Bullet proof Vest Grant Award.	Federal Funds	\$ 3,961
FY18	Parks and Rec	General Fund/Contingency	To allocate funding for the replacement of Playground Equipment at Arcadia Playground	General Fund	\$20,000
FY18	Public Works	General Fund/Contingency	To allocate funding for unforeseen cost associated with the completion of renovations at the Health Department	General Fund	\$92,000
Total					\$ 115,961

Payables

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

Recess

Chairman Crockett declared the meeting in recess.

Open Session

Chairman Crockett declared the meeting open to the public.

Public Hearing

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

Proposed Subdivision Ordinance Revisions – Private Roads and Streets

Chairman Crockett opened the Public Hearing.

Deputy Administrator, Planning and Community Development Rich Morrison 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 crusher run
- There are limits to the lengths of private streets and turnaround requirements for public safety Vehicles

Comments were offered regarding the proposed revisions noting the need for the changes in order to help make the process better.

No public comments were received.

Chairman Crockett closed the Public Hearing.

Mrs. Gordy made a motion to accept the proposed Subdivision Ordinance Revisions.

Mr. Phillips 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

Closed Session

Mr. Tarr made a motion to go into closed meeting pursuant to Virginia Code Section 2.2-3711.A.19 and 5, A.3 and 5, and A.7, of the Code of Virginia of 1950, as amended for the following purposes. Mr. Phillips seconded the motion. The motion was unanimously approved.

1. For the purpose of receiving an update on the status of the Information Security Program
2. Acquisition or disposition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining or negotiating strategy of the public body.
3. For the purpose of discussing prospective business opportunities for the Wallops Research Park.
4. Consultation with legal counseling pertaining to probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body as it relates to Hacks Neck.

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, 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. Mr. Phillips seconded the motion. The motion was unanimously approved. The meeting adjourned at 8:07 p.m.

Robert D. Crockett, Chairman
Accomack County Board of Supervisors