

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 17th day of January , A.D., 2018 at 5:00 p.m.

Members Present: Robert D. Crockett, Chair  
Donald L. Hart, Jr., Vice Chair  
William J. “Billy” Tarr  
Ron S. Wolff  
Grayson C. Chesser  
Harrison W. Phillips, III  
Paul E. J. Muhly  
Laura Belle Gordy  
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. Wolff, after which the Pledge of Allegiance to the Flag was recited. Chairman stated that Ms. Major would be late arriving due to the inclement weather and being held up in traffic due to accidents.

### **Adoption of the Agenda**

Mr. Hart made a motion to adopt the Agenda. Mrs. Gordy seconded the motion. The motion to adopt the Agenda was approved with Ms. Major absent.

### **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) Aubrey Justis – PO Box 108 – Saxis, VA – requested EMS day time assistance in the northern section of the county at the Saxis and Greenbackville stations. He noted that

the town and residents were supporting their request. He suggested that a 1 cent tax increase would enable them to have the assistance that was needed and would be discussed during the budget session.

- 2) Glen Salmon – PO Box 534 – Painter, VA - expressed concern regarding water usage by owners of CAPO's and requested that the Board require owners to have water meters installed at their operations in order to monitor the water usage.

### **Minutes**

Mr. Wolff made a motion to approve the minutes of the December 20, 2017 and January 3, 2018 meetings. Mr. Phillips seconded the motion. There was no vote.

County Administrator Michael Mason informed members that due to the inclement weather and office closure, the minutes were posted late. He stated that the minutes would be submitted at the February budget meeting in order to give members appropriate time to review them.

Mr. Wolff made a motion to retract his motion and to wait until the February budget meeting to approve the minutes, as recommended by Mr. Mason. Mr. Phillips seconded the motion. The motion was approved with Ms. Major absent.

### **Consent Agenda**

Mr. Hart made a motion to approve the following items on the Consent Agenda. Mr. Phillips seconded the motion. The motion was approved with Ms. Major absent.

4.2 – Approve renewal of contract for “electronics recycling” with East Coast Dismantling, LLC for the term of February 1, 2018 through January 31, 2019.

4.3 – Ratify the Resolution declaring a state of emergency in Accomack County due to Winter Storm Grayson

## **Appointments**

### **Planning Commission**

Mr. Muhly made a motion to appoint Mr. Kelvin Pettit to the Planning Commission to replace Mr. Stephen Corazza, who has resigned. Mr. Hart seconded the motion. The term will begin immediately and expire on December 31, 2020. The motion was approved with Ms. Major absent.

**Ms. Major arrived.**

### **Poultry Ordinance and Concerns**

Chairman Crockett stated because of public comments and concerns relating to the County's Poultry Ordinance and other related items, he wanted to offer clarification regarding same.

Mr. Crockett recognized and requested County Attorney Cela Burge and Deputy Administrator Rich Morrison to respond to questions regarding poultry related matters.

Mrs. Burge responded to Chairman Crockett's question regarding the County's Poultry Ordinance and matters related to zoning permits.

Mr. Morrison responded to an inquiry regarding the timeline for application received for construction of poultry houses and active applications not approved.

A discussion continued regarding poultry related matters, i.e., application and permitting process, water withdrawal permits, etc.

Mr. Muhly briefly apprised members about a presentation concerning water withdrawal by poultry operations given by a representative of the DEQ Regulatory Branch at a Groundwater Committee meeting, noting DEQ was actively involved.

## **E. S. Library Memorandum of Understanding (MOU)**

County Administrator Michael Mason referenced the directive that the Board had given staff at its last meeting to draw up an MOU for the E. S. Library, noting the provisions that were also given to be included. He stated that staff had prepared a draft MOU and included the language and provisions, as requested. He stated that it was a three-party agreement and in its final form would be signed on behalf of the Board, the E. S. Library Foundation, and the Library Board of Trustees.

He requested that Board members review the document, request any changes and noted one (1) section that staff needed the Board's guidance on regarding the existing library, whether it was a condition of the \$2 million pledge that the Board made or not. He stated that upon Board's approval, the path forward would be to send the MOU to the Library Board of Trustees for review and comments. He noted that approval of the MOU by the Board would keep it in its draft form.

A discussion continued regarding the MOU and other related matters.

Mr. Muhly referred to a previous meeting in which the Board approved the creation of a Project Manager and Steering Committee which consisted of three members; a Trustee from the E. S. Library Board of Trustees, a member of the Accomack County Board of Supervisors and a qualified citizen to be chosen by the Board Chair and Library Board of Trustees Chair. He stated that he would like to see the language retained when the Board voted for the composition of the Library Steering Committee (now known as the "Library Construction Committee).

Mr. Mason noted that he and County Attorney Burge had reviewed the audio recording of the language used, had concerns and felt it would be better for the Board to suggest the change they wanted and staff would be glad to put it in the document.

County Attorney Burge offered comments regarding same and advised members of the changes that were made in the document and asked if it was acceptable. Mr. Muhly stated that he would like to have the original wording retained.

It was the consensus of the Board to have the original wording retained in the E. S. Library Memorandum of Understanding (MOU) as it pertained to the composition of the Library Steering Committee.

Mr. Mason briefed members regarding the conference call that he had with members of the Library Board of Trustees, Executive Director and the loan officer of NCALL. He stated NCALL, the loan institution, was still in the process of working with the library staff to underwrite the Library Foundation Capital Campaign. He continued to discuss matters pertaining to the MOU, funding, etc.

Following discussion regarding the disposition of the existing library, the following consensus was taken by the Board to determine who would retain possession:

Consensus for who supports the library relinquishing the building to the County without exchange of funds as a contingent for the \$2 million:

Chesser, Wolff, Gordy, Crockett and Tarr (5)

Mr. Crockett referred to Page 3 – Paragraph 3 of the MOU and stated that it should read: “shall be deeded to the County for whatever use deemed for the public interest”.

A discussion continued.

Mrs. Gordy recommended that the Board have further discussion regarding who would retain ownership of the current library since there were varying opinions and concerns. A discussion ensued and comments were offered regarding same.

Mr. Mason shared information which was researched by the County Attorney regarding meetings that were previously held on April 22, 2014, May 20, 2015 and August 5, 2015 in which discussion centered around the gift of the library to the County. A discussion ensued.

Following the discussion, another consensus was taken to determine to include in the MOU that the old library building be gifted to the County.

By a show of hands, the consensus was to include in the MOU that the old library is to be gifted to the county: Chesser, Wolff, Crockett, Gordy and Tarr (5)

Mr. Crockett directed Mr. Mason to include the wording on Page 3 – Paragraph 3 of the E. S. Library Memorandum of Understanding (MOU).

Mr. Crockett informed members that he had a concern that was based on a comment and request made by Chairman Murray of the Northampton County Board of Supervisors to their Finance Director John Chandler in a discussion regarding the new library. He stated that the request was to look into the possibility of renegotiating the 75%/25% cost share of the operation of the new library because his position was that the cost would be more expensive to Northampton County. He continued to discuss his concerns noting the possibility of Northampton lowering their 25% share that they give for operational funding of the library.

Mr. Crockett suggested that staff send a letter to the Director of the Library Board of Trustees for them to ascertain the plan of Northampton County in regards to their 25% cost share as it is or if they plan to lower it. He stated that he would like to know before the MOU is finalized on both sides. A discussion continued.

Mr. Wolff made a motion to approve the “draft” E. S. Memorandum of Understanding (MOU), with corrections as noted. Mr. Muhly seconded the motion.

County Attorney Burge specifically noted the following changes to the “draft” MOU:

- 1) Page 2 – Item 1 – the language of the composition of the Steering Committee would be changed to the exact wording made by Mr. Muhly
- 2) Page 3 – Item 3 – the disposition of the existing library property will only have Item C and Items A and B will be deleted

The vote was 8-1 to approve the “draft” E. S. Memorandum of Understanding (MOU), with changes, with Mr. Hart voting nay.

Mr. Wolff made a motion to direct the County Administrator to write a letter to Northampton County to determine their clear intent on funding the library based on what they owe per the 75%/25% cost share agreement between the two counties, and if not, what they propose to do . Mr. Phillips seconded the motion.

Mr. Mason stated that staff would begin the process by reviewing the original agreement.

The motion was unanimously approved.

Mr. Mason shared excerpts from minutes of the April 22, 2014 meeting regarding a statement that alluded to the deeding of the current library to the county to help address County space needs.

### **Recommendation from the Accomack County Fire & Rescue Commission**

Due to the absence of Accomack County Fire & Rescue Commission Chairman Harry Thornton, Mr. Mason briefed members regarding the unanimous vote of the Commission and recommendation to the Board that the fund balance, as a result of the Onley Fire & Rescue Company dissolving, be evenly divided and appropriated to all Accomack County Fire & Rescue Companies.

As a member of the Commission, Mr. Crockett apprised members of other options that were discussed, noting the recommendation was by far the most simplest and fair way to handle the matter.

Mr. Muhly suggested that a portion of the money could be used to assist the northern part

of the county with day time EMS assistance. A discussion continued.

Mr. Mason offered comments regarding EMS staffing issues and noted that it would be addressed during the upcoming budget sessions.

Mrs. Gordy suggested that the funds could be divided equally between Tasley and Onancock Volunteer Fire Departments since Onley had been dissolved within that district.

A brief discussion continued with various comments being offered.

Mr. Wolff stated that although he recognized the dire need in Captains Cove and Saxis, he felt the best way would be to divide the money equally with all volunteer companies.

Mr. Wolff made a motion that the fund balance resulting from the Onley Fire & Rescue Company dissolving be evenly divided between all Accomack County Fire & Rescue companies as recommended by the A. C. Fire & Rescue Commission. Mr. Tarr seconded the motion. The motion was unanimously approved.

### **Health Department Agreement for FY 2018 & Supplemental Appropriation Request**

Mr. Mason briefed members regarding the agreement and the request for the supplemental appropriation resulting from a new lease agreement with the Commonwealth because of the expansion and renovation of the Accomack County Health Department building.

He stated that the request was for a supplemental FY18 appropriation to the Health Department in the amount of \$24,699 which represented the County's 37.568% share of the increased lease costs of \$65,745 for the five month period (February 1-June 30, 2018).

Mrs. Gordy made a motion to approve the FY2018 Local Government Agreement contingent upon the approval for the supplemental appropriation of \$24,699 in the Budget and Appropriations item on the agenda. Mr. Phillips seconded the motion. The motion was unanimously approved.

## **Preliminary Report on 2018 Property Reassessment**

County Assessor Brent Hurdle gave a PowerPoint presentation regarding the preliminary findings for 2018 by district and noted the changes percentage wise in the amount of taxes resultant of the findings. He stated that the total amounted to about 1.8% reduction in property value, on average, throughout the County, also noting that it was preliminary data because the Board of Equalization had not met yet. He continued the presentation by discussing the comparison of 2017 to 2018 property values by taxing district.

Mr. Hurdle responded to an inquiry regarding the effect of poultry houses on housing value. He informed members that staff had conducted an analysis of property sold in close proximity to poultry houses ranging from 500 to 1,000 feet and could not find market support for making adjustments. He also responded to an inquiry regarding the “touch and goes” at NASA and its effect on property values in the Wattsville area.

Members offered expressions of appreciation to Mr. Hurdle for the excellent service he provides for the County.

Mr. Mason gave a brief recap informing members that the 1.8% reduction in property value translates to reduced revenue in the amount of \$405,000 and would be addressed specifically in the upcoming budget sessions.

## **Recap Report on 2018 Winter Storm Grayson**

Mr. Hart offered expressions of gratitude to members for ratifying the Resolution Proclaiming Local Emergency due to Winter Storm Grayson.

As Emergency Services Director, Mr. Hart offered expressions of gratitude to various County departments and staff, State Police, National Guard, 9-1-1, VDOT, WESR and all the farmers and volunteers who gave their valuable assistance and time during Winter Storm

Grayson.

With the assistance of Public Safety Director, C. Ray Pruitt, Mr. Hart gave a recap report of the events that occurred and the assistance given during the 2018 Winter Storm Grayson. He noted that there was no media coverage except for WESR and a call from WBOC for the Eastern Shore even though it was one of the hardest hit areas in Virginia.

He stated that the EMS and Emergency Services staff worked together in conjunction and noted that Mr. Pruitt worked tirelessly.

Members offered expressions of appreciation to Mr. Hart, Emergency Services Director for keeping them well informed and for the services provided by the Emergency Management Team.

A discussion continued.

On behalf of the Board, Mr. Crockett offered expression of thanks to Mr. Hart, C. Ray Pruitt and staff, DPS, 9-1-1 Center, Accomack and Northampton Electric Cooperative (ANEC), VDOT, Accomack County Sheriff's Office, Virginia State Police, WESR, National Guard, all of the Volunteer Fire and Rescue Companies, Public Works and staff, and the citizens who volunteered.

### **Overview of latest EMS Response Data**

C. Ray Pruitt, Public Safety Director, gave a PowerPoint presentation detailing the Accomack County EMS Data for January – December 2017. He informed members that 9-1-1 had not published its year ending findings and will be given to the Fire Commission at its next meeting.

Mr. Pruitt continued and discussed the following data:

- 1) Call Data – Comparison of 2016 and 2017
- 2) Combined Call Data – January – December 2017

- 3) Mutual Aid – January – December 2017
- 4) Combined Mutual Aid – January – December 2017
- 5) Transport Destination Data – January – December 2017

A discussion continued and Mr. Pruitt responded to questions.

In response to an inquiry, Mr. Pruitt stated that the northern end of the county did need EMS assistance and fire protection.

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

County Administrator Michael Mason requested that the Board consider and set dates to receive the County Administrator's Recommended FY19 Budget and Department/Agency presentations.

It was the consensus of the Board to meet on Monday, February 5, 2017 at 5:00 p.m. to receive the County Administrator's proposed FY19 Budget.

It was the consensus of the Board to meet on Wednesday, February 7, 2017 at 5:00 p.m. to receive presentations from departments/agencies to receive requests for additional funding.

### **Closure of Arcadia Nursing Center and Quail Run Assisted Living Center**

Mr. Mason advised members of the notice that was sent out to residents and families regarding the closure of Arcadia Nursing Center and Quail Run Assisted Living Center. He gave a brief recap of the status of same. He stated that the proposed closure of the facilities was due to a loan default and discussed same. He informed them that the closure date was slated for March 5, 2018. He discussed the process that was used by the Planning District according to the number of beds that the State determines meets the need of the area and in this case, the county is actually over bedded in skilled nursing. A discussion continued.

He informed members that there was currently a contract in place to purchase the beds and noted that it was only for the beds which was subject to approval by the Judge who

appointed the receiver. He stated that the property was not included in the contract and a discussion ensued with Mr. Mason responding to questions.

He informed members that staff and the Board Chairman have had multiple discussions with the court appointed receiver, who is in charge of the assets because of the loan defaults. A discussion continued regarding assisted living facilities and other related matters.

Chairman Crockett stated that he had sent an email to Delegate Bloxom and Senator Lewis asking them to look into the possibility of increasing the rates paid by the State to the Assisted Living facilities. A discussion continued.

### **Deadline for Disclosures**

Mr. Mason reminded members that the deadline for submitting their annual disclosures was February 1.

### **Off-Shore Drilling**

Mr. Mason briefed members regarding the status of the off-shore drilling proposal and inquired if the Board wanted to direct staff to craft another letter expressing the Board's position on the matter.

Mr. Wolff advised members of the conversation he had with Mr. Mason regarding the matter and stated that he had received a call from Diane Kauffman, Senator Kaine's Aide and she requested that the Board submit a resolution.

Mr. Wolff made a motion that the Board direct staff to submit a resolution to Senator Kaine's office expressing the Board's position of opposition to off-shore drilling. Mr. Hart seconded the motion. The motion was unanimously approved.

### **County Attorney Report**

County Attorney Cella Burge briefly discussed the following topics:

- 1) MOU between County and E. S. Public Library
- 2) On-going cases - Hacks Neck and BZA Appeal that are pending
- 3) Monitoring General Assembly Bills

She welcomed members to contact her via email/call regarding any particular bill they were interested in in order to track it.

Mr. Hart noted that VACo and County Attorney Burge are trying to monitor any General Assembly Bills that specifically name Accomack or Northampton County.

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

#### **Supervisor Crockett**

Mr. Crockett read a statement in response to a letter to the editor from Northampton County Board of Supervisors Chairman Spencer Murray in the January 12, 2018 edition of the Eastern Shore Post regarding comments about regionalism between Accomack and Northampton Counties which referenced “Broadband and the E. S. Regional Jail”.

On behalf of the Board, Chairman Crockett offered expressions of gratitude to Dr. Linda Thomas Glover for her excellent work as President of the Eastern Shore Community College and for the community. He wished her well in her future endeavors.

#### **Supervisor Chesser**

Mr. Chesser requested the Board’s direction regarding the continuance of the Hunting Deer with Dogs Committee.

Mr. Wolff made a motion to reappoint Mr. Chesser as Chair of the Hunting Deer with Dogs Committee. Mr. Phillips seconded the motion.

Mr. Chesser asked staff to determine the status of the membership and term limits. He stated that upon having conversations with Officer Steve Garvis there had been some complaints and about 50% were legitimate. He also noted there had been a decrease in complaints.

The motion was unanimously approved.

**Budget and Appropriation Items**

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

**RESOLUTION TO AMEND THE FISCAL YEAR 2018 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 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	Finance	General Fund/Health Department	To recognize the increase in rental income received from the Commonwealth as a result of the expansion and renovation of the Health Department building.	State Fund	\$65,745
FY18	Finance	General Fund/Health Department	While the county will recover the full lease amount as stated above, its cooperative budget share of 37.56% is needed to support the payment by the Health Department. Therefore a request is being made to appropriate funding to cover the county's share of the increase rent payment.	General Fund	\$24,699
Total					\$90,444

**Payables**

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

unanimously approved.

**Adjournment**

Mr. Wolff made a motion to adjourn the meeting to February 5, 2018 at 5:00 p.m. in the Board Chambers to receive the County Administrator's Recommended FY19 Budget. Ms. Major seconded the motion. The motion was unanimously approved. The meeting adjourned at 7:17 p.m.