

VIRGINIA: At the Regular Meeting of the Board of Supervisors for the County of Accomack held in the Cafetorium of Metompkin Elementary School on the 15th day of February, A.D., 2006.

Members Present: Donald L. Hart, Jr., Chair
Gregory L. Duncan, Vice Chair
Wanda J. Thornton
Ron S. Wolff
Sandra Hart Mears
Steve D. Mallette
Laura Belle Gordy
C. Reneta Major

Member Absent: Thomas J. Matthews

Others Present: Steven B. Miner, County Administrator
Yvonne Pennell, Administrative Assistant

Call to Order

The meeting was called to order by the Chair in the Board Chambers in Accomac.

County Administrator

Mr. Miner offered comments regarding the recording system and heating problems.

He informed members that Mr. David Hughes of Robinson, Farmer and Cox and other auditors were present to give a report but had not been added to the Agenda and should be added under Report of Public Officials.

Recess

There being no objection, the Chair declared the meeting recessed in order to relocate the meeting to the Metompkin Elementary School in Parksley in the Cafetorium due to the large attendance.

Call to Order

The meeting was called back to order by the Chair and opened with a prayer by Rev. Don Broad after which the Pledge of Allegiance was recited.

Chairman Hart stated that the Board would be making a decision regarding the regular meeting place.

On behalf of the Board, Mr. Hart offered expressions of gratitude to those in attendance for their patience during the Board's relocating while trying to make accommodations more comfortable for the public.

Adoption of Agenda

The Chair requested that the following amendments be made to the Agenda:

To permanently place on the Agenda of every meeting a time for the Chair's Comments before the Adoption of the Agenda which would require an amendment to the Board's By Laws

Allow Robinson, Farmer and Cox to present a report under Report of Public Officials

Mr. Duncan made a motion to adopt the agenda as amended. Mrs. Gordy seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Chairman's Report

Mr. Hart reported that he had attended several successful meetings which he had previously advised each member he would be attending. He also informed the Board that he had attended the Lee District meeting and would be attending the community meeting conducted by Mr. Wolff in March.

He advised members that Mrs. Gordy, Mr. Miner and he had attended the Legislative Day in Richmond and had meet with Senator Rerras and Delegate Lewis. He said that the meeting had gone very well. He also reported that he had attended the Chairman's Institute.

Consent Agenda

Mrs. Mears made a motion to approve the following items under the Consent Agenda, as amended. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Matthews absent.

- a. To award RFP 195 for Recycling Services
- b. To approve the draft Accounts Payable Policy
- c. To approve the FY 2007 budget calendar
- d. To approve the Procurement Policy and Procedures amendment
- e. To approve the Virginia Institute of Marine Science funding
- f. To approve the following Resolutions of Acceptance for Parksley and Central Surplus properties

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CERTAIN REAL ESTATE FORMERLY CENTRAL MIDDLE SCHOOL, PAINTER, VIRGINIA DECLARED SURPLUS BY THE ACCOMACK COUNTY SCHOOL BOARD

WHEREAS, by Resolution adopted on September 21, 2004, the Accomack County School Board declared the former Central Middle School property surplus and directed that it be conveyed to Accomack County, Virginia pursuant to §21.1-129A of the Code of Virginia, 1950, as amended; and

WHEREAS, a deed to such property has been tendered to Accomack County, Virginia, along with a certified copy of such resolution; and

WHEREAS, pursuant to the provisions of Va. Code Ann. §15.2-1803 (2003 Repl.Vol.), as amended, a county shall approve and accept conveyances of real estate to the county; and

WHEREAS, the Board of Supervisors of the County of Accomack, Virginia, deems such authorization to accept conveyance of certain real estate reasonable and necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ACCOMACK, VIRGINIA, AS FOLLOWS:

1. That the Board of Supervisors by reason of the foregoing recitations, and pursuant to the provisions of Va. Code Ann. §15.2-1803 (2003 Repl.Vol.), as amended, hereby authorizes the acceptance of conveyance of the hereinafter described real property.

2. That the Accomack County School Board desires to convey surplus property to Accomack County, Virginia, a political subdivision of the Commonwealth of Virginia, by a Deed of Gift with General Warranty and English Covenants of Title, for an in consideration of the sum of One Dollar (\$1.00), the following described real estate:

Description: All that certain tract or parcel of land situate between the Towns of Keller and Painter, Accomack County, Virginia, on the West side of U.S. Route 13, containing an area of 532,710 SF or 12.229 AC, more or less, as shown and designated on a certain plat of survey entitled "Boundary Survey of Central High School Tax Parcel #11100A000002500 Pungoteague Magisterial District, Accomack County, Virginia for County of Accomack," dated December 14, 2005, made by Shoreline Surveyors, which plat is attached hereto and made a part hereof for a more particular description of the property herein conveyed. Said lot being bounded as follows: On the North, by the property of Leah A. Davis & Georgia Davis Stewart; on the Northeast, by the property of Leah A. Davis & Georgia Davis Stewart, Len F. Cackowski, Maggie Giddens and William L. Beckett; on the Southeast, by Lankford Highway U.S. Route 13; and on the Southwest, by the property of Shore Holdings, Inc. and Leah A. Davis & Georgia Davis Stewart, all as shown on the aforesaid plat of survey. (Identified for real estate tax purposes and none other as Tax Map No. 111-00-A0-00-0025-00.)

BEING all the same real estate conveyed to the Accomack County School Board by a deed dated the 28th day of May, 1932, from Charles U. Davis and Daisy Davis, his wife, and recorded on the 21st day of June, 1932 in the Clerk's Office for the Circuit Court of Accomack County, Virginia, in Deed Book 141, at page 546; and further being the same real estate conveyed to the Accomack County School Board, by a deed dated the 16th day of March, 1934, from Charles U. Davis and Daisy Davis, his wife, and recorded on the 23rd day of May, 1934 in the aforesaid Clerk's Office in Deed Book 145, at Page 185, less and except a portion conveyed to the Commonwealth of Virginia in a certain deed recorded in the aforesaid Clerk's Office in Deed Book 266 at Page 352.

This conveyance is expressly subject to easements, conditions, restrictions and reservations contained in duly recorded deeds and plats and other instruments constituting constructive notice in

the chain of title to the property hereby conveyed which have not expired by limitation of time contained therein or otherwise become ineffective.

TOGETHER WITH all the rights, privileges, appurtenances, and rights of way thereunto belonging or in anywise appertaining.

3. That this Resolution shall be recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia, accepting the conveyance of such real estate to the County of Accomack, Virginia, in accordance herewith to effectuate the intent of this Resolution.

4. This Resolution shall become effective upon its adoption.

5. Should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, the remainder of such Resolution shall not be affected thereby.

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CERTAIN REAL ESTATE
ORIGINALLY KNOWN AS PARKSLEY HIGH SCHOOL AND LASTLY KNOWN AS
PARKSLEY MIDDLE SCHOOL, PARKSLEY, VIRGINIA DECLARED SURPLUS BY
THE COUNTY SCHOOL BOARD OF ACCOMACK COUNTY, VIRGINIA, ALSO
KNOWN AS THE SCHOOL BOARD OF ACCOMACK COUNTY, VIRGINIA**

WHEREAS, by Resolution adopted on November 9, 2004, the County School Board of Accomack County, Virginia, declared the property originally known as Parksley High School and lastly known as Parksley Middle School to be surplus and directed that it be conveyed to Accomack County, Virginia pursuant to §21.1-129A of the Code of Virginia, 1950, as amended; and

WHEREAS, a deed to such property has been tendered to Accomack County, Virginia, along with a certified copy of such resolution; and

WHEREAS, pursuant to the provisions of Va. Code Ann. §15.2-1803 (2003 Repl.Vol.), as amended, a county shall approve and accept conveyances of real estate to the county; and

WHEREAS, the Board of Supervisors of the County of Accomack, Virginia, deems such authorization to accept conveyance of certain real estate reasonable and necessary.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE
COUNTY OF ACCOMACK, VIRGINIA, AS FOLLOWS:**

1. That the Board of Supervisors by reason of the foregoing recitations, and pursuant to the provisions of Va. Code Ann. §15.2-1803 (2003 Repl.Vol.), as amended, hereby authorizes the acceptance of conveyance of the hereinafter described real property.

2. That the County School Board of Accomack County, Virginia, also known as the School Board of Accomack County, desires to convey surplus property to Accomack County, Virginia, a political subdivision of the Commonwealth of Virginia, by a Deed of Gift with General Warranty and English Covenants of Title, for an in consideration of the sum of One Dollar (\$1.00), the following described real estate:

Parcel 1: All that certain lot or parcel of land situate in the Town of Parksley, and designated on the original plat of said town, of record in the Clerk's Office of the Circuit Court of Accomack County along with a certain deed of conveyance from Parksley Land & Improvement Company to a certain Mary L. Wilson, as of the 27th day of March, A.D., 1886, described as follows: Beginning at a point on the South side of Adelaide Street, (extended westerly) which would be its intersection with westerly line of Jones Avenue; thence along westerly line of said Jones Avenue a distance of three hundred (300) feet to the northerly line of Mary Street; thence along northerly line of Mary Street (extended westerly) a distance of one hundred thirty-five (135) feet to the easterly line of a fifteen (15) foot alley; thence along easterly line of said alley a distance of three hundred (300) feet to the southerly line of Adelaide Street; thence in an easterly direction along said Adelaide Street (extended westerly) a distance of one hundred thirty-five (135) feet to the point of beginning, containing forty thousand, five hundred square feet (40,500 sq. ft.) of land. Said real estate is more particularly described as Lot Nos. 744, 745, 746, 764, 765 & 766 as shown on the Plat of the Town of Parksley, Virginia, recorded in the aforesaid Clerk's Office in Plat Book 6, at Page 82. (Identified for real estate tax purposes and none other as Tax Map Nos. 078-00-A1-01-0744-00, 078-00-A1-01-0745-00, 078-00-A1-01-0746-00, 078-00-A1-01-0764-00, 078-00-A1-01-0765-00 & 078-00-A1-01-0766-00.)

BEING the same real estate conveyed to the County School Board of Accomack County by a deed dated the 22nd day of August, 1922, from the School Board of Metompkin District, and recorded on August 30, 1924 in the aforesaid Clerk's Office in Deed Book 127, at Page 156.

Parcel 2: All those certain lots, pieces or parcels of land situated in the Town of Parksley, in said County, being numbered on the plats of the lot property of the said Parksley Land and Improvement Company, as Lot Nos. 737 to 743, inclusive, and Lot Nos. 757 to 763 inclusive, said plat being recorded in the aforesaid Clerk's Office in Plat Book 6, at Page 82. (Identified for real estate tax purposes and none other as Tax Map Nos. 078-00-A1-01-0737-00 through 078-00-A1-01-0743-00, inclusive, and 078-00-A1-01-0757-00 through 078-00-A1-01-0763-00, inclusive.)

BEING the same real estate conveyed to the County School Board of Accomack County, Virginia, by a deed dated the 14th day of May, 1925, from the Parksley Land and Improvement Company, and recorded on November 5, 1925 in the aforesaid Clerk's Office in Deed Book 129, at Page 419.

Parcel 3: All that certain tract or parcel of land extending or fronting 100 feet on Jones Avenue, and 135 feet on Mary's Street, to an alley. Said real estate is more particularly described as Lot Nos. 745 and 746 as shown on the Plat of the Town of Parksley, Virginia, recorded in the aforesaid Clerk's Office in Plat Book 6, at Page 82. (Identified for real estate tax purposes and none other as Tax Map Nos. 078-00-A1-01-0745-00, 078-00-A1-01-0746-00.)

BEING the same real estate conveyed to The School Board of Accomack County, by a deed dated the 9th day of April, 1925, from Roy D. White and Margaret L. White, and recorded in the aforesaid Clerk's Office in Deed Book 129, at Page 422.

Parcel 4: All of that lot or parcel of land situate in the Town of Parksley, in the County of Accomack, in the State of Virginia, described as follows: Beginning at a point that is the intersection of the southern boundary of Mary Street and the eastern boundary of Staunton Avenue, and running along the southern boundary of Mary Street for a distance of 500 feet and thence at right angles along the western boundary of Jones Avenue a distance of 142.6 feet, more or less, and thence at right angles and running along the northern boundary of a 15-foot alley for a distance of 500 feet, and thence at right angles and running along the eastern boundary of Staunton Avenue for a distance of 142.6 feet, more or less, to the place of beginning; - it being Lot Nos. 707, 708, 709, 710, 711, 712, 713, 714, 715 and 716 as shown on the Plat of the Town of Parksley, Virginia, recorded in the aforesaid Clerk's Office in Plat Book 6, at Page 82. (Identified for real estate tax purposes and none other as Tax Map Nos. 078-00-A1-01-0707-00, 078-00-A1-01-0708-00, 078-00-A1-01-0709-00, 078-00-A1-01-0710-00, 078-00-A1-01-0711-00, 078-00-A1-01-0712-00, 078-00-A1-01-0713-00, 078-00-A1-01-0714-00, 078-00-A1-01-0715-00 and 078-00-A1-01-0716-00.)

BEING the same real estate conveyed to the County School Board of Accomack County, Virginia, by a deed dated the 2nd day of July, 1946, from Parksley Land and Improvement Company, and recorded in the aforesaid Clerk's Office in Deed Book 184, at Page 428. Said real estate was conveyed subject to a certain reversionary clause as set forth in the aforesaid deed to the County School Board of Accomack County, Virginia.

This conveyance is expressly subject to easements, conditions, restrictions and reservations contained in duly recorded deeds and plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed which have not expired by limitation of time contained therein or otherwise become ineffective.

TOGETHER WITH all the rights, privileges, appurtenances, and rights of way thereunto belonging or in anywise appertaining.

3. IN ADDITION the County School Board of Accomack County, Virginia, also known as the School Board of Accomack County, for and in consideration of the premises, and pursuant to and in accordance with the authority provided for under §22.1-129A of the Code of Virginia, as amended, desires to hereby forever quitclaim, release, remise and convey unto the said Accomack County, Virginia, a political subdivision of the Commonwealth of Virginia, and assigns, any and all right, title and interest whatsoever it may possess in and to the following described real estate:

Parcel 5: That portion of Mary Street situated between Jones Avenue and Staunton Avenue as a parcel of land unto itself identified as 078-00-A1-01-V000-00 together with an alley measuring fifteen feet (15') in width stretching from Mary Street to Adelaide Street, and an alley fifteen feet (15') in width and eighty-five feet (85') feet in length bounded on the west by Staunton Avenue. (Identified for real estate tax purposes and none other as Tax Map No. 078-00-A1-01-V000-00 and being bounded by Tax Map Nos. 078-00-A1-01-0707-00, 078-00-A1-01-0708-00, 078-00-A1-01-0709-00, 078-00-A1-01-0710-00, 078-00-A1-01-0711-00, 078-00-A1-01-0712-00, 078-00-A1-01-0713-00, 078-00-A1-01-0714-00, 078-00-A1-01-0715-00, 078-00-A1-

01-0716-00, 078-00-A1-01-0737-00 through 078-00-A1-01-0743-00, 078-00-A1-01-0744-00, 078-00-A1-01-0745-00, 078-00-A1-01-0746-00, 078-00-A1-01-0764-00, 078-00-A1-01-0765-00 & 078-00-A1-01-0766-00.)

4. That this Resolution shall be recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia, accepting the conveyance of such real estate to the County of Accomack, Virginia, in accordance herewith to effectuate the intent of this Resolution.

5. This Resolution shall become effective upon its adoption.

6. Should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, the remainder of such Resolution shall not be affected thereby.

h. To approve the following Reimbursement Resolution for Convenience Centers Project.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
ACCOMACK COUNTY, VIRGINIA DECLARING ITS INTENTION
TO REIMBURSE ITSELF FROM THE PROCEEDS OF A
FINANCING FOR CERTAIN COSTS OF FACILITIES
INCLUDING SOLID WASTE DISPOSAL FACILITIES**

The Board of Supervisors of Accomack County, Virginia (the "County") has determined that it may be necessary or desirable to advance money to pay the costs of certain public facilities consisting primarily of solid waste disposal facilities (the "Project").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.

2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Project from the proceeds of its debt or other financings. The maximum amount of debt or other financing expected to be issued for the Project is \$2,500,000.

3. This resolution shall take effect immediately upon its adoption.

Highway Matters

Mr. W. M. Cumming, Jr., Resident Engineer, Virginia Department of Transportation, reported on various road projects and responded to questions. He informed members that VDOT staff would be meeting later during the month regarding the Highway Safety Corridor on Route 13 and that he would be meeting with County Administrator Miner to give an update.

Miss Major made a motion that a resolution be approved for the placement of "Children at Play" signs on Lee Street in Belle Haven. Mr. Duncan seconded the motion. The motion passed unanimously.

Mr. Hart made a motion that a resolution be approved for the placement of a “Children as Play” signs on Brooklyn Avenue in Wachapreague. Mrs. Thornton seconded the motion. The motion passed unanimously.

Resolutions of Recognition

The following Resolution of Recognition was presented by Mrs. Wanda Thornton to Mr. Kenneth Wright, a retired employee of the Virginia Department of Transportation with 42 years of service.

RESOLUTION OF RECOGNITION

WHEREAS, Kenneth Wright has been a dedicated employee of the Virginia Department of Transportation for forty-two years; and

WHEREAS, Kenneth Wright has faithfully and conscientiously served Eastern Shore and its citizens during these years; and

WHEREAS, Kenneth Wright retired from his position as Assistant Resident Engineer on January 31, 2006:

NOW, THEREFORE, BE IT RESOLVED, that the Accomack County Board of Supervisors appreciates the many years of dedicated service, and extends to Kenneth Wright, his spouse, and his family its best wishes for many years of happiness in the future.

Mr. Hart noted that Mrs. Lucy Mears was not present to receive the Resolution of Recognition and informed members that Mrs. Gordy had presented the following Resolution to Mrs. Mears at her home. Mrs. Gordy informed members that Mrs. Mears was delighted to have received the recognition.

RESOLUTION OF RECOGNITION

WHEREAS, Lucy Mears will be celebrating her 100th Birthday on February 15, 2006; and

WHEREAS, during her long and productive lifetime, she has earned the respect and affection of people from all walks of life and all ages because of her knowledge, experience, wisdom, and community spirit; and

WHEREAS, in addition to her duties as wife and mother, she has been active in the Eastern Star for thirty-five years and a member of the United Methodist Women’s Quilter’s Club; and

WHEREAS, with the love and encouragement of her children, grandchildren, great grandchildren, great-great grandchildren, nieces, and nephews, she has been a powerful influence for good in the community:

NOW, THEREFORE, BE IT RESOLVED, that the Accomack County Board of Supervisors expresses sincere congratulations and best wishes for many happy years to Lucy Mears on her 100th Birthday.

Report of Public Officials

Parliamentarian

In response to inquiries from certain citizens, Reverend Donald Broad, Parliamentarian informed the Board and the public that Mr. Hart, as Chair, could vote on matters before the Board as a representative of Election District 8.

Treasurer's Report

Treasurer Dana T. Bundick was not present to give a report.

Accomack County Public Schools

Division Superintendent W. Richard Bull reviewed with the Board his monthly report and responded to questions.

Mr. Bull informed the Board that a flashing light would be installed at Kegotank Elementary School.

Department of Planning

Planning Director Jim McGowan gave a report and responded to questions on various matters, i.e., status of interim Zoning and Subdivision Ordinance revisions, schedule of Planning Commission meetings, and status of office relocation. He offered expressions of thanks to various staff members for their assistance during the move.

Sandpiper Cove – Rezoning Request

Mrs. Gordy made a motion to schedule a Public Hearing beginning at 7:30 p.m. on March 15, 2006, to afford interested persons the opportunity to be heard or to present written comments concerning a request to rezone 39.93 acres of land, Tax Parcel No. 91-A-75 along Route 745 (Barns Woods Road) in the Cashville area from Agricultural to Residential known as Sandpiper Cove LLC. Mrs. Mears seconded the motion. The motion passed unanimously.

Subdivision Ordinance Amendments

Mr. McGowan reviewed with and responded to questions concerning the Interim Subdivision Ordinance.

After discussion, Mr. Duncan made a motion that the Board hold a joint Public Hearing with the Planning Commission on March 15, 2006, at 7:30 p.m. to receive input from the public regarding the following Subdivision Ordinance amendments . Mr. Wolff seconded the motion.

The motion passed unanimously.

Accomack County, Virginia Chapter 78 SUBDIVISIONS*

**Draft Amendments through 2-17-06 are shown as underlined and ~~strike-through~~
Draft Amendments through 2-24-06 are shown as double underlined and ~~double strike-through~~**

Draft Amendments through 2-28-06 Planning Commission Meeting are shown as double underlined and ~~double strike-through~~

***Cross references:** Buildings and building regulations, ch. 18; community development, ch. 26; environment, ch. 38; roads and bridges, ch. 66; utilities, ch. 94; vegetation, ch. 98; waterways, ch. 102; zoning, ch. 106; subdivision review fees, app. A, § 13.

State law references: Planning, subdivision of land and zoning, Code of Virginia, § 15.2-2200 et seq.; land subdivision and development, Code of Virginia, § 15.2-2240 et seq.

Sec. 78-1. Adoption.

In accordance with ~~article 6 of the Virginia Planning Act as found in~~ Code of Virginia, § 15.2-2240 et seq., the board of supervisors hereby adopts this chapter for the subdivision of all land except the territory of the incorporated towns within the jurisdiction of the county. This chapter shall not apply to either de facto or de jure subdivisions recorded prior to May 1, 1973.

(Ord. of 3-21-1973)

Sec. 78-2. Purpose.

The purpose of this chapter is to establish certain subdivision standards and procedures for the county and such of its environs as come under the jurisdiction of the board of supervisors, as provided for by the Code of Virginia, in order to guide and facilitate the orderly beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare.

(Ord. of 3-21-1973, § 1-1)

Sec. 78-3. Definitions.

~~For the purpose of this chapter, e~~Certain words and terms used in this chapter shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not discretionary; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this chapter includes all ordinances amending or supplementing this chapter; all distances and areas refer to measurements in a horizontal plane.

Agent means the representative of the board of supervisors who has been appointed to serve as the Agent of the board in approving the subdivision plats, or the Agent's ~~his or her~~ officially appointed designee.

Applicant means the owner, subdivider or developer seeking to subdivide land.

Building means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

Day, business means any day, Monday through Friday, except local or state government holidays.

Developer means an owner of property being subdivided, whether or not represented by his agent.

Easement means a grant by a property owner of the use of land for a specific purpose.

Engineer means an engineer licensed by the commonwealth.

Health official means the district health director or sanitarian for the county.

Jurisdiction means the area or territory subject to the legislative control of the board of supervisors.

Large lot subdivision means any subdivision of land into three or more parts of at least three acres each that creates either a public street or a private street.

Lot means a numbered and recorded portion of a subdivision intended for transfer of ownership, lease, rental or for building development.

Lot, corner means a lot abutting upon two or more streets at their intersection; the shorter side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Lot, flag means a lot that does not meet the required frontage at the setback line, due to being configured with a narrow panhandle or pipestem ~~providing portion forming an~~ access ~~corridor~~ to the bulk of the lot, which is located behind the bulk of other lots or parcels.

Lot, width of means the mean horizontal distance between the side lot lines.

Plat means and includes the terms: map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide."

Private street means a street owned by one or more persons, restricted in use, and not maintained by the ~~state~~ Virginia Department of Transportation, and not intended by the subdivider for acceptance into the secondary system of state highways.

Property means any tract, lot, parcel or several tracts, lots, or parcels collected together for the purpose of subdividing.

Public street means a street maintained by the ~~state~~ Virginia Department of Transportation or one intended by the subdivider for acceptance into the secondary system of state highways and approved by the resident engineer as meeting ~~state~~ the Virginia Department of Transportation's current subdivision street requirements.

Resident engineer means the resident engineer employed by the ~~state~~ Virginia Department of Transportation.

Resubdivision means the further division or relocation of lot lines of any lot within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

Street means the principal means of access to abutting properties.

Street, public use of means the unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

Street width means the total width of the strip of land dedicated or reserved for travel, including roadway, curbs, gutters, sidewalks and planting strips.

Subdivider means an individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

Subdivision means the division of any tract, lot or parcel of land into three or more parts, or any division of a tract, lot or parcel of land in which a new street is created, regardless of whether the individual parts are sold, leased or rented. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided, except that the following divisions of land shall not be considered subdivisions, provided the division does not create or extend either a public street or private street or, if such a street is created, the street is subject to the same deed and plat restrictions as set out in subsection 78-6(c)(1) or subsection 78-9(g)(6) unless it is intended for and constructed to standards for addition to the secondary system of state highways, further provided that an easement or right-of-way not over 20 feet in width shall not be considered a public or private street for purposes of defining these exemptions:

- (1) Division ordered by a court of competent jurisdiction;
- (2) Divisions made solely for agricultural or timber purposes;
- (3) Division by deed of gift or will;
- (4) Divisions whereby a parcel is separated in order to become a permanent part of an adjoining tract (changing the location of a parcel boundary line);
- (5) Division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, provided the lot satisfies the minimum lot size requirements of this chapter, including section 78-12, and of the applicable regulations of chapter 106.

None of the exemptions in subsections (1) through (5) of this section shall be used for the purpose of circumventing this chapter.

The word "subdivision" and any derivative thereof shall have reference to the term "subdivider" as defined in this section.

Surveyor means a surveyor licensed by the commonwealth.

(Ord. of 3-21-1973, §§ 2-1--2-4, 2-6--2-19; Ord. of 6-18-1980; Ord. of 11-20-1996)

Cross references: Definitions generally, § 1-2.

State law references: Similar provisions, Code of Virginia, § 15.2-2244(A).

Sec. 78-4. Administration.

- (a) *Administrator.* The Agent appointed by the board of supervisors is hereby delegated to administer this chapter. In so doing, the Agent shall be considered the agent of the board of supervisors, and approval or disapproval by the Agent shall constitute approval or disapproval as though it were given by the board of supervisors. The Agent shall also consult with the planning commission on matters contained in this chapter.
- (b) *Review.* In the event that a plan for a subdivision is disapproved by the Agent, the subdivider may appeal his subdivision plan directly to the board of supervisors. All appeals must be made within 60 days of the date of disapproval or the subdivider will forfeit the right to have his subdivision plan reviewed.
- (c) *Duties.* The Agent shall perform his duties regarding subdivisions and subdividing in accordance with this chapter and the Land Subdivision and Development Act (Code of Virginia, § 15.2-2240 et seq.)
- (d) *Consultation.* In the performance of his duties the Agent may call for opinions or decisions, either verbal or written, from other departments in considering details or any submitted plat. This authority by the Agent shall have particular reference to the resident engineer and the

health officer.

- (e) *Additional authority.* In addition to the regulations contained in this chapter for the platting of subdivisions, the ~~A~~agent may, from time to time, establish any additional reasonable administrative procedures deemed necessary for the proper administration of this chapter.

(Ord. of 3-21-1973, § 3)

Cross references: Administration, ch. 2.

Sec. 78-5. Procedure for making and recording plats.

- (a) *Platting required.* Any owner or developer of any tract of land situated within the county who subdivides such tract of land shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the appropriate court **within six (6) months after final approval or the approval shall be withdrawn and the plat marked void and returned to the agent.** No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the agent in accordance with the regulations set forth in this chapter. No lot shall be sold, leased or rented in any such subdivision before the plat of the whole subdivision shall have been recorded. Preliminary plats may be drawn so as to constitute two or more groups of lots (sections or phases) which may then be recorded as final approved plats in two or more sequential phases, not more than six months apart. Such phases must be clearly marked on the plat, showing which lots are in each phase and the sequence in which the phases will be recorded. The planning commission may approve extensions of the six-month time limit for ~~phasing~~ recording of final plats as part of a phased development.
- (b) *No exemptions.* No person shall subdivide any tract of land that is located within the county except in conformity with the provisions of this chapter.
- (c) *Necessary changes.* No changes, erasures, or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.
- (d) *Fees.* All fees for administration of this chapter shall be adopted and regulated by the board of supervisors. The fees may, from time to time, be amended, supplemented, changed or repealed by the board of supervisors.

(Ord. of 3-21-1973, § 4; Ord. of 8-15-1979; Ord. of 6-18-1980)

Sec. 78-6. Improvements.

- (a) *Subdivider's responsibility.* All physical improvements in a subdivision shall be installed by the subdivider at his cost, except that the subdivider shall not be required to install individual septic tanks and individual wells where private water and sewer systems are intended for each lot. In cases where specifications for improvements have been established either by the ~~state Virginia Department of Health department~~ for central water and central sewer systems, or by the ~~state Virginia Department of Transportation~~ or this chapter for streets and drainage facilities, such specifications shall be followed in the design and construction of these improvements with the following being the only exception: In subdivisions where private streets are permitted, streets and drainage facilities shall not be required to conform to ~~state Virginia Department of Transportation~~ specifications.
- (b) *~~state Virginia Department of Hhealth department.~~* All plans for water and sewerage facilities in a subdivision must be approved by the ~~state Virginia Department of Hhealth department,~~ the Virginia Department of Environmental Quality and/or the State Water Control Board, as applicable before the **final** subdivision **plat** can be **recorded approved.**

(1) *Central water facilities.*

- a. Where central water is available from a municipality or a public authority, or is intended to be furnished by the subdivider, the service shall be extended to all lots within a subdivision.
- b. The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided necessary central water is available. The agent shall consult with the proper authority before approving such location.

(2) *Central sewerage facilities.* Where central sewerage facilities are available from a municipality or public authority, or are intended to be furnished by the subdivider, the service shall be extended to all lots within a subdivision, and septic tanks will not be permitted.

(3) *Individual water and/or sewer.*

- a. Nothing in this regulation shall prevent the installation of privately owned individual water and/or sewer facilities in areas where central water and/or sewerage facilities are not available, provided, however, that installations meet the requirements of the state water control board, the state Virginia Health Department and any other state or local regulation having authority over such installation.
- b. After ~~general~~ approval of the preliminary subdivisions plat, but prior to approval of the final plat, each lot for which an individual sewage system is proposed must further be evaluated by the local health department for suitability of the type of sewage disposal proposed for that lot and a ~~sewage permit~~ letter of certification must be obtained ~~according to the rules and regulations of~~ from the state Virginia Department of Health department.
- c. For any subdivision of greater than 10 lots, which does not have central water facilities, one or more dry hydrants must be provided at locations approved by the Agent. The Agent may consult with the appropriate authority before approving such locations.

(4) *Lot sizes.* Lot sizes shall conform to the area requirements specified in the applicable district regulations of chapter 106.

(5) *Exceptions to lot size rules.* Greater lot areas may be required where individual septic tanks and/or individual wells are used if the health official determines that there are factors of drainage, soil condition, population density or other conditions to cause potential health problems. The Agent shall require that soil evaluation and any tests necessary be conducted under the health director's supervision to determine the adequacy of the proposed systems. Such test information shall be submitted with the preliminary plat when greater lot areas are required.

(6) *Compliance with zoning regulations.* In addition to all the requirements of this chapter, the developer ~~of mobile home parks in which lots are rented or sold~~ shall comply with all the requirements of chapter 106.

(7) *Reservation of open space for mobile home park or travel trailer park.* The developer of a mobile home park or travel trailer park shall reserve ten feet of open space abutting all the adjoining property owners before establishing lots within the park.

(8) *Travel trailer parks to comply with state requirements.* The developer of a travel trailer park in which lots are sold or rented shall comply with all the requirements of the state Virginia Health Department and bureau of tourism and submit written approval to the agent.

(9) *Regional Stormwater Facilities.* Any subdivision that is adjacent to an existing regional stormwater management facility, or adjacent to ~~such~~ a proposed regional stormwater management facility, that is shown on the County's Comprehensive Plan shall provide utility easements on the plat, which shall be designed and configured so as to allow drainage connections to such facility.

(c) *Department of transportation.* All plans for streets and drainage facilities in subdivisions where

public streets are required or intended shall be in accordance with the requirements of the state Virginia Department of Transportation's secondary highway specifications and subdivision street requirements. Such plans shall be approved by the state Virginia Department of Transportation (VDOT) before the final subdivision plat can be recorded-approved. Plans for streets that are not intended for addition as part of the secondary system of state highways shall be submitted to the state Virginia Department of Transportation for review and approval of connections to the highway systems under that agency's jurisdiction and for the issuance of appropriate state Virginia Department of Transportation permits.

(1) *Private streets.* ~~Private Streets not constructed to meet VDOT standards in subdivisions~~ are allowed only in large lot subdivisions. For all subdivisions in which private streets are allowed (whether or not they are constructed to meet VDOT Standards), the subdivision plat and all approved deeds of subdivision, or similar instruments, must contain a statement advising that the streets in the subdivision ~~do not meet state standards and~~ will not be maintained by the state Virginia Department of Transportation or the county unless and until such time as such streets have been accepted into the state system by the ~~constructed to meet the prevailing subdivision street requirements of the state~~ Virginia Department of Transportation. ~~using funds other than those administered by that agency.~~ Grantors of any subdivision lots to which such statement applies must include the statement on each original deed of conveyance thereof.

- a. *Private streets--Width.* Except along sections where narrowness of right-of-way through adjoining property makes it impossible, the width of private streets shall comply with the state Virginia Department of Transportation's subdivision street requirements. The Agent shall consult the resident engineer to determine what width would have been required had the street been intended for dedication as a public street.
- b. *Private streets--Construction.* All private subdivision streets shall conform with the standards for construction road stabilization, as specified in the state erosion and sediment control handbook.

(2) *Adjacent subdivisions.* Where a developer or subdivider seeks to plat a subdivision adjacent to an existing subdivision and any private street in the existing subdivision is intended for use in providing access to any street in the planned subdivision, then the planned subdivision, for purposes of determining whether private streets will be permitted, shall be deemed to contain a number of lots totaling the sum of those in the existing subdivision and those in the planned subdivision. The foregoing requirements shall also apply when a developer or subdivider seeks to plat a subdivision adjacent to a proposed subdivision which is under review.

(Ord. of 3-21-1973, § 5; Ord. of 5-17-1978; Ord. of 10-19-1983; Ord. of 8-17-1994; Ord. of 11-20-1996)

Sec. 78-7. Insuring performance on improvements; security.

- (a) *Generally.* Before the Agent will give final approval to any subdivision plat, the ~~subdivider or~~ developer or subdivider shall be required to insure his performance in accordance with specifications and construction schedules established on certain planned improvements. Performance security in an amount determined by the Agent to be sufficient to pay the total cost of the improvements being secured shall be required in all subdivisions for public streets and accompanying drainage construction and for central water and/or sewer, including survey monuments as required in this chapter. In determining the costs for various improvements the Agent may consult an engineer, who shall prepare written construction cost estimates for the Agent, or the Agent may require that bona fide cost estimates for improvements be furnished by the developer or subdivider. The developer or subdivider may elect to secure all improvements requiring security with one performance security mechanism, or he may elect to utilize two mechanisms simultaneously: one mechanism securing improvements requiring state Virginia Health Department approval and one mechanism securing improvements requiring state Virginia Department of Transportation approval. Upon receipt of a written request from the subdivider or developer, the agent, after conferring with the county attorney, may waive elements of the bonding requirements of this Ordinance. The agent's decision shall be final.
- (b) *Performance Agreements and Guarantees security in lieu of construction.* An agreement

supported by a form of security guarantee is required on all projects. This agreement and security guarantee shall obligate the developer or subdivider to construct legally required improvements on approved site plans or subdivision plats in a timely manner and in accordance with applicable standards.

All such security mechanisms guarantees must be provided by the developer or subdivider in a form acceptable to the county attorney. The bond security is designed to guarantee the County a fund for completion of required improvements in the event the developer or subdivider fails to discharge the obligations of his or her the performance agreement. The shared obligation of all bonds security guarantees is by the payment of the designated funds on demand. The Agent shall approve and may amend from time to time, after conferring with the county attorney, standard forms which may be used for any performance agreement and bond security guarantee.

The developer or subdivider ~~in lieu of construction~~ shall furnish the board of supervisors one or both more of the following as acceptable performance security mechanisms guarantees for improvements requiring security, which are the only forms of guarantee (bond) acceptable to the County:

- (1) Cash to be held in escrow and deposited in the county treasury, which shall bear no interest;
- (2) Corporate Surety Bond made payable to the board of supervisors;
- (3) A contract for construction, with the contractor's bond;
- (4) A bank or savings and loan association's letter of credit.

State law references: Similar provisions, Code of Virginia, § 15.2-2241(5).

(c) *Discontinuing performance security.*

- (1) When the developer has completed, in compliance with the standards of this chapter, all of the improvements secured by either performance security mechanism, the Agent shall cancel the performance security mechanism guarantee securing the-completed completion of the improvements. Where the security was a bond, the Agent shall release the developer ~~of from his the~~ bond. Where the security was cash, deposited with the Agent at the time of the recording, the Agent shall return it to the developer, their devisees, or assigns.
- (2) Before the Agent may cancel any performance security mechanism guarantee, ~~he the Agent~~ shall receive written notice from the appropriate official that the secured improvements have been completed according to specifications. The health official shall confirm the completion of all secured improvements requiring state Virginia Department of Health Department approval. The resident engineer shall confirm the completion of all secured improvements requiring state Virginia dDepartment of tTransportation approval.

(Ord. of 3-21-1973, § 6; Ord. of 11-20-1996)

(d) Bond Extensions

- (1) When an applicant developer or subdivider enters into an agreement with the County, the necessary physical improvements shall be completed in the period of time specified in the agreement (the performance date). If the noted improvements are not completed within this time period, and an extension has not been obtained, or a replacement agreement and bond has not been submitted and approved with a new expiration date, the agreement is deemed in default. The Agent shall follow the procedures set forth in subsection (g) below.
- (2) Prior to the expiration of the performance date, the applicant developer or subdivider may submit a written request to the Agent for an extension of the expiration date. The Agent will act to approve, approve with conditions, or deny the request. If the extension is approved, the developer or subdivider shall sign an addendum to the performance agreement reflecting the extension.
- (3) In the event the developer or subdivider does not request and gain approval of an extension,

and the project is not completed by the expiration date, the matter shall be reviewed by the Agent for appropriate action, including the possibility of referral to the board of **County** supervisors for its action.

(e) Bond Reductions

- (1) Once at least thirty percent (30%) of the improvements covered by the **performance agreement and security** guarantee are completed, any form of guarantee subject to this policy may be partially released periodically (i.e. reduced) to an amount not less than the actual cost of completion, plus permitted allowances.
- (2) Reduction requests shall not be approved if the performance agreement is in default.
- (3) **An applicant Developer or subdivider**, seeking partial release of any bond or other form of guarantee shall submit to the Agent a written **bond security** reduction request ~~to the agent~~, **current price list identifying status of completion and items to be completed, and a copy of any proffers or special use permit conditions.**
- (4) The Agent shall approve, approve with modification, or disapprove all reduction requests submitted within ~~thirty~~ 30 days of receipt. If a request is disapproved, the developer or subdivider shall be notified in writing of the specific reasons for the disapproval.

(f) Bond and Performance Agreement A final bond release shall be authorized by the Agent, provided the following criteria have been met:

- (1) Acceptance of all public facilities by the appropriate state or local government agency, or public authority.
- (2) Acceptance of as-built plans.
- (3) Payment by the **developer or subdivider applicant** of all required fees.

(g) Default and Evaluation Procedures. If the developer or subdivider fails to complete the required site improvements in the period of time specified in the agreement or any approved extension, the developer **or subdivider** is in default. In such instances, the Agent shall forward a recommendation to the Board of Supervisors that the project be formally declared in default, together with a recommendation for a course of action in response to default. Such recommendations may include, without limitation, using funds obtained from the **security** guarantee of the defaulted performance agreement to complete required public improvements, vacation of all or a portion of the subdivision, subject to the defaulted performance agreement, requiring successors in interest to the original developer **or subdivider** to provide a substitute performance agreement, and/or requiring lot owners to post a right of entry bond prior to the issuance of building permits.

State law reference: Code of Virginia § 15.2-2245.

Sec. 78-8. Miscellaneous general regulations.

- (a) *Mutual responsibility.* There is a mutual responsibility between the subdivider and the county to divide the land so as to improve the general use pattern of the land being subdivided.
- (b) *Easements.* The Agent shall require easements of not less than 12 feet through subdivision property for power lines, water, sewer and other utilities when providing these utilities is planned and would be made difficult without easements.
- (c) *Lots.* In addition to the area and width requirements already specified, lots shall be arranged in order that the following considerations are satisfied:
 - (1) *Shape.* The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, will be properly related topographically and will conform to requirements of this chapter. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for

normal purposes. Flag lots as defined herein shall be permitted only if such a lot is three (3) acres or greater in area.

- (2) *Location.* Each lot shall abut on a public or private street identified on the subdivision plat, or on an existing publicly dedicated street.
 - (3) *Corner lots.* Corner lots shall have extra width sufficient for maintenance of any required utility lines on both streets as determined by the agent. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. Each corner lot shall have a minimum width at the setback line of 150 feet or more. The minimum side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings.
 - (4) *Side lines.* Side lines of lots shall be approximately at right angles or radial to the street line.
 - (5) *Remnants.* All remnants of lots below minimum size left over after the subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.
 - (6) *Business or industrial lots.* Business or industrial lots intended for business or industrial use shall be designed specifically for such purpose with adequate space set aside for off-street parking and delivery facilities.
 - (7) *Lots abutting upon existing public streets.* If a subdivider seeks to plat a subdivision containing any lot which will abut upon an existing public street with a right-of-way of less than fifty (50) feet in width, before the agent may approve the subdivision for recording, the subdivider shall be required to dedicate for public road purposes, along each lot abutting upon the public street, a strip of land the width of which shall be determined by the ~~state~~ Virginia Department of Transportation.
- (d) *Monuments.* All lot corners shall be marked with concrete markers four inches by four inches by 30 inches or by an iron pipe or iron bar not less than one-half inch in diameter and 30 inches long and driven so as to be flush with the finished grade.
- (e) *Continuity and connectivity of the public street system.* All streets within the subdivision, whether public or private, proposed for addition to the secondary system of state highways shall either connect directly to, or connect to another such street that connects to, or be a continuation of a network of public streets, the maintenance of which has been officially accepted by the ~~state~~ Virginia Department of Transportation or the maintenance of which has been officially accepted by the city, town or county within which it is located. Each subdivision, whether the streets are public or private, must, where determined practicable by the Agent, provide multiple points of connection between the subdivision street system and the existing and planned surrounding street network. ~~The planning commission may waive or modify this requirement if it determines that the public purposes of this chapter would be better achieved by such waiver or modification.~~
- (f) *Street names.* Street names shall be indicated on the preliminary and final subdivision plat and shall be approved by the agent. In no case shall the names of proposed streets duplicate existing street names in the county.

(Ord. of 3-21-1973, § 7; Ord. of 10-19-1983; Ord. of 11-20-1996)

- (g) *Street Access.* For any subdivision plat creating ~~ten~~ 10 or more lots, all such newly created lots must have frontage and driveway access onto a newly constructed, internal street, rather than onto an existing public street, except that lots which share at least one boundary with an existing public street may be served by a common driveway that creates not more than one new entrance onto such public street for every five (5) new such lots.

Sec. 78-9. Submission and approval of plats and specifications.

- (a) *Request for approval.* Request for approval of a proposed subdivision shall be made to the

Agent by the subdivider or by his agent in writing, on an application form provided by the County, and no lot shall be sold until a final plat for the subdivision shall have been approved by the County and recorded in the manner provided in this section. The Agent shall have 10 working business days in which to determine and inform the subdivider in writing whether an application is complete. The timeline for review of a subdivision application will commence on the day it is deemed by the Agent to be a complete application. To be deemed a complete application, all of the information called for in Section 78-9 (a), (b) and (c) shall be provided, including payment in full of any submission fees that may be required by the County. ~~The conceptual preliminary plat required in Section 78-9 (b) may be submitted prior to the formal submission of the application and detailed preliminary plat required in Section 78-9 (e); however, the official timeline for review will not begin until the full application is submitted and deemed to be complete by the Agent.~~

(b) Conceptual Preliminary Plat sketch. Prior to submission of a preliminary plat for 10 or more lots, a subdivider shall submit a conceptual preliminary plat to the Agent and shall meet with the Agent to review said conceptual preliminary plat. The subdivider may, if he so chooses, shall submit to the Agent ~~six (6)~~ ~~twelve (12)~~ paper copies of a conceptual preliminary plat, and a digital copy in PDF or other format acceptable to the Agent, sketch of the proposed subdivision. prior to or at the same time as submitting an his preparing engineered, detailed preliminary and final plats. The purpose of such conceptual preliminary plat, and meeting, sketch is to permit the Agent to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The Agent, upon submission of any conceptual preliminary plat sketch, shall study it, and advise the subdivider wherein it appears that changes would be necessary. The Agent may mark the conceptual preliminary plat sketch indicating necessary changes. ~~and~~ The subdivider shall return any such marked plat sketch shall be returned to the Agent with the detailed preliminary plat.

(1) The conceptual preliminary plat sketch shall:

- a. Be drawn on white paper or on a print of a topographic map of the property which also shows the environmental information shown on the Existing Resources/Site Analysis Map as required in Section 78-9 (b) (1) e;
- b. Be drawn to a scale of not more than 100 feet to the inch;
- c. Show the name, location and approximate area of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided; and
- d. Include the approximate dimensions of existing and proposed features;
- e. Be accompanied by an Existing Resources/Site Analysis Map which shows major environmental features, including but not limited to, woodlands, floodzones, hedgerows, fences, vernal pools, perennial streams, wetlands, soil types, historic and cultural features (including cemeteries and military earthworks), power lines, underground pipes, geologic features, and areas of the property that are visible from any adjacent public right-of-way;
- f. Show all areas which are proposed to be disturbed by clearing, grading or construction. Such areas must not cause and the methods used to prevent significant damage or disturbance to the major environmental features identified in Section 78-9 b. (1) e.;
- g. Show the proposed location of building sites, and septic drainfield sites and wells, where applicable, on each lot.

(2) ~~Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a conceptual preliminary plat sketch plan for the entire tract shall be submitted with the preliminary plat. This plat sketch is merely for informational purposes and is not binding on the subdivider or the board of supervisors. In the event that the subdivider has not determined the highest and best use of any remaining land, he may inform the agent that future use has not been determined. The Agent may mark the conceptual preliminary plat indicating necessary changes. The subdivider shall return any such marked plat to the Agent with the detailed preliminary plat.~~

(c) Detailed Preliminary Plat. The subdivider shall present to the Agent ~~four~~ ~~fifteen~~ (15) copies ~~prints~~ of a detailed preliminary plat layout at an appropriate scale of not more than 100 feet to the inch. ~~as a preliminary plat, which-~~ In addition to the information shown, and the standards met for the conceptual preliminary plat, the detailed preliminary plat shall include the following information for that portion of the tract intended for initial subdivision:

- (1) Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, the method of determination must be shown.
- (2) Location of proposed subdivision by an insert map at a scale of not less than two inches equal one mile showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
- (3) A metes and boundary description or existing survey of records showing total acreage of the original tract, acreage of the area proposed for the subdivision subdivided area, number and approximate area and frontage of all building ~~sites~~ lots, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries. In case only a part of a tract of land is proposed for subdivision, the Agent may require the detailed preliminary plat to show a proposed future subdivision of such remaining acreage or a part thereof, to make certain that proper orientation of future streets can be developed with the platted streets. Approval of the detailed preliminary plat will not constitute approval of the proposed subdivision for the remaining acreage.
- (4) All existing and proposed streets showing width, existing utility or other easements, public areas and parking areas, storm drainage facilities and other pertinent data.
- (5) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply, including the location of proposed drainfields and wells.
- (6) All parcels of land to be dedicated for public use and the condition of such dedication.
- (7) The subdivider, if he chooses, may submit with the detailed preliminary plat, plans and specifications for improvements requiring performance securities, in order that the appropriate approving authorities may render preliminary opinions and suggest changes in the final plat.
- ~~(8) The planning commission may establish additional requirements for detailed preliminary plats and, in special cases, may waive modify a particular requirement if, in its opinion, the public purposes of this chapter would be better achieved by such modification, inclusion of that requirement is not essential.~~
- (~~8~~) When a residential subdivision is proposed in or adjacent to any agricultural zoning district, the following statement shall be clearly visible on the preliminary plat, and on any final plat subsequently approved and recorded: "These residential building lots are located in an area and zoning district specifically designated for agricultural activities, including horticulture and the raising of animals. Residents may expect the use of herbicides, pesticides, and fertilizers on adjacent agricultural fields, as well as other general agricultural activities, including plowing, spraying, pruning, and harvesting, which may occasionally, generate dust, smoke, noise, and odor, and may also include changes from one specific agricultural activity to another." Such statement shall likewise be included on any individual plats of lots or parcels within such subdivisions subsequently and separately surveyed and recorded.
- (~~9~~) When all or part of the subdivision is located in the A or V zones, as specified on National Flood Insurance Program Flood Insurance Rate Maps, the boundary of those zones shall be depicted on the plat. If none of the subdivision is in the A or V zone, a statement to that effect should be made on the plat.
- (~~10~~) Description and general location of any structures and facilities required for stormwater management according to applicable county ordinances.

~~(12~~ 11) For any subdivision plat creating ~~five~~ 50 or more lots, the subdivider shall provide a traffic impact study to determine the proper design and configuration of new streets and public road entrances. ~~The County may, from time to time, at its discretion, establish specific technical procedures and methods for conducting such studies.~~ Such studies shall include the following elements, each of which may be modified or waived if the agent determines that a particular element is not applicable.

- a. Clearly-stated assumptions.
- b. A summary table or tables listing each type of land use, the number and type of dwelling units proposed, the trip rates used (daily as well as peak periods), and the resultant trip generation.
- c. A site map showing the location within the site of each type of proposed land use and of all dwelling units.
- d. Existing and projected traffic volumes (including turning movements), facility geometry (including storage lengths), and traffic controls where appropriate, including A.M. and P.M. peak hour site traffic, A.M. and P.M. peak hour total traffic, total daily traffic, distribution and assignment of trips generated by the project, and projected level of service (LOS) and warrant analyses, including existing conditions and cumulative conditions at build-out. Projections will be for five (5) years following the date of proposed project build-out. The base volume for non-site traffic shall be the latest forecasts available from the Virginia Department of Transportation. The source for trip generation rates shall be "Trip Generation" published by the Institute of Transportation Engineers (ITE), most recent edition.
- e. Mitigation phasing plan, including dates of proposed mitigation measures.
- f. All final submittals for traffic impact studies must be signed and sealed by a Virginia Registered Civil Engineer.

~~13~~ (12). A statement summarizing proposed restrictive covenants and reservations.

~~14~~ (13). A check payable to the County of Accomack to cover the required fees as established by the Board of Supervisors.

(d) *Procedure.* The following procedures apply to subdivision applications.

1. Upon receipt of an application for subdivision, the Agent shall review it to determine if it is complete, including all applicable items set forth in Section 78-9 (a), (b) and (c). Within 10 business days of receiving the application, the Agent shall inform the applicant in writing as to whether the application is deemed complete, and if it is not complete, what items need to be added or corrected in order for it to be deemed complete. Once the Agent has deemed the application complete, ~~the Agent~~ he shall notify the applicant in writing, at which time the review process and timeline for review and action on the application, as set forth herein, shall officially begin.
2. For subdivisions of less than 10 lots, the Agent, or his appointed representative, shall ~~discuss~~ determine ~~whether~~ the detailed preliminary plat ~~with the subdivider in order to determine whether or not his detailed preliminary plat~~ generally conforms to the requirements of this chapter and of chapter 106, if any. The subdivider shall be advised ~~within 60 days in writing within 60 days of the application being deemed to be complete,~~ either by formal letter or legible markings on ~~his~~ the subdivider's copy of the detailed preliminary plat or physical improvement plans, if submitted, concerning any additional data that may be required, and the character and extent of any changes that will have to be made. The Agent shall provide such written notification to the applicant within 60 days of the application being deemed to be complete, unless the Agent submits the application to any state agency for referral, in which case the Agent shall have ninety (90) days from the date of official acceptance of the application to approve or deny the plat.

3. Detailed Preliminary Plats for subdivisions creating 10 or more lots, or any subdivision requiring a new private or public road, shall be submitted to the planning commission for review. The planning commission ~~will~~shall review the detailed preliminary plat at a public meeting which shall be advertised in accordance with section 15.2-2204 ~~of the Code of Virginia Code Ann.~~ In addition, the subdivider shall post a notice of intent to subdivide on the property, in a location clearly visible from the road, for at least ~~ten~~ 10 days prior to the planning commission meeting. The planning commission shall take action to recommend approval, conditional approval, or denial of the preliminary plat within ~~60 forty-five (45)~~ days of official acceptance of the application if the Agent does not submit the application to any state agencies for review and shall not be required to approve the plat in less than 60 days from the date of official acceptance. If the agent submits the application to state agencies, the planning commission shall make its recommendations to the agent within ~~seventy-five (75)~~ 45 days after receiving comments from all state agencies. ~~of official acceptance and the agent shall have ninety (90) from the date of official acceptance of the application to approve or deny the plat. the first public meeting at which the plat is considered.~~ However, all actions of the Agent or planning commission, and state agencies, on a preliminary subdivision plat shall be completed within 90 days.

The planning commission's recommendation shall be forwarded to the ~~Subdivision~~ Agent, who will then approve or deny the plat and notify the applicant in writing.

4. ~~During~~ Upon official acceptance of the subdivision application, the review of the detailed preliminary plat, the Agent shall submit copies for comment and advice to any local, state or federal agencies or boards that the Agent deems necessary for the Agent to determine whether the application meets the requirements of this Ordinance, including but not limited to the Virginia Department of Transportation, the Virginia Department of Health, and the Virginia Department of Conservation and Recreation. Such agencies shall provide comments to the Agent within forty-five (45) days after the Agent submits such a referral request.

- (e) *No guarantee.* Approval by the Agent of the detailed preliminary plat does not constitute a guarantee of approval of the final plat.
- (f) *Twelve months limit.* The subdivider shall have not more than 12 months, after receiving official notification of approval concerning the detailed preliminary plat, to file with the Agent a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The Agent may, on timely written request by the subdivider, grant an extension of this time limit.
- (g) *Final plat submission requirements.* Four (4) copies of the final subdivision plat shall be submitted to the Agent for final approval and subsequent recording. The final plat shall be submitted on sheets having a size of 17 1/2 inches by 22 inches and shall be a clear, legible, and reproducible print of a boundary survey of the area to be subdivided, (such survey shall show a closure with an accuracy of not less than one in ~~2,500~~ 10,000). The final plat shall be accompanied by approved, engineered plans and specifications for all improvements requiring performance security. Plans for public streets and drainage facilities shall have been approved by the ~~state~~ Virginia Department of Transportation; plans for water and sewerage facilities shall have been approved by the ~~state~~ Virginia ~~Department of Health~~ department. A digital copy of the final plat shall also be submitted to the Agent in a format acceptable to the Agent, such as PDF.

The final plat shall include all requirements of the detailed preliminary plat in detail form and also shall include the following:

- (1) A blank oblong space to be reserved for the use of the approving authority.
- (2) Certificates signed by the surveyor or engineer preparing the final plat setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title. Each plat shall also contain a statement to the effect that, "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any." The statement shall be signed by such persons and duly acknowledged before ~~some~~ an officer authorized to take acknowledgment of deed.

~~State law references: Similar provisions, Code of Virginia, § 15.2-2264.~~

- (3) Identification of the respective tracts from which a subdivision was assembled, if the subdivision consists of land acquired from more than one source of title.
- (4) The accurate location and dimensions by bearings and distances with all curve data on all lots, street lines, centerlines of streets, and boundaries of all proposed or existing easements.
 - a. Distances and bearings must balance and close with an accuracy of not less than one in 10,000.
 - b. The data of all curves along the street frontage shall be shown in detail on the curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.
- (5) In accord with Section 78-7 (a) of this chapter, the subdivider shall submit, to the Agent, a cost estimate for improvements requiring performance security based on the final approved plans. The subdivider shall be notified at this time of the total amount of performance security for improvements that will be required as a prerequisite to final plat approval.
- (6) For a subdivision with streets that will not be constructed to the standards necessary for inclusion in the secondary system of state highways, the final plat shall include the following statement: "The streets in the subdivision hereon depicted do not meet state standards and will not be maintained by the state department of transportation or the county until such time as such streets have been constructed to meet the prevailing subdivision street requirements of the state department of transportation using funds other than those administered by that agency."
- (h) *Final plat; approval and recording.* Within sixty (60) days after a final plat and the accompanying documents required by this chapter have been officially accepted by the Agent, After the Agent determines ~~that~~ whether the subdivider has or has not complied with all the requirements of this chapter. If the Agent disapproves a plat, all copies of the plat and accompanying documents will be returned to the subdivider and the Agent will provide written notification to the subdivider stating the reasons for disapproval. Following approval, the Agent shall indicate his approval of the final plat in writing upon the face of the plat. The subdivider shall record the approved plat within 60 days following the date of approval and shall immediately notify the Agent in writing with evidence of the recordation. The county clerk shall record the approved plat when it is submitted by the subdivider. If the subdivider fails to have the plat recorded within ~~60 days~~ 6 months following the date of approval, the Agent shall mark the plat "VOID" and return the plat to the subdivider.

(Ord. of 3-21-1973, § 8; Ord. of 8-15-1979; Ord. of 8-18-1994; Ord. of 11-20-1996; Ord. of 10-20-2004)

State law references: Similar provisions, Code of Virginia, § 15.2-2264.

Sec. 78-10. Advertising standards; subdivider's responsibility.

A subdivider, when advertising a subdivided tract of land, shall:

- (1) State whether officially approved water and sewage facilities are available or not.
- (2) State on the plat whether roads and streets are public or private, as provided in subsection 78-6(c)(1).
- (3) State on plats that contain new streets not proposed for addition to the secondary system of state highways that the streets do not meet the standards of the state department of transportation and will not be maintained by that agency or the county until such time as such street or streets have been constructed to meet the prevailing subdivision street requirements of the state department of transportation using funds other than those administered by that agency.
- (4) Not advertise any attractions for the sale of that property that will be negated in any instrument

or conveyance of that property, be it contract of sale, land contract, deed, etc.
(Ord. of 3-21-1973, § 9; Ord. of 11-20-1996)

Sec. 78-11. Effectual clauses.

- (a) *Exception.* Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the agent, a departure may be made without destroying the intent of such provisions, the Agent may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the Agent, with the reasoning, on which the departure was justified, set forth. No such variance may be granted by this chapter which is opposed in writing by the resident engineer or health official. Any exception involving standards for roads must be submitted to the resident engineer for review prior to authorization of the exception.
- (b) *Penalties.* Any person violating the provisions of this chapter shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this chapter.

State law references: ~~Similar provisions, Code of Virginia, § 15.2-2254.~~

- (c) *Injunction.* In addition to the foregoing penalties for violation of this chapter, the judge of the circuit court of the county, whether there be a criminal conviction therefore or not, shall, upon a bill in equity, filed by an attorney for the county, award an injunction enjoining any violation of this chapter by any person found by the court in such suit to have violated this chapter or causing this chapter to be violated, when made a party defendant to such suit.
- (d) *Validity.* Should any article, section, subsection or provision of this chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.
- (e) *Repeal.* All ordinances or portions of ordinances in conflict with this chapter are hereby repealed to the extent of their conflict.
- (f) *Amendments.* This chapter may be amended in whole or in part by the board of supervisors provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the board of supervisors in accordance with ~~the Code of Virginia~~, § 15.2-2204 *Virginia Code, Ann.* Notice of the time and place of the hearing shall have been given at least once a week for two successive weeks, and the last notice at least six but not more than 21 days prior to the hearing.
(Ord. of 3-21-1973, § 10; Ord. of 11-20-1996)

State law references: Similar provisions, Code of Virginia, § 15.2-2254.

Sec. 78-12. Family Subdivisions

- (a) ~~Only~~ Not more than one family subdivision, as defined herein, such division shall be allowed per immediate family member. For the purpose of this chapter, the term "immediate family member" is defined as any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the owner. All family divisions of less than five acres shall have a minimum easement or right-of-way of not less than 15 feet or more than 20 feet to provide ingress and egress to a dedicated recorded public street or thoroughfare. The approved family subdivision plat and deed or deeds of sale or gift, filed as part of the family subdivision application and approved in conjunction with the plat, shall be recorded within six (6) months after the date of approval of the plat by the Agent. Such approval shall automatically terminate with respect to any such family subdivision plat if such approved plat and approved deed or deeds of sale or gift have not been recorded within such six (6) months and, thereafter, such plat shall be

null and void. A note to this effect must be placed conspicuously upon the family subdivision plat before it may be approved.

- (b) If a family subdivision grantee conveys a lot or parcel received pursuant to an approved family subdivision within ~~one~~ three (± 3) years after the date of approval of the family subdivision plat, such family subdivision grantee shall be presumed to have intended at the time of the approval of the family subdivision to circumvent this chapter or other chapters of the Accomack County Code. It is the intent of this Ordinance that no application for further subdivision of any lot or parcel created and conveyed pursuant hereto shall be filed within ~~one~~ three (± 3) years after the date of approval of the family subdivision plat. Such conveyance shall entitle the Agent to take any reasonable actions necessary to ameliorate the effect of such circumvention, including without limitation recommending to the board of supervisors the adoption of an ordinance vacating said subdivision in whole or in part as provided in Section 15.2-2272 of the Code of Virginia Code, Ann. A note to this effect must be placed conspicuously upon the family subdivision plat before it may be approved. This paragraph shall not apply to a conveyance made to secure an obligation nor pursuant to the foreclosure of a lien provided the recordation of such lien against such lot or parcel occurs after the recordation required by paragraph (a) above, nor shall it apply to the lot or parcel retained by the subdivider.
- (c) No zoning permit nor building permit shall be issued for any lot or parcel with respect to which any of the foregoing provisions of this section has been violated unless and until correction of such violation has been accomplished to the satisfaction of the Agent. No zoning permit nor building permit shall be issued for any lot or parcel created pursuant to a family subdivision plat unless evidence of the required recordation~~s~~ has been supplied to the Agent.
- (e) Upon satisfactory evidence of a conveyance as described in paragraph (b) above or other action constituting a circumvention or violation of any provision of this ordinance, the board of supervisors may adopt an ordinance vacating in whole or in part any such family subdivision plat in accordance with Section 15.2-2272 of the Code of Virginia Code, Ann. ~~It is the intent of this Ordinance that no application for further subdivision of any lot or parcel created and conveyed pursuant hereto shall be filed within one (1) year after the date of approval of the family subdivision plat.~~

Comprehensive Annual Financial Report for the County of Accomack

Mr. David Hughes, Robinson, Farmer & Cox Associates, reviewed with the Board the Comprehensive Annual Financial Report for the County of Accomack County and responded to questions.

He noted that as in past years, that the County would probably receive an Award of Excellence in Financial Reporting, and expressed his appreciation to the staff for its hard work.

Public Participation

The Chair read the rules governing public participation by citizen speakers.

The following persons spoke during public participation concerning the Subdivision Ordinance amendments, light pollution, and Bay Act on the Seaside:

Lois Cooper
Ellin McFord

Accomack County Social Services Center

Mr. Thomas J. Stodghill, Principal, PMA, gave an update on various contractual issues the Accomack County Social Services Center and responded to questions.

Issues discussed included:

- Heating system
- Roof work
- Remaining Contingencies
- Associated costs related to completion of deficiencies

A discussion took place regarding payment to the contractor for work already completed.

Mr. Mallette made a motion to pay the Contractor \$60,484 and hold back \$20,000 for work completed at the Accomack County Social Services Center. Mr. Duncan seconded the motion.

The motion passed unanimously.

Rules Of Procedure – Change of Meeting Place

Mrs. Mears made a motion to amend the rules of Procedure to change the meeting place for the Board of Supervisors' regular meetings from the Board Chambers in Accomack to the Cafetorium of Metompkin Elementary School. Mr. Wolff seconded the motion.

Discussion continued.

Mr. Mallet offered an amendment to meet at Metompkin Elementary School until July.

Mrs. Mears accepted the amendment. The motion, as amended, passed unanimously.

GIS Consulting Services

Mrs. Mears made a motion to authorize the County Administrator to negotiate and execute a contract with WorldView Solutions, Inc. for GIS consulting services not to exceed \$198,000.

Mr. Mallette seconded the motion. The motion passed unanimously.

County Administration Building Elevator

Public Works Director Stewart Hall reviewed with the Board the conception drawing of the proposed Administration building elevator and responded to questions.

Regional Disaster Exercise

Public Safety Director Jason Loftus and Tracey Turman, Eastern Shore Disaster Preparedness Coalition (ESDPC) gave a PowerPoint presentation on a recent Regional Disaster Exercise, offered comments on the after-action findings and responded to questions.

Following a brief discussion related to the need for establishing a position for a Planner to address issues concerning disaster/evacuation issues, Mr. Duncan made a motion to include in the FY07 budget the local share funding for a position of Planner for disaster/evacuation related issues. Miss Major seconded the motion. The motion passed unanimously.

Recess

There being no objection, the Chair declared the meeting in recess for dinner until 7:30 p.m.

Call to Order

The Chair called the meeting back to order.

Proposed Rezoning – Temperanceville Area

Mr. Hart noted that the request to rezone 65 acres of land near Temperanceville from General Business to Residential for the proposed McKinley Park Development had been deferred to the March 15th meeting as requested by the Planning Commission.

Upon consent from the Board, the Chair permitted those persons that had registered to speak concerning the McKinley Park development to speak.

Comments of opposition were offered by:

Mr. Lance Fisher
Charles Fisher
Ellin McFord -

Proposed Ordinance Cable Television Franchise

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed Ordinance to adopt a new cable television franchise agreement with Falcon Cable Media, doing business as Charter Communications.

The Chair read the rules governing conduct during Public Hearings.

Comments were given by Attorney Gordon Vincent who told the Board that before the final document was approved, there need to be a few minor corrections made.

The Chair closed the Public Hearing

Cedar Grove Consulting – Zoning Office Personnel Needs

It was the consensus of the Board to defer the matter of Zoning office personnel need until the March 15, 2006, meeting.

Virginia Community Development Block Grant Projects

Mr. Duncan made a motion to budget and appropriate \$5,000 to the A-N Planning District Commission to assist with completion of the Locust Mount and VCDBG projects. Miss Major seconded the motion. The motion passed unanimously.

Community Development Block Grant Projects

Mr. Duncan made a motion to authorize the County Administrator to execute the Administrative Services Contracts and to budget and appropriate a \$50,000 advance to the Metompkin and Accomack Manor block grant accounts for cash flow to be reimbursed upon

contract performance (these items to be budgeted and appropriated under the “catch-up” budget actions) and Miss Major seconded the motion. Ayes: Mrs. Thornton, Mr. Duncan, Mrs. Mears, Mr. Hart, Miss Major. Nays: Mr. Wolff, Mr. Mallette,, Mrs. Gordy. Absent: Mr. Matthews.

Citizen Award Program

Following a briefing by County Administrator Steven B. Miner, Mr. Duncan made a motion that the County Administrator develop a recognition awards program whereby the Board of Supervisors may provide recognition and thanks to citizens who have served above and beyond the call of duty to serve their fellow man, and bring back a proposed set of rules to the Board for consideration. Miss Major seconded the motion. The motion passed unanimously.

Accomack County Airport – Appointment

Mr. Mallette made a motion to reappoint Nancy Duncan to the Accomack County Airport Commission for a three-year term beginning immediately and ending December 31, 2008. Mrs. Gordy seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Eastern Shore Community Services Board

Mrs. Thornton made a motion to reappoint William Gregory to the Eastern Shore Community Services Board for a three-year term beginning immediately and ending December 31, 2008. Mr. Duncan seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Miss Major made a motion to reappoint Delores Colona to the Eastern Shore Community Services Board for a three-year term beginning immediately and ending December 31, 2008. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Mr. Duncan made a motion to extend the terms for the following members of the Eastern Shore Community Services Board’ Board of Directors as provided for in the Code of Virginia. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Agricultural and Forestal District Advisory Committee

Mr. Mallette made a motion to appoint Tom Wescott to the Agricultural and Forestal District Committee to serve at the pleasure of the Board. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Matthews absent.

E.D. 2 Constituents Meeting

Mr. Wolff reported that The Hon. Thelma Drake was the guest speaker for the E.D. 2 Constituents Meeting held February 13th, with 55 people present.

E. D 2 District Funds – Town of Hallwood

Mr. Wolff made a motion that the Board authorizes the use of \$1,000 from E. D. 2 district funds to assist the Town of Hallwood with a drainage problem. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Neighborhood Crime Watch Signs

Miss Major made a motion that the Board authorizes the use of up to \$300 from E. D. 9 district funds to purchase Neighborhood Crime Watch signs. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Agricultural and Forestal Districts

Mr. Thornton made a motion to have staff bring to the Board information related to the County’s Agricultural and Forestal Districts. Mrs. Gordy seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Duncan, Mrs. Mears, Mrs. Gordy, Mr. Hart, Miss Major. Nays: Mr. Mallette. Absent: Mr. Matthews

Budget and Appropriation Items

Mr. Duncan made a motion to approve the following budget and appropriation items. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Matthews absent.

FISCAL YEAR 2006

Grants, Etc.

Increase Revenues

From the Federal Government \$100.000

Increase Expenditures

Education \$100,000\
Title 1 School Improvement Grant award

From Contingencies (\$40,683 unappropriated balance as of 02/06/06)*

Increase Revenues

From the Commonwealth \$ 78,508

Decrease Expenditures

Contingencies \$ 10,789

Increase Expenditures

Commissioner of the Revenue \$ 3,725

Treasurer \$ 5,002

Registrar \$ 1,241

Clerk of Circuit Court \$ 6,685

Commonwealth’s Attorney \$ 6,048

Law Enforcement/Corrections/Court Services \$ 62,915

Ordinance Enforcement \$ 970

Animal Control \$ 1,716

Regional Animal Control Facility \$ 995

Compensation Board salary increases effective 12/05 and required local match

Certified Payables

Mrs. Thornton made a motion to authorize the payment of invoices. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Closed Meeting

Mr. Wolff made a motion that the Board go into closed meeting for the following purposes pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Matthews absent.

- a. (A) (1) discussion of certain personnel matters,
- b. (A) (3) discussion of the acquisition or disposition of public property,
- b. (A) (5) discussion concerning a prospective business or industry or the expansion of an existing business where no previous announcement has been made.

Open Meeting

The Chair declared the meeting open to the public.

Certification of Closed Meeting

On a motion by Mrs. Thornton and seconded by Mr. Wolff, a roll call vote was taken pursuant to Section 2.2-3712 (D) of the Code of Virginia immediately after reconvening in Open Meeting, at which time each member certified by his vote that the only matters discussed during the Closed Meeting were (i) only public business matters lawfully exempted from Open Meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the Closed Meeting was convened.

Aye:	Mrs. Thornton	Mr. Duncan	Mrs. Gordy	Nays: None
	Mr. Hart	Mrs. Mears	Miss Major	
	Mr. Wolff	Mr. Mallette		

Absent: Mr. Matthews

County Administrator Evaluation

Mr. Wolff made a motion that the Chair be authorized to appoint two (2) Board members to review the County Administrator evaluations and bring back recommendations to the full Board.

Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Matthews absent.

The Chair appointed Mr. Duncan and Mr. Mallette.

Suspension of the Rules

Mr. Duncan made a motion to suspend the Rules and add to the Agenda discussion related to the Eastern Shore of Virginia Public Service Authority. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Eastern Shore of Virginia Public Service Authority

Following a brief discussion, Mrs. Thornton made a motion to deny the request of the Eastern Shore of Virginia Public Authority that the County forgive its loan of \$104,700. Mrs. Gordy seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Adjournment

Mr. Wolff made a motion to adjourn at 11:15 p.m. until 4:00 p.m. on March 9, 2006, in the Board Chambers. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Matthews absent.

Chair