

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack held in the Cafetorium of Metompkin Elementary School in Parksley on the 17th day of January, A.D., 2007.

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

Others Present: Steven B. Miner, County Administrator
Linda Martin Warner, Assistant County Administrator
Yvonne N. Pennell, Administrative Assistant

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. Mrs. Thornton seconded the motion. The motion passed unanimously.

- a. (A)(1) discussion or consideration of employment, assignment, appointment promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body concerning:
 - i. Appointments to the Planning Commission
 - ii. Position of County Attorney

Open Meeting

The Chair declared the meeting open to the public.

Certification of Closed Meeting

On a motion by Mr. Hart and seconded by Mrs. Thornton, 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	Mrs. Mears	Mrs. Gordy
	Mr. Wolff	Mr. Duncan	Mr. Hart
	Mr. Chesser	Mr. Mallette	Miss Major

County Attorney

Mr. Wolff made a motion to develop a draft contract to be brought back to the Board of Supervisors for the position of County Attorney. Mrs. Gordy seconded the motion. The motion passed with the following vote. Aye: Mr. Duncan, Mr. Wolff, Mr. Chesser, Mrs. Mears, Mr. Mallette, Mrs. Gordy, Mr. Hart, and Miss Major. Nay: Mrs. Thornton.

Adjournment

Miss Major made a motion to adjourn until the start of the Regular Meeting at 6:00 P.M. Mr. Wolff seconded the motion. The motion passed unanimously.

Call to Order

The meeting was called to order by the Chair and opened with a prayer by Parliamentarian Reverend Broad, after which the Pledge of Allegiance to the Flag was recited.

Chairman's Comments

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

- *Add Appointment of Commission members,*
- *Add Ray's Shanty National Pollutant Discharge Elimination System (NPDES)*

Adoption of Agenda

Miss Major made a motion to adopt the agenda as amended. Mr. Wolff seconded the motion. The motion passed unanimously.

Highway Matters

Monthly Report

Mr. Timothy Holloway, Acting Resident Administrator, Virginia Department of Transportation (VDOT), presented the regular monthly report on various road projects, and responded to questions.

Children at Play Signs

Mr. Hart reported a request to have Children at Play Signs placed on the following roads in Districts 7 and 8.

Savageville Road
Gaskins Road

Mr. Hart made a motion to request VDOT place Children at Play Signs where appropriate on Savageville Road and Gaskins Road, in District 7 and District 8. Miss Major seconded the motion. The motion passed unanimously.

Treasurer's Report

County Treasurer Dana Bundick presented her monthly report.

Accomack County Public Schools

W. Richard Bull, Division Superintendent, Accomack County Public Schools, presented his monthly report. Mr. Bull further reported that the disparity of teachers' salaries in Virginia and Maryland had resulted in the loss of 22 teachers in Accomack County to Maryland school systems. The state funding of the Four-Year-Old Program was discussed. Mr. Bull responded to comments and questions from the Board.

Mr. Hart made a motion that the Board of Supervisors pass a Resolution, to be sent to all state officials as soon as possible, asking for equal treatment for counties that border Maryland. Miss Major seconded the motion. The motion passed unanimously.

Eastern Shore Rural Health System, Inc

Nancy Stern, Director of Eastern Shore Rural Health System, Inc. presented the agency's annual report and an update of services offered and citizens served. Ms. Stern explained a request for Real Estate Tax Exemption for Tax Year 2007. The taxes levied on the Onley Community Health Center, the Atlantic Community Health Center, and the Chincoteague Island Community Health Center total approximately \$8,242.

Mrs. Thornton made a motion to include the request by the Eastern Shore Rural Health System, Inc. for Real Estate Tax Exemption for Tax Year 2007 in the FY2007-2008 Budget deliberations. Mrs. Gordy seconded the motion.

Discussion of similar requests by several agencies in the previous fiscal year followed.

The motion passed with the following vote. Aye: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Duncan, Mr. Mallette, Mrs. Gordy, Mr. Hart, and Miss Major. Nay: Mrs. Mears.

Director of Planning

James M. McGowan, Director of Planning, informed the Board on the following topics:

- **Public Hearing for the Proposed Bicycle Plan Amendment**

Mr. McGowan informed the Board that the Public Hearing for the Proposed Bicycle Plan Amendment was not properly advertised. As a result, a Public Hearing would have to be scheduled and advertised.

Mr. Wolff made a motion to schedule a Public Hearing beginning at 7:30 PM on February 21, 2007 to afford interested persons the opportunity to be heard or to present

written comments concerning the Proposed Accomack County Bicycle Plan Amendment.

Mrs. Gordy seconded the motion. The motion passed unanimously.

- **Planning Commission Meeting January 16, 2007**

Mr. McGowan reported that the Planning Commission met on Tuesday January 16, 2007 and welcomed Mr. Jim Frese as the new Commissioner for District 1; that Mr. E. Phillip Hickman was re-elected as Chair, and Mr. William A. Sprague was re-elected as Vice-Chair.

- **Fiscal Year 2008 Capital Improvement Plan**

The Planning Commission also scheduled a Public Hearing for the Fiscal Year 2008 Capital Improvement Plan for February 15, 2007.

- **Wachapreague Volunteer Fire Company Rezoning Application**

The Planning Commission recommended approval of the Rezoning Application for the Wachapreague Volunteer Fire Company.

Mr. Hart made a motion to schedule a Public Hearing beginning at 7:30 PM on February 21, 2007 to allow interested persons the opportunity to be heard or to present written comments concerning the Wachapreague Volunteer Fire Company Rezoning Application requesting Tax Parcel 113-A-34B to be rezoned from Residential to General Business. Mr. Wolff seconded the motion. The motion passed unanimously.

- **Agricultural and Forestal District Withdrawal Request**

The Planning Commission recommended approval of the withdrawal Tax Parcel 56-A-48 from the Atlantic Agricultural and Forestal District.

Mr. Wolff made a motion to schedule a Public Hearing beginning at 7:30 p.m. on February 21, 2007, in the Cafetorium of Metompkin Elementary School to afford interested persons the opportunity to be heard or to present written comments concerning the removal of Tax Parcel 56-A-48 from the Atlantic A&F District. Mrs. Thornton seconded the motion. The motion passed unanimously.

- **Trail's End Campground**

The Planning Commission voted to request the Board of Supervisors to investigate the permitting of permanent structures in Trail's End Campground. Mr. Miner has directed David Fluhart, Director of Building and Zoning, to look into the situation.

- **Supervisor District Public Meetings on Draft Future Land Use Map**

The Supervisor District Public Meetings on the Draft Future Land Use Map have been scheduled for January as follows. All meetings will begin at 7:00 PM and will be conducted in a workshop format. Supervisor Thornton has agreed to attend the District 2 & 3 meeting, but may decide to have a meeting for District 1 on Chincoteague at a later date.

Districts 2 & 3	Wolff/Chesser	Tuesday, January 30, 2007	Arcadia Middle School
Districts 4 & 5	Duncan/Mears	Wednesday January 24, 2007	Metompkin Elementary
Districts 6 & 7	Mallette/Gordy	Tuesday, January 23, 2007	Nandua Middle School
Districts 8 & 9	Hart/Major	Wednesday, January 31, 2007	Nandua Middle School

Mr. McGowan updated the Board on the following issues and responded to comments from the Board:

- 2006 Planning Commission Attendance Records and Commission By-Laws,
- The Agricultural and Forestal District Committee met on December 20, 2006. At the meeting, the Committee discussed the draft A&F District Model Ordinance and reviewed one withdrawal request. The next meeting is scheduled for 10:00 AM on Wednesday, January 24, 2007 in the Accomack County Board Chambers.
- Planning consultant Milton Herd is preparing a revised Draft Future Land Use Map for presentation at the Supervisor District Public Meetings,
- The GIS consultant is working on the project to make Accomack County's GIS data available online,

Director of Building and Zoning

David Fluhart, Director of Building and Zoning, informed the Board on the following topics:

- **Raymond Townsend Lane in Horntown**

Mr. Fluhart reported on the progress of the clean-up of Raymond Townsend Lane in Horntown. In addition to regular inspections by Building Inspector Mark Bowden and Code Enforcement Officer Billy Murphy, local Virginia Department of Environmental Quality (VDEQ) Officer Steve Thomas had been investigating the considerable amount of construction debris that had accumulated. The Tidewater Regional Office of VDEQ (TRO-VDEQ) will be sending notices to property owners involved stating that the owner has twenty days to respond to the Compliance Procedure. Property Owners must submit a Mitigation Plan for removal and clean-up. If TRO-VDEQ accepts the Mitigation Plan, and the Property Owner does not comply, the matter will be turned over to the Portsmouth Regional Office of VDEQ for non-compliance.

Mr. Fluhart responded to comments and questions from the Board.

- **Trail's End Campground**

Mr. Fluhart reported that the lots at Trail's End Campground were recognized in the Accomack County Zoning Ordinance as Non-Conforming Lots of Record, as were lots in Village H at the Virginia Landing Campground in Quinby. Both properties are located in Agricultural Zones, which allows single-family dwellings. Both properties contain individually-owned lots recorded prior to adoption of the Zoning Ordinance in 1989. Trail's End Covenants and Restrictions had previously prohibited any permanent structures, but those restrictions have been released or relaxed in recent years.

Mr. Fluhart responded to comments and questions from the Board.

Public Participation

The Chair read the rules governing Public Participation.

The following person spoke concerning the economic environment for businesses and jobs on the Eastern Shore:

Toni Trepénair

Affordable Housing Committee

Mrs. Mears requested that the Affordable Housing Committee report to the Planning Commission and the Board concerning previous meetings, actions, and progress. Mr. Hart also requested the meeting schedule for the Affordable Housing Committee.

Discussion of Affordable Housing followed.

Comprehensive Economic Development Strategy

Barbara Schwenk, Economic Development Coordinator for the Accomack-Northampton Planning District Commission (A-NPDC) addressed the Board concerning the Economic Development Planning and retention of the Economic Development Administration (EDA) designation as an Economic Development District (EDD). She stated that the A-NPDC was requesting both Accomack County and Northampton County to consider approving \$4,500.00 to complete the funding for the proposal.

Mrs. Thornton made a motion to budget and appropriate \$4,500 from Contingencies to the A-N Planning District Commission to facilitate the renewal of a Comprehensive Economic Development Strategy for Accomack County. Mrs. Mears seconded the motion. The motion passed unanimously.

Chincoteague Island and Tangier Island - Imposed Fees for Waste Disposal

Reed Ennis, County Director of Finance, answered questions from the Board concerning the fees imposed for solid waste removal. Vanlue Morgan, County Assistant Director of Public Works, provided an explanation of the tipping fees, and additional fees for the two island towns.

Mrs. Thornton made a motion to eliminate the solid waste hauling fee imposed upon Tangier Island to the mainland, with the exception of fees for commercial waste.

Mr. Morgan explained that fees were only charged for commercial waste.

Mrs. Thornton amended her motion to reimburse the Town of Tangier for tipping fees imposed during the last fiscal year. Mr. Wolff seconded the motion.

Further discussion of ensued.

The motion passed unanimously.

Ray's Shanty National Pollutant Discharge Elimination System (NPDES)

Mr. Chesser reported that citizens of Districts 2 and 3 had expressed concern over a notice for a proposed wastewater discharge permit for Ray's Shanty Restaurant. The citizens asked that the Board of Supervisors request the VDEQ to hold a meeting on the Eastern Shore to provide local citizens with information concerning the permit NPDES application.

Mr. Chesser a motion that the Board request VDEQ advertise and hold a Public Informational Meeting on the upper Eastern Shore for the purpose of explaining the Ray's Shanty NPDES Application that would allow 7,000 gallons per day of effluent to drain into an unnamed tributary, running into a pond, and ultimately to Mosquito Creek, as well as viable alternatives which may be available. Mr. Wolff seconded the motion. The motion passed unanimously.

Accomack County Planning Commission

Mrs. Gordy made a motion to reappoint Stella Rohde to the Planning Commission for a two-year term. Mrs. Thornton seconded the motion.

Discussion of the required length of term followed.

Mrs. Gordy amended her motion to reappoint Stella Rohde to the Planning Commission for a four-year term, the term to begin immediately and end December 31, 2010. Mrs. Thornton seconded the amended motion. The motion passed unanimously.

Miss Major made a motion to appoint Herbert Thom to the Planning Commission for a four-year term the term to begin immediately and end December 31, 2010. Mr. Hart seconded the motion. The motion passed unanimously.

Mr. Wolff made a motion to reappoint E. Phillip Hickman to the Planning Commission for a four-year term, the term to begin immediately and end December 31, 2010. Mr. Mallette seconded the motion. The motion passed with the following vote. Aye: Mr. Wolff, Mr. Chesser, Mrs. Mears, Mr. Duncan, and Mr. Mallette. Nay: Mrs. Thornton, Mr. Hart, and Miss Major.

Mr. Mallette reserved his appointment to the Planning Commission pending review of attendance records and the response to advertisement for candidates for the appointment.

Resolutions of Commendation

Mr. Hart made a motion to direct staff to prepare a Resolution of Commendation to Mrs. J.J. Justice in recognition of her volunteer work and community service. Mrs. Mears seconded the motion. The motion passed unanimously.

Mrs. Thornton made a motion to direct staff to prepare a Resolution of Commendation to Mr. William Fallon in recognition of his service on the Planning Commission. Mr. Wolff seconded the motion. The motion passed unanimously.

Miss Major made a motion to direct staff to prepare a Resolution of Commendation to Mr. Len Mapp in recognition of his service on the Planning Commission. Mrs. Thornton seconded the motion. The motion passed unanimously.

Ground Water Committee

Mrs. Thornton reported that the Ground Water Committee had received notice from VDEQ of one ground water withdrawal permit issued for 42,620,000 gallons per year for a farm in Northampton County. Mrs. Thornton has requested information and maps of ground water withdrawal permits, and will distribute to the Board members when received.

Delmarva Water Transport Committee

Mrs. Thornton reported on the Delmarva Water Transport Committee Meeting. Staff has been directed to gather information on dredging projects in the County, due to the urgent need for funding. Lobbying efforts for federal funding dredging projects will soon be underway.

E.D. 2 Constituents Meeting

Mr. Wolff reported that County Litter Control Officer Randy Fisher was the guest speaker for the E.D. 2 Constituents Meeting held January 15, 2007.

Mr. Wolff made a motion to approve the use of \$1,000 each for the Towns of Tangier and Saxis from E. D. 2 district funds to assist with drainage projects. Mrs. Thornton seconded the motion. The motion passed unanimously.

Roadside Cleanup

Mrs. Gordy expressed appreciation to Joanna Snyder for her efforts in coordinating litter cleanup in the County. Mrs. Gordy then asked Joe Robbins to stand and be recognized for the results of his work overseeing and assisting in the cleanup of roads throughout Accomack County.

Budget Items

Mrs. Gordy made a motion to approve the following budget items for FY2007. Mrs. Thornton seconded the motion. The motion passed unanimously.

FISCAL YEAR 2007

Grants, Etc.

Increase Revenues

From the Commonwealth \$3,265

Increase Expenditures

Fire Programs \$3,265

--Virginia Fire Services Board mini-grant award

Increase Revenues

From the Federal Government \$13,125

Increase Expenditures

Sheriff \$13,125

--Dept. of Criminal Justice grant award

From Contingencies (\$46,982 unappropriated balance as of 1/11/07)

None

Payables

Mrs. Thornton made a motion to authorize the payment of invoices. Mr. Mears seconded the motion. The motion passed unanimously.

Recess

On a consensus of the Board, the Chair declared the meeting in recess until 7:30 p.m.

Call to Order

The Chair called the meeting back to order.

Public Hearing

The Chair read the rules governing Public Hearings.

Proposed Requests for Removal from Agricultural and Forestal Districts

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the following requests for removal from Agricultural and Forestal Districts:

- Tax Parcel: 68-A-105
William A. Sprague
A&F District: Leemont
Reason: Preliminary Plat Approval of the Mason's Mill Subdivision
- Tax Parcel: 56-A-34

Richard T. Conklin and Carolyn R. Conklin
A&F District: Atlantic
Reason: Preliminary Plat Approval of the Amber Acres II Subdivision

- Tax Parcel: 56-A-49, 56-4-C, 56-4-D, 56-4-C1, and 56-4-D1
Tamari Group (Contract Purchaser)
A&F District: Atlantic and Modest Town
Reason: Preliminary Plat Application for the Windsor Bluff Subdivision

There were no comments from the public concerning the requests for removal from Agricultural and Forestal Districts.

The Chair closed the Public Hearing.

Mr. Mallette made a motion to approve the requests for removal from the Leemont Agricultural and Forestal District Tax Parcel 68-A-105, William A. Sprague; removal from the Atlantic Agricultural and Forestal District Tax Parcel 56-A-34, Richard T. Conklin and Carolyn R. Conklin; and removal from the Atlantic and Modest Town Agricultural and Forestal Districts Tax Parcels 56-A-49, 56-4-C, 56-4-C1, and 56-4-D1, Tamari Group, Contract Purchaser. Miss Major seconded the motion. The motion passed unanimously.

Adjournment

Mrs. Thornton made a motion to adjourn at Mr. Wolff seconded the motion. The motion passed unanimously. The meeting adjourned at 7:40 p.m.

Chair