

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 16th day of December, A.D., 2009.

Members Present: Steve D. Mallette, Chair  
Laura Belle Gordy, Vice Chair  
Wanda J. Thornton  
Ron S. Wolff  
Grayson Chesser  
Sandra Hart Mears  
John Charles "Jack" Gray  
Donald L. Hart, Jr.  
E. Philip McCaleb

Others Present: Steven B. Miner, County Administrator  
Yvonne N. Pennell, Administrative Assistant  
Mark B. Taylor, County Attorney

### **Call to Order**

The meeting was called to order by the Chair, with a prayer by Rev. Donald Broad, after which the Pledge of Allegiance to the Flag was recited.

### **Chair's Comments**

The Chair wished a Merry Christmas and Happy Holiday Season to all present, and commented on the following:

- a. Stormwater run-off problems from recent precipitation

### **Adoption of Agenda**

The Chair requested the following changes to the Agenda.

#### **ADD**

Under Item 7 – Closed Session, Pursuant to Section 2.2-3711 of the Code of Virginia of 1950, Subsection (A) (1) for the purpose of assignment or appointment of an employee;

#### **MOVE**

Item 12a, W. Richard Bull, Division Superintendent, Accomack County Public Schools School Board Report from Report of Public Officials to be heard before  
Item 7 – Closed Meeting

#### **REMOVE**

Item 9 – Consideration of Minutes

Item 15b – Hear a proposal for Office Space/Emergency Operations Center from Chief Mike Truitt of the Onancock Volunteer Fire Department

Mr. Wolff made a motion to adopt the Agenda as amended. Mrs. Mears seconded the motion. The motion passed unanimously.

### **Public Comments**

The County Attorney read the rules governing Public Comment.

The following person expressed concern about the proposed Stormwater Management Ordinance:

Bob Gresham

### **Accomack County Public Schools**

W. Richard Bull, Division Superintendent, Accomack County Public School asked if there were any questions from Board members concerning the monthly Schools Report, and responded to comments and questions from the Board.

### **Closed Meeting**

Mrs. Mears 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.

- a. Pursuant to §2.2-3711 of the Code of Virginia of 1950, as amended, pursuant to subsection (A) (5) concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- b. Pursuant to Section 2.2-3711 of the Code of Virginia of 1950, Subsection (A) (1) for the purpose of discussion of perspective appointment of personnel appointed by the Board of Supervisors.

### **Open Session**

The Chair declared the meeting open to the public.

### **Certification of Closed Meeting**

Mr. Wolff made a motion, seconded by Mrs. Mears, to reconvene in Open Meeting and to Certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, that to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully exempted from Open Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened.

Aye: Mrs. Thornton      Mr. Gray      Mrs. Gordy

Mr. Wolff                      Mr. Mallette              Mr. Hart  
Mr. Chesser                  Mrs. Mears                Mr. McCaleb

**Presentation of Distinguished Budget Presentation Award**

County Administrator Steven Miner reported that for the third consecutive year the County Finance Department had received the Government Financial Officers Association Distinguished Budget Presentation Award for Fiscal Year beginning July 1, 2009. The County Administrator read the Award, and presented it to County Finance Director Michael Mason.

**Approval of the Consent Agenda**

Mrs. Thornton made a motion that the Stormwater Management Ordinance be removed for discussion. Mrs. Gordy seconded the motion.

Discussion followed, with County Director of Planning James McGowan responding to comments and questions.

Mrs. Thornton made a motion to schedule a Public Information Meeting after January 1, 2010, with stormwater experts present to respond to questions from the Board and members of the public. Mrs. Gordy seconded the motion. The motion passed unanimously.

**Highway Matters**

**Monthly Report**

Mr. Robert Isdell, Acting Residency Administrator, Virginia Department of Transportation (VDOT), reported on VDOT projects and activities, and responded to questions and comments.

Discussion of drainage issues followed, with Mr. Isdell and the County Director of Public Works Stewart Hall responding to questions.

**Department of Economic and Community Development**

**Draft Amendments to the Accomack County Zoning District Ordinances**

The County Director of Planning and Environmental Services James McGowan stated that the Planning Commission was requesting the Board to schedule a Joint Public Hearing for January 13, 2010 for consideration of the Draft Amendments to the Accomack County Zoning District Ordinances related to Rural Residential and Village Residential Districts.

Mr. McCaleb made a motion to schedule a Public Hearing to begin at 7:30 p.m. on January 13, 2010 in the Cafetorium of Metompkin Elementary School to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Draft Amendments to the Accomack County Zoning District Ordinances related to Rural Residential and Village Residential Districts. Mr. Wolff seconded the motion.

Discussion followed. Mrs. Thornton requested that the Board receive information prior to the Public Hearing for clarification of the by-right placement of mobile homes in an agriculturally zoned district.

The motion passed unanimously.

### **Planning Report**

The Director of Planning and Environmental Services reported on the following items and responded to questions:

- Draft Stormwater Management Ordinance
- Virginia Certified Planning Commissioner Training Program
- Blue & Green Infrastructure Project
- Placemaking Bus Trip
- Development Projects
- Wal-Mart
- Marine Science Consortium
- Onley Community Health Center
- Onancock Sewage Treatment Plant
- Department of Planning Monthly Report

### **Carfloat Repairs**

The County Administrator presented a Resolution of Support concerning the proposed funding of \$700,000 through a Commonwealth of Virginia Transportation Grant and \$300,000 in equal shares of Local Matching Funds from Accomack County and Northampton County for the carfloat repairs, and provided a project update.

Mr. McCaleb made a motion to approve the following Resolution of Support of Borrowing Funds from the A-N Planning District Commission by the A-N Transportation District Commission. Mr. Mallette seconded the motion for the purpose of discussion.

**RESOLUTION IN SUPPORT OF  
BORROWING OF FUNDS FROM  
A-N PLANNING DISTRICT COMMISSION  
BY THE  
A-N-TRANSPORTATION DISTRICT COMMISSION**

**WHEREAS**, the Accomack-Northampton Transportation District Commission (“the Commission”) will be borrowing from the Accomack-Northampton Planning District Commission up to \$300,000 as necessary to match on a proportionate basis up to \$700,000 in State funds; and

**WHEREAS**, the “Commission” will use these funds towards making Canonie Rail Float usable with the terms being set to be repaid over ten (10) years at a low-interest rate; and

**WHEREAS**, to secure the “Commission’s” payment of debt all three (3) partners, Northampton County, Accomack County, and Cassatt Management will sign an agreement to indicate:

- a. Each party will be responsible for one-third (1/3) of debt payment each year payable to the Accomack-Northampton Transportation District Commission, and
- b. The Accomack County Board of Supervisors’ approval will be contingent upon the Accomack-Northampton Transportation District Commission concluding a written agreement with Cassatt Management to insure that Cassatt Management will pay all of the debt paid in any year in which traffic on the barge is sufficient to cover charges including payment of debt itself:

**NOW, THEREFORE, BE IT RESOLVED** that the Accomack County Board of Supervisors does hereby support the Accomack-Northampton Transportation District Commission in its efforts to acquire funding assistance for carfloat repairs to insure continued services to the Eastern Shore of Virginia.

Discussion followed.

The motion passed with the following vote. Ayes: Mr. Mallette; Mrs. Thornton; Mr. Wolff; Mrs. Mears; Mr. Gray; Mr. Hart; and Mr. McCaleb. Nays: Mr. Chesser and Mrs. Gordy.

**Public Hearings**

The County Attorney read the rules governing Public Hearings.

**Proposed Amendment to Accomack County Code, Chapter 82**

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the following Proposed Amendment to Accomack County Code, Chapter 82, Taxation, Article III, Real Property Taxes, Division 4. Appeals and Equalization of Assessments, to set forth for the Accomack County Board of Equalization its powers, compensation, deadlines for the filing of assessment appeals and applications for equalization of real estate tax assessments, and deadlines for the hearing and determination of such appeals.

No public comments were offered and the Chair closed the Public Hearing.

Discussion followed.

Mr. McCaleb made a motion to approve the following Proposed Amendment to Accomack County Code, Chapter 82, Taxation, Article III, Real Property Taxes, Division 4. Appeals and Equalization of Assessments as presented. Mr. Wolff seconded the motion. Ayes: Mr. Mallette; Mrs. Gordy; Mr. Wolff; Mr. Chesser; Mrs. Mears; Mr. Gray; Mr. Hart; and Mr. McCaleb. Nays: Mrs. Thornton.

**AN ORDINANCE TO AMEND CHAPTER 82, TAXATION,  
ARTICLE III. REAL PROPERTY TAXES,  
DIVISION 4. APPEALS AND EQUALIZATION OF ASSESSMENTS,  
SEC. 82-140 THROUGH SEC. 82-146,  
OF THE ACCOMACK COUNTY CODE**

**WHEREAS**, the Board of Supervisors of Accomack County finds that Chapter 82, Taxation, Article III, Real Property Taxes, Division 4, Appeals and Equalization of Assessments, Sec. 82-140 through Sec. 82-146, of the Accomack County Code needs to be amended to update said Ordinance to establish and set deadline appeal dates for the Accomack County Board of Equalization; and

**WHEREAS**, the Board of Supervisors is of the opinion that the Accomack County Code should be amended to establish and set deadlines for the Accomack County Board of Equalization effective immediately.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Accomack County Board of Supervisors this 16<sup>th</sup> day of December, 2009, that Chapter 82, Article III, Real Property Taxes, Division 4. Appeals and Equalization of Assessments, Sec. 82-140 through Sec. 82-146, of the Accomack County Code are hereby amended as follows:

**CHAPTER 82. TAXATION**

**DIVISION 4. APPEALS AND EQUALIZATION OF ASSESSMENTS**

**Sec. 82-140. Deadline for appeal of assessment to real estate assessor and board of equalization.**

Upon receipt of a notice of assessment, any property owner or lessee of real property in the county shall have the right to appeal any assessment thereof to the county's real estate assessor. All such appeals shall be determined by the assessor prior to February 12 of the year for which the assessment was made. Any appellant remaining unsatisfied with the action taken on appeal may further appeal to the board of equalization by making application at any time prior to March 15 of the year which the assessment was made. Any application for appeal received by the board of equalization after March 15 of the year for which the assessment was made shall not be heard or considered by the board of equalization. If no applications for relief are received by the deadline for appeal, the board of equalization shall be deemed to have discharged its duties for the year unless it deems it appropriate to meet on its own motion.

**Sec. 82-141. Board of equalization established.**

Pursuant to Section 58.1-3370 of the Code of Virginia, 1950, as amended, there is created in the County of Accomack a board of equalization which shall be called the Accomack County Board of Equalization. Such board shall consist of not less than three (3) nor more than five (5) members appointed by the Circuit Court for the County of Accomack for a

term expiring one (1) year after the effective date of the assessment for which they were appointed.

**Sec. 82-142. Same -- Qualification; appointment; organizational meeting.**

Members of the Accomack County Board of Equalization shall meet the requirements set forth in Section 58.1-3374 of the Code of Virginia, 1950, as amended. Once appointed, the Accomack County Board of Equalization shall hold an organizational meeting prior to February 15, at which the said Board shall elect a chairman and a secretary from among its members and adopt its calendar of meetings.

**Sec. 82-143. Same -- Compensation.**

Each Accomack County Board of Equalization member shall receive as full compensation for services performed the sum of fifty dollars (\$50.00) per diem for each day that the said Accomack County Board of Equalization meets.

**Sec. 82-144. Same -- Powers.**

The Accomack County Board of Equalization shall have and may exercise the power to increase, decrease or affirm any assessment of real estate of which complaint is made, and to that end shall have all powers conferred upon boards of equalization by the Code of Virginia. In all cases brought before the board of equalization, there shall be a presumption that the valuation determined by the assessor is correct. The burden of proof shall be upon the taxpayer seeking relief to show that the property in question is valued at more than its fair market value, that the assessment is not uniform in its application, or that the assessment is otherwise not equalized. In order to receive relief, the taxpayer must produce substantial evidence that the valuation determined by the assessor is erroneous and was not arrived at in accordance with generally accepted appraisal practice. Mistakes of fact, including mistakes of computation, shall be deemed not to be in accordance with generally accepted appraisal practice. The said Board may go upon and inspect any real estate subject to adjustment or equalization by it.

**Sec. 82-145. Same – Completion of equalization.**

All applications for relief timely filed shall be finally disposed of by the Accomack County Board of Equalization not later than April 15 of the year for which the assessment was made.

**Sec. 82-146. Same -- Public notice of hearings.**

Pursuant to Section 58.1-3378 of the Code of Virginia, 1950, as amended, public notice of each sitting of the board of equalization shall be given at least ten (10) days beforehand by publication in a newspaper having general circulation in the county and by posting the notice at the courthouse and at each public library, voting precinct, or both. Such posting shall be done by the sheriff or his deputy. Such notice shall inform the public that the Board shall sit at the place or places and on the days named therein for the purpose of equalizing real estate assessments and for the purpose of hearing complaints of inequalities wherein the property owners allege a lack of uniformity in assessment or errors in acreage in such real estate assessments. The Board shall also hear complaints that real property is assessed at more than fair market value.

This Ordinance is effective immediately.

**Proposed Regulations Governing Water Supply & Waste**

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the following Proposed Regulations Governing Water Supply & Waste.

No public comments were offered and the Chair closed the Public Hearing.

Discussion followed with Public Director Stewart Hall offering comments and responding to questions.

Mrs. Mears made a motion to approve the Proposed Regulations Governing Water Supply & Waste as presented. Mr. McCaleb seconded the motion.

Discussion continued.

Mrs. Thornton offered an amendment to approve the Proposed Regulations Governing Water Supply & Waste with the removal of Section 3.5, with Staff directed to amend Section 3.5 and present it for Board consideration at a future Public Hearing. Mrs. Mears and Mr. McCaleb accepted the amendment. The amended motion passed unanimously.

#### **Rezoning Request by William Taylor**

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the following Rezoning Request from William Taylor to rezone approximately 6.75 acres of land located in Greenbush, VA from Agricultural to Residential. The property, Tax Parcel 86-A-13, is located on the west side of Route 316 (Greenbush Road) at the intersection of Route 316 (Greenbush Road) and Route 746 (Lewis Road) and the intersection of Route 746 (Lewis Road) and Route 763 (Adams Road).

County Land Use Planner Robert Testerman read the Staff Report for the Rezoning Request from William Taylor.

The following person spoke in opposition to the Rezoning Request:  
Valerie Mears

The following person spoke in opposition to the Rezoning Request and read a written statement of opposition from her son, Barry Mears:  
Barbara Mears

The Applicant, William Taylor, addressed the Board concerning the Rezoning Request.

The Chair closed the Public Hearing.

Discussion followed, with the Director of Planning and Environmental Services and the Applicant responding to questions.

Mrs. Gordy made a motion to approve the Rezoning Request from William Taylor to rezone Tax Parcel 86-A-13 containing approximately 6.75 acres of land located in Greenbush, VA from Agricultural to Residential. Mrs. Mears seconded the motion. Ayes: Mr. Mallette; Mrs. Gordy; Mrs. Thornton; Mr. Wolff; Mr. Chesser; Mrs. Mears; Mr. Gray; and Mr. McCaleb. Nay: Mr. Hart.

#### **Leasing of Outer Continental Shelf Blocks**

Mr. McCaleb provided a report regarding Leasing of Outer Continental Shelf Blocks and potential detrimental impacts to the Wallops Island area and responded to questions.

Mr. Wolff made a motion to send a letter of opposition to the proposed wind farms stating the importance of Wallops Island Flight Facility, the US Navy, Orbital Sciences, the MARS Program, and US Department of Defense activities to national defense and the Eastern Shore economy, stressing the need to protect and preserve these spaces for those purposes. Mrs. Thornton seconded the motion. The motion passed unanimously.

#### **Parks and Recreation Advisory Commission - Appointment**

Mr. Chesser made a motion to appoint Rev. Thomas Harmon to the Parks and Recreation Advisory Commission for a four-year term, to begin immediately and end June 30, 2013. Mr. Wolff seconded the motion. The motion passed unanimously.

#### **FY2011 Budget Meeting Dates and Budget Calendar**

County Director of Finance Michael Mason presented a draft calendar for departmental submissions, work sessions, and final adoption of the FY2011 Budget.

Mr. Hart made a motion to adopt the FY2011 Budget Calendar as presented. Mrs. Mears seconded the motion. The motion passed unanimously.

#### **Proposed Amendment to the Joint Resolution of Accomack and Northampton Counties - Eastern Shore Tourism Commission**

The County Administrator presented a revised Proposed Amendment to the Joint Resolution of Accomack and Northampton Counties dated June 29, 1984, which created the Eastern Shore Tourism Commission, to adjust the apportionment of members from each county based upon fees paid by each county and removed the previous requested amendment to allow the ES Tourism Commission to appoint one or more Commission Members to the ES Tourism Board, reporting that Northampton County had adopted the Proposed Amendment as presented.

Discussion followed.

Mr. McCaleb made a motion to postpone the Proposed Amendment to the Joint Resolution of Accomack and Northampton Counties dated June 29, 1984, which created the Eastern Shore Tourism Commission and request clarification of the intent of each amendment. Mr. Hart seconded the motion. The motion passed unanimously.

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

The County Administrator updated the Board concerning the following:

- Memorandum of Understanding concerning delinquent tax collection with the Treasurer
- Various invitations
  - i. Eastern Shore of Virginia Tourism Commission
  - ii. Eastern Shore of Virginia Chamber of Commerce
  - iii. Committee for the Future of Accomack County
  - iv. Sewer Analysis for Bids in Central Accomack County

### **County Attorney's Report**

The County Attorney reported that the Wallops Research Park Leadership Council had held its inaugural meeting.

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

Mr. Chesser thanked Board members for the concern and prayers for his wife.

Mr. Gray, Mrs. Mears, Mr. Wolff, Mr. Mallette, Mrs. Gordy, and Mr. Hart extended happy holiday wishes to all.

Mrs. Thornton reported that she and the County Director of Public Works had met at the Northern Landfill in response to citizen complaints concerning access to the landfill, and extended happy holiday wishes to all.

Mr. McCaleb commented on the treatment cost of septic leachate and individual septic tank cleanings, and stressed the urgency of the need for sewage treatment facilities.

### **Budget Items**

Mrs. Mears made a motion to approve the Budget Items as presented. Mr. Hart seconded the motion. The motion passed unanimously.

### ***FISCAL YEAR 2010***

#### **Grants, Etc.**

#### **Increase Revenues**

From the Commonwealth \$36,734

#### **Increase Expenditures**

Clerk of Circuit Court \$36,734

--Clerk Technology Trust Funds award

**From Contingencies (\$132,803 remaining in operating contingency 12/2/09)**

**Decrease Contingencies**

Operating Budget Contingency \$18,000

**Increase Expenditures**

Economic Development \$18,000

--Wallops Research Park rent per Space Lease Agreement.

**Decrease Contingencies**

Operating Budget Contingency \$30,000

**Increase Expenditures**

Treasurer \$30,000

--Additional postage associated with delinquent notices and additional costs associated with outsourcing mailing services. Traditional mailing services cannot be performed in-house without the replacement of mailing equipment. This equipment costs in excess of \$75,000.

**Other**

**Increase Revenues**

Miscellaneous Recoveries \$417

**Increase Expenditures**

Sheriff \$417

--Auto insurance proceeds received

**Increase Expenditures**

Transfers to Other Funds \$5,354

**Increase Revenues**

Parks & Recreation Revolving Fund \$5,354

--Transfer grant funds received to cover Parks & Recreation equipment usage during Summer Food Program.

**Payables**

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

**Adjournment**

Mr. Wolff made a motion to conduct the 2010 Organizational Meeting at 5:00PM on Wednesday January 6, 2010 in the Board Chambers in Accomac. Mr. Hart seconded the motion. The motion passed unanimously. The meeting adjourned at 9:00PM

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Chair