

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack  
held in the Board Chambers in Accomac on the 21<sup>st</sup> day of April, A.D., 2010.

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

Member Absent: Laura Belle Gordy, Chair

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 Vice Chair who asked for a moment of silence in remembrance of Economic Development Director Larry D. Forbes. The Chair then offered a prayer, after which the Pledge of Allegiance to the Flag was recited.

### **Adoption of Agenda**

#### **Amendments to the Agenda**

The Vice Chair requested the following amendments to the Agenda.

#### **ADD**

#### **Following approval of Minutes:**

6-a – Approval of Proclamation Proclaiming the week of May 22 – 28, 2010 as National Safe Boating Week

#### **UNDER OLD BUSINESS**

11-f – Census

#### **UNDER NEW BUSINESS**

13-D – Request of Groundwater Committee

#### **MOVE**

11- e after 11-b – Discussion related to Deputy Emergency Management Coordinator position

Mrs. Mears made a motion to approve the Agenda as amended. Mrs. Thornton seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

### **Public Comment**

The County Attorney read the Rules governing conduct during the Public Comment Period.

The following person addressed the Board in opposition to the Navy's proposal to use the Accomack County Airport as one of the chosen sites for practice landings.

Sandra Haney  
Bob Gresham

The following person addressed the Board concerning the leachate system at the north landfill:

Tommy Clark

### **Minutes**

Mr. McCaleb made a motion to approve the Minutes of the March 3, 10, 15, 17, and 31, 2010, meetings with corrections. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

### **Proclamation – National Safe Boating Week**

Mrs. Thornton made a motion to approve a Proclamation proclaiming May 22 through May 28, 2010, as National Safe Boating Week. Mr. Wolff seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

### **Presentations**

Mr. Hart read a presented the following Resolution of Commendation to Pauline M. Milbourne.

#### **RESOLUTION OF COMMENDATION**

**WHEREAS**, Pauline M. Milbourne was employed as the Unit Coordinator/Extension Agent, Family and Consumer Sciences with the Virginia Cooperative Extension from May, 1984 to January, 2010; and

**WHEREAS**, she has faithfully and conscientiously served the Eastern Shore and its citizens during these twenty-six years; and

**WHEREAS**, she retired from her position on January 31, 2010:

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors appreciates the many years of dedicated services and extends to Pauline M. Milbourne its best wishes for many years of happiness in the future.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be spread upon the Minutes and be put upon a plaque to be presented to Ms. Milbourne.

Mr. Wolff read and presented the following Proclamation to representatives of U.S. Coast Guard Auxiliary, Flotilla 12-06 Chincoteague and Flotilla 12-02 Painter.

## PROCLAMATION

### PROCLAIMING

**MAY 22 THROUGH MAY 28, 2010**

**as**

**NATIONAL SAFE BOATING WEEK**

**WHEREAS**, Americans are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities grow each year. With this growth comes additional responsibility. It is vital that both novice and experienced boaters alike practice safe boating habits----especially wearing a life jacket. Approximately 88 percent of those who die in boating-related drownings were not wearing life jackets.

**WHEREAS**, hundreds of lives could be saved each year by wearing life jackets and the law requires that wearable life jackets be carried for each person on board a boat; and

**WHEREAS**, responsible boaters will learn the local boating regulations, follow the “rules of the road”, not drink alcohol and boat, wear their life jacket, and respect fellow boaters; and

**WHEREAS**, U.S. Coast Guard Auxiliary, Flotilla 12-06 Chincoteague and Flotilla 12-02 Painter, provide safe boating instruction for all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur:

**NOW THEREFORE, BE IT PROCLAIMED** that the Accomack County Board of Supervisors, hereby proclaim May 22 through 28, 2010, as Safe Boating Week within the County of Accomack and encourage all boaters to wear their life jackets, boat responsibly, and enroll in a safe boating class.

### Approval of Consent Agenda

Mr. Mallette made a motion to approve the following items under the Consent Agenda. Mr. Wolff seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

- a. Authorize advertising for Public Hearing on Resolution to abandon Route 660, Mink Farm Road, from the Secondary System of State Highways
- b. Authorize the County Administrator to execute the FY2010 Amendment to the Statement of Agreement between the Board of Supervisors of Accomack County and the Department of Health
- c. Approve bid awards for the Painter Convenience Center
  1. IFB #626 for site work
  2. IFB #627 for compactors
- d. Approve contract award of RFP 225 for inmate food services
- e. Adoption of Purchasing Card (P-Card) Policy and Procedures

### Highway Matters

Mr. Robert Isdell, Acting Residency Administrator, Virginia Department of Transportation (VDOT), reported on the following VDOT issues:

- Projects and activities
- Mowing Schedule for Route 13 and secondary roads
- Restructuring of the local residency offices beginning on Monday, April 26<sup>th</sup>. The office will only be addressing maintenance matters – all other calls need to be channeled through a call center @ 1-800-367-ROAD (7623)
- Six-Year Plan

Mr. Isdell responded to various question regarding the restructuring process.

Mrs. Thornton made a motion to send a letter to Dennis Heuer, VDOT Regional Director, to express the Board's opposition to the County Administrator being responsible for submission of town as well as County road projects. Mr. Mallette seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

**Treasurer's Report**

Treasurer Dana T. Bundick updated the Board on the collection of delinquent taxes resultant of county, social services and school board employee wage garnishments, DMV stops, etc., and responded to various questions.

**Leachate Treatment Facility Improvements**

Public Works Director Stewart Hall updated the Board on the Leachate Treatment Facility improvements and responded to questions.

**Central Water/Sewer**

Mr. Hall gave brief comments related to central water/sewer issues and noted that he would have detailed information available at the May meeting.

**Tax Valuation and Billing Software Implementation Project (AKA RBS Project)**

Finance Director Michael T. Mason gave an update on the new tax valuation and billing software implementation project and responded to questions. He noted that he would have another report in June.

**Utility Strategic Planning**

County Administrator Steven B. Miner offered brief comments relating to scheduling a meeting to include the towns of Chincoteague, Parksley, Captain's Cove and the County to address water/sewer needs.

A brief discussion took place.

Mr. Wolff made a motion that Mr. Miner proceed with setting the meeting. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

**Deputy Emergency Management Coordinator Position**

Following a discussion with responses to questions from Public Safety Director Jason Loftus, Mrs. Thornton made a motion to reinstate the position of Deputy Emergency Management Coordinator at no more than \$27,000 of local funding. Mrs. Mears seconded

the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Mallette, Mr. McCaleb. Nays: None. Abstentions: Mr. Hart. Absent: Mrs. Gordy.

**Office Space/Emergency Operations Center**

Mr. Mike Truitt, Chief, Onancock Volunteer Fire Company, updated the Board and reviewed a proposal to construct an addition to the existing fire station to house the Department of Public Safety administrative offices and an emergency operations center; costs to be shared by the Onancock Volunteer Company and the County.

A lengthy discussion took place with Mr. Truitt responding to questions.

Mr. Mallette made a motion to have Chief Truitt, Public Safety Director Jason Loftus and County Attorney Mark B. Taylor work with the Onancock Volunteer Fire Department to get a more refined proposal and come back to the Board with a recommendation. Mr. Gray seconded the motion.

Discussion continued.

Mrs. Thornton made a motion to postpone any action until Mrs. Gordy could be present. Mr. Wolff seconded the motion. Ayes: Mrs. Thornton, Mr. Hart. Nays: Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Mallette, Mr. McCaleb. Absent: Mrs. Gordy.

The vote on the original motion was unanimous with Mrs. Gordy absent.

**Harborton Public Facilities Committee**

Mr. Hart made a motion to appoint M. Rodney Smith to the Harborton Public Facilities Committee to fill the unexpired term of Gerald Parks who resigned; the term to begin immediately and end on December 31, 2010. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

**Census**

Mr. Hart commented on Census forms not being received by citizens; noted that citizens could call 1-866-872-6868 to make inquires, and that the number would be on the County website.

**Emergency Ordinance - Planned Unit Development (PUD) Application Fee**

Following a brief discussion, Mr. Wolff made a motion to adopt the following Emergency Ordinance. Mr. Mallette seconded the motion. The motion passed unanimously with Mr. Gordy absent.

**AN ORDINANCE TO AMEND THE ACCOMACK  
COUNTY REZONING FEE SCHEDULE  
PERTAINING TO PUD DEVELOPMENT  
OF THE ACCOMACK COUNTY CODE**

WHEREAS, The Accomack County Board of Supervisors, by Ordinance enacted April 1, 2009, established a rate schedule for the Department of Planning; and

WHEREAS, The Accomack County Board of Supervisors finds that the rate schedule needs to be revised as it pertains to rezoning of PUD; and

WHEREAS, the Accomack County Board of Supervisors finds that an emergency exists, to the extent that the fee schedule must be adjusted to include PUD development of \$2,200.00 plus \$40.00 per acre (fraction).

NOW, THEREFORE, BE IT ENACTED as an Emergency Ordinance of Accomack County, that the Accomack County Ordinance enacted April 1, 2009, amending Accomack County Code as it pertains to rezoning fees is hereby further amended by adding the following:

*PUD Fees:*

*\$2,200.00 + \$40.00 per acre*

This Ordinance is effective upon adoption.

**Low Earth Orbit Privatization**

Following comments by Mr. Miner, Mr. Wolff made a motion to adopt the following Resolution and provide copies to the federal, state, and the County of Fairfax. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

**RESOLUTION**

*A Resolution in support of the President's policy towards the privatization of human and cargo rated low earth orbit flights*

**WHEREAS**, NASA has proposed a new direction for its budget including the privatization of missions to resupply the International Space Station and other low-earth orbit (LEO) space activities, thereby ending NASA's focus on the Constellation program and an immediate return to the moon; and

**WHEREAS**, the proposed plan increases NASA's budget for deep-space exploration and robotic technology, as well as increased research and development geared towards badly needed earth science and deep-space propulsion; and

**WHEREAS**, prior to acting, the Administration appointed experts (the U.S. Human Spaceflight Plans Committee) to study the matter and the committee, after deliberating, has recommended this new course of action, citing huge cost overruns and delays in the plans to return to the moon and the Constellation program, as well as the limited scientific benefits of going back to the moon versus taking on other longer-range, scientific and exploration related needs, and

**WHEREAS**, NASA's new direction offers huge opportunities to private sector space companies wishing to compete for clear goals and missions; and

**WHEREAS**, these private companies can be well-served operating from the Mid-Atlantic Regional Spaceport at Wallops Island, here in Accomack County; and

**WHEREAS**, this activity can and should include human-rated transportation to the International Space Station and other low-earth orbit activities; and

**WHEREAS**, NASA's Goddard facility working in tandem with Wallops Island Flight Facility can increase its already great value to the nation by enhanced work in earth sciences with this budget proposal:

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Accomack County Board of Supervisors does hereby request its members of Congress, as well as other members of Congress, particularly the great states of Maryland and Delaware, to support NASA's and the Nations' new direction as being better for the nation, the region and the state, creating new opportunities for job creation which will serve to expand our economies, while serving the best interests of the entire nation; and be it

**FURTHER RESOLVED**, that NASA be enabled through this budget to continue to encourage competition and commercial benefits in near space, while supporting and driving innovation in deep space and other scientific missions for which they are alone capable and uniquely qualified; thereby allowing private investors to serve as the new space transporters and researchers of the future, ferrying cargo and people to and from near space, and putting into commercial use the techniques of manufacturing and production which past government-led research has opened to the private sector; and

**FINALLY THAT** this resolution be spread on the minutes books of the County and forwarded to all appropriate officials at the regional, state and national level.

### **Groundwater Committee**

Following comments by Mrs. Thornton concerning a request of the Eastern Shore of Virginia Groundwater Committee, she made a motion to write a letter to Delegate Lynwood W. Lewis and Senator Ralph Northam asking for their support for the inclusion the Groundwater Committee's recommendations in the draft Groundwater Withdrawal Regulations (9VAC25-610). Mr. McCaleb seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

### **Recess**

By consensus, the Vice Chair declared the meeting in recess for dinner until 7:30 p.m.

### **Public Hearing**

#### **Six –Year Plan**

The County Attorney read the rules governing conduct during Public Hearings.

The Vice Chair opened a Joint Public Hearing with the Virginia Department of Transportation to afford interested persons the opportunity to be heard or to present written comments concerning the proposed Six-Year for fiscal years 2010-2011 to 2015-2016 and Improvement Priorities for fiscal year 2010-2011.

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

Mr. Mallette made a motion to adopt the following Resolution. Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

### **R E S O L U T I O N**

**WHEREAS**, the Virginia Department of Transportation and the Accomack County Board of Supervisors have jointly established the Six-Year-Plan the for fiscal years 2009-2010 to 2014-2015 and priority list for the fiscal year 2009-2010; and

**WHEREAS**, the Virginia Department of Transportation and the Accomack County Board of Supervisors have jointly held a Public Hearing on the Six-Year Plan for fiscal years 2010-2011 to 2015-2016 and Improvement Priorities for fiscal year 2010-2011:

**NOW, THEREFORE, BE IT RESOLVED** that the Accomack County Board of Supervisors hereby approves the Six-Year-Plan for fiscal years 2010-2011 to 2015-2016 and Improvement Priorities for Fiscal Year 2010-2011.

#### **Accomack-Northampton Enterprise Zone**

The Vice Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning proposed amendments to the Accomack-Northampton Enterprise Zone.

General comments of support were given by Mr. William Neville, Director of Planning, Town of Chincoteague

The Vice Chair closed the Public Hearing.

Mrs. Thornton made a motion to adopt the following Resolution. Mr. McCaleb seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

### **R E S O L U T I O N**

**WHEREAS**, Accomack County is applying for enterprise zone amendments jointly with Northampton County; and

**WHEREAS**, Accomack County is designated to act as program administrator:

**NOW, THEREFORE, BE IT RESOLVED**, that the County Administrator is authorized to submit all information needed to apply for enterprise zone amendments and to carry out all program administrative and reporting requirements on its behalf.

Done this 21<sup>st</sup> day of April, 2010.

**Proposed Amendment to, Chapter 106, General Provisions, Sec. 106-239 Applications and Permits of the Accomack County Code**

The Vice Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed amendment to Chapter 106, General Provisions, Sec. 106-239 Applications and Permits of the Accomack County Code.

General comments were given by Director of Planning James M. McGowan.

The Vice Chair closed the Public Hearing.

Mr. Mallette made a motion to adopt the following amendment to An Ordinance to amend Chapter 106, General Provisions, Sec. 106-239, Applications and Permits of the Accomack County Code.

**AN ORDINANCE TO AMEND CHAPTER 106, GENERAL PROVISIONS, SEC. 106-239 APPLICATIONS AND PERMITS OF THE ACCOMACK COUNTY CODE**

**WHEREAS**, the Board of Supervisors of Accomack County finds that Chapter 106, Zoning, Sec. 106-239, of the Accomack County Code needs to be amended to update said Ordinance to establish new procedures in accordance with amendments to the Virginia State Code §15.2-2286(B) relating to permits and applications and the payment of real estate taxes on the subject property; and

**WHEREAS**, the Board of Supervisors is of the opinion that the Accomack County Code should be amended to establish new regulations pertaining to applications and permits to update as per Virginia Code §15.2-2286(B) immediately.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Accomack County Board of Supervisors this 21st day of April, 2010, that Chapter 106, Zoning, Sec. 106-239 applications and permits of the Accomack County Code are hereby amended as follows:

**CHAPTER 106. ZONING**

**Sec. 106-239 Applications and Permits.**

Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, Accomack County requires the applicant to produce satisfactory evidence that any delinquent real estate taxes owed to the locality which have been properly assessed against the subject property have been paid.

This Ordinance shall become effective April 26, 2010.

**Economic Development Options**

A discussion took place regarding options for economic development for Accomack County. Discussion centered on whether this would be done in house or become the responsibility of the Economic Development Authority.

It was noted that the Chairs and Vice Chairs of the Board of Supervisors and the Economic Development Authority would be meeting prior to the next regular meeting of the Board to discuss the issue.

**County Administrator’s Report**

County Administrator Steven B. Miner told the Board that the Airport had been contacted regarding possible leasing for training and responded to questions.

A general discussion took place.

**County Attorney’s Report**

Following comments by County Attorney Mark B. Taylor, Mr. Wolff made a motion to adopt the following Resolution. Mr. Mallette seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

**RESOLUTION OF INITIATION**

**RE: INITIATE CONSIDERATION OF ZONING ORDINANCE AMENDMENT TO ADD A WALLOPS SPACE TRANSIT OVERLAY CORRIDOR**

**WHEREAS**, the Board of Supervisors is authorized pursuant to §§ 15.2-2280 and §§ 15.2-2286 of the Code of Virginia to prepare, adopt, and amend a zoning ordinance to regulate future land development in Accomack County; and

**WHEREAS**, the Virginia Mid-Atlantic Regional Spaceport (MARS), has requested the cooperation of the Virginia Department of Transportation (VDOT) and the Accomack County Board of Supervisors to establish a transit corridor between the NASA/Wallops Flight Facility Payload Processing Center on Cartlidge Drive in the Wattsville area and the Wallops Island entrance on Causeway Road, South of Atlantic, Virginia; and

**WHEREAS**, the requested overlay corridor is intended to provide a route of clear passage for the delivery of oversized loads, including but not limited to space vehicles, between the Payload Processing Center and the Wallops Island launch facilities; and

**WHEREAS**, MARS operations play a prominent role in Economic Development and the broadening of economic opportunity in Accomack County; and

**WHEREAS**, VDOT has indicated its willingness and desire to cooperate with MARS and Accomack County, and to abide by clear height requirements imposed by Accomack County in a zoning overlay enacted to provide the requested corridor; and

**WHEREAS**, the public necessity, convenience, general welfare, and good zoning practice require that the Accomack County Zoning Ordinance should be amended to provide an overlay corridor to ensure clear passage for oversized loads, including but not limited to space vehicles, as requested.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors of Accomack County does hereby initiate consideration of amendments to the Accomack County Zoning Ordinance to establish a transit corridor between the NASA/Wallops Flight Facility Payload Processing Center on Cartledge Drive in the Wattsville area and the Wallops Island entrance on Causeway Road, South of Atlantic, Virginia.

**Board of Supervisors Comment Period**

Mr. Chesser expressed his concerns about the road conditions not only on the Shore, but the State as a whole.

Mrs. Thornton commented on the following:

1. To include on the next Agenda for the Board's consideration to have a Letter of Appreciation placed in Mr. Tom Brockenbrough's personnel file for his work on the Enterprise Zone, and
2. To contact Chuck Cooley regarding statements he made during the Stormwater Management Workshop for an explanation of why businesses do not wish to come to the Shore.

Mr. Mallette noted that comments made during the Stormwater Management Workshop regarding drainage issues on Church Road in Accomac were not resultant of tomato fields as there was no plastic on the fields at that time; however, he explained the conditions of that particular area which caused drainage problems.

Mrs. Mears commented on Census issues.

Mr. Wolff reported that his monthly constituent's meeting was held at Captain's Cove with Delegate Lynwood W. Lewis and Senator Ralph Northam to discuss issues related to water, wastewater, and economic development as related to the space industry.

Mr. McCaleb told the Board that Accomack-Northampton Transportation District Commission was negotiating with Bay Coast Railroad regarding repairs to the carfloat "Nandua."

**Payables**

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

**Closed Meeting**

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

1. Pursuant to Subsection (A)(1) for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion,

performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

**Open Session**

The Vice Chair declared the meeting open to the public.

**Certification of Closed Meeting**

Mr. Wolff made a motion, seconded by Mrs. Thornton, 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. Hart
	Mr. Wolff	Mrs. Mears	Mr. McCaleb
	Mr. Chesser	Mr. Mallette	

Nays: None                      Absent: Mrs. Gordy

**Adjournment**

Mr. Wolff made a motion to adjourn. Mrs. McCaleb seconded the motion. The motion passed unanimously with Mrs. Gordy absent. The meeting adjourned at 8:55 p.m.

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Chair