

**Virginia: At a meeting of the Accomack County Planning Commission held on the 14<sup>th</sup> day of April, 2010, in the cafeteria of Metompkin Elementary School in Parksley, Virginia:**

**1. CALL TO ORDER:**

**A. MEMBERS PRESENT AND ABSENT**

**Planning Commission**

**Members Present:**

Mr. E. Phillip Hickman, Chairman  
Ms. Tammy Parks, Vice-Chairman  
Mr. George Parker  
Mr. Leander Roberts, Jr.  
Mr. Herbert Thom  
Mr. Dave Vaughn  
Mr. C. Robert Hickman  
Mr. William Fallon  
Mr. David Lumgair

**Members Absent:**

None

**Others Present:**

Mrs. Tonya Taylor, Administrative Assistant  
Mr. James M. McGowan, Director of Planning  
Mr. Robert Testerman, Land Use Planner  
Mr. Mark B. Taylor, County Attorney

**B. DETERMINATION OF QUORUM**

There being a quorum, Chairman Hickman called the meeting to order at 7:00 p.m.

**2. ADOPTION OF THE AGENDA:**

**On a Motion by Mr. Thom, and Seconded by Mr. Parker, the Planning Commission adopted the agenda with the addition of an item to discuss the Department of Planning Budget finalized by the Board of Supervisors on April 13, 2010.**

**3. DEPARTMENT OF PLANNING BUDGET:**

Mr. Hickman asked Mr. McGowan to give an update on the Department of Planning budget approved by the Board of Supervisors on April 13, 2010, and how the department will operate. Mr. McGowan explained that the adopted budget eliminates the Erosion and Sediment Control Inspector and the Land Use Planner after June 30, 2010.

**On a Motion by Mr. Lumgair, and Seconded by Mr. Thom, the Planning Commission requested Mr. McGowan to ask the Board of Supervisors to consider raising the fees for planning applications.**

**Vote:**

**Ayes: Lumgair, Thom, P. Hickman, C. Hickman, Fallon, Parker, Roberts, Parks, Vaughn.**

**Nays:**

**4. PUBLIC COMMENT PERIOD ( Not a Public Hearing)**

Chairman Hickman opened the floor for the Public Comment Period. No one signed up or requested to speak.

**5. 7:30 PM PUBLIC HEARING:**

**A. Draft Delinquent Tax Zoning Amendment:** Chairman Hickman opened the Public Hearing. Mr. McGowan presented the Draft Delinquent Tax Zoning Amendment to add: Sec. 106-239. Evidence of Payment of Delinquent Taxes. Pursuant to Virginia Code Section 15.2-2286(B), 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, the applicant shall provide evidence of payment of any delinquent taxes on the subject property.

No one was signed up to speak or requested to speak. Chairman Hickman closed the Public Hearing.

The Planning Commission discussed the proposed amendment. Several Commissioners expressed concerns about the amendment preventing property owners from making emergency repairs, such as to leaky roofs.

**On a Motion by Mr. Thom, Seconded by Mr. C. Hickman, the Planning Commission recommended adoption of the Draft Delinquent Tax Zoning Amendment to the Board of Supervisors as written.**

**Vote:**

**Ayes: Lumgair, Thom, P. Hickman, C. Hickman, Fallon, Parker.**

**Nays: Roberts, Parks, Vaughn**

**6. OLD BUSINESS:**

**A. Subdivision Agent Report**

No activity at this time.

**B. Wal-Mart Conditional Use Permit Public Hearing**

Mr. McGowan reported that, on March 31, 2010, the Board of Supervisors conducted a Public Hearing on the Wal-Mart Conditional Use Permit application to partially change the building color and signs. After conducting the Public Hearing, the Board voted to approve the request, with “substantially” added to Item 3a. A copy of the approved Amended Conditions of Approval was included in the meeting packet.

**C. Draft Proffer Policy**

Mr. Taylor and Mr. McGowan presented the Draft Proffer Policy. The Planning Commission had a brief discussion. The Planning Commission wanted to add a #13. Other to the Proffer Policy. The language that was included is as follows:

**13. Other - Proffer elements, features, enhancements, protections, etc. as appropriate to mitigate factors peculiar to the proposed development on the proposed site that were otherwise unforeseen in the Comprehensive Plan or the Capital Improvements Plan and not otherwise contemplated by this policy.**

**On a Motion by Ms. Parks, Seconded by Mr. Thom, the Planning Commission recommended approval of the Draft Proffer Policy with the additional language of #13 to be included in the Policy.**

**Vote:**

**Ayes: Lumgair, Thom, P. Hickman, C. Hickman, Fallon, Parker Roberts, Parks, Vaughn.**

**Nays:**

**On a Motion by Ms. Parks, Seconded by Mr. Thom, the Planning Commission made a recommendation to the Board of Supervisors to consider adopting and using the Draft Proffer Policy.**

**Vote:**

**Ayes: Lumgair, Thom, P. Hickman, C. Hickman, Fallon, Parker Roberts, Parks, Vaughn.**

**Nays:**

**D. Draft Policy on Planning Commission Policy Communications**

Mr. McGowan presented the Draft Policy on Planning Commission Policy Communications. After a brief discussion and review of the policy a motion to adopt was made.

**On a Motion by Mr. Parker, Seconded by Mr. Vaughn, the Planning Commission recommended adoption and maintaining of the Draft Policy on Planning Commission Communications as a stand-alone policy.**

**Vote:**

**Ayes: Lumgair, Thom, P. Hickman, C. Hickman, Fallon, Parker Roberts, Parks, Vaughn.**

**Nays:**

**E. Draft General Business Zoning District Amendment**

Mr. McGowan presented the Draft General Business Zoning District Amendment to the Planning Commission. The Planning Commission had a brief discussion.

**On a Motion by Mr. Parker, Seconded by Mr. Thom, the Planning Commission approved the Draft General Business Zoning District Text Amendment dated 3/24/10.**

**Vote:**

**Ayes: Lumgair, Thom, P. Hickman, C. Hickman, Fallon, Parker Roberts, Parks, Vaughn.**

**Nays:**

**F. Draft Industrial Zoning District Amendment**

Mr. McGowan presented The Draft Industrial Zoning District Text Amendment. The Planning Commission would like further discussion on the text amendment at the April Work Session.

**7. NEW BUSINESS:**

**A. ESCC GREEN ENERGY SYMPOSIUM APRIL 30 – MAY 1**

Mr. McGowan reported that Eastern Shore Community College is holding a Green Energy Symposium on April 30<sup>th</sup> and May 1<sup>st</sup>. A brochure on the program was distributed.

**B. ACCOMACK COUNTY “SPRING CLEAN”**

Accomack County Department of Public Works will hold the first annual county-wide “Spring Clean” on Saturday, May 1<sup>st</sup>. Landfill tipping fees will be waived that day for Accomack County residents and small businesses.

**C. PROPOSED DRAFT FY 2011 DEPARTMENT OF PLANNING BUDGET**

The Board held a meeting on Tuesday, April 13<sup>th</sup> in the Board Chambers to consider adopting the budget. The Board voted to eliminate the Land Use Planner and Erosion Sediment Control Inspector positions.

**8. OTHER MATTERS:**

Mr. McGowan discussed starting work on the Draft Route 13 Overlay District with the Planning Commission. The Commission agreed to wait until the other zoning amendments are adopted.

**9. MINUTES:**

The following minutes were presented for the Commission's review and approval:

**A. Minutes of March 10, 2010**

**On a Motion by Ms. Parks, Seconded by Mr. Thom, those present voted unanimously to approve the minutes of March 10, 2010.**

**B. Minutes of March 23, 2010**

**On a Motion by Ms. Parks, Seconded by Mr. Thom, those present voted unanimously to approve the minutes of March 23, 2010.**

**10. NEXT MEETING:**

The next regular Planning Commission meeting is scheduled for 7:00 PM on Wednesday, May 12, 2010 at Metompkin Elementary School.

**11. ADJOURNMENT:**

**On a Motion by Mr. Thom, Seconded by Mr. Roberts, those present voted unanimously to adjourn the meeting to the Work Session scheduled for April 27, 2010, in the Accomack County Board Chambers, Accomac.**

Chairman Hickman adjourned the meeting at 9:20 p.m.

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Phillip Hickman, Chairman

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Tonya Taylor, Administrative Assistant