

At a regular monthly meeting of the Accomack County Board of Supervisors, held on the 14th day of November 2018, in the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia at 5:00 p.m.

1. Opening of Meeting

1.1. Call to Order

MEMBERS PRESENT AND ABSENT

Board of Supervisors Present:

Robert D. Crockett, Chair
Donald L. Hart, Jr., Vice Chair
William J. “Billy” Tarr
Ron S. Wolff
Grayson C. Chesser
Harrison W. Phillips, III
Paul E. J. Muhly
C. Reneta Major

Board of Supervisors Absent:

Laura Belle Gordy

Others Present:

Mr. Michael T. Mason, County Administrator
Mrs. Cela J. Burge, County Attorney
Mrs. Jessica Taylor Hargis, Executive Assistant

There being a quorum, Chairman Crockett called the meeting to order at 5:00 p.m.

1.2. Invocation

The invocation was given by Mr. Wolff.

1.3. Pledge of Allegiance

1.4. Adoption of Agenda

On a motion made by Mr. Wolff and seconded by Mr. Phillips, the Accomack County Board of Supervisors voted to adopt the agenda, as amended, to advertise the public hearings scheduled for December 19, 2018 at 5:30 p.m.

2. Public Comment Period

A. Mrs. Burge read the Public Comment rules.

Chairman Crockett opened the floor for the public comment period. No one signed-up or requested to speak; Chairman Crockett closed the public comment period.

3. Consideration of Minutes

3.1 October 17, 2018

On a motion made by Mr. Hart and seconded by Mr. Phillips, the Accomack County Board of Supervisors voted to approve the October 17, 2018 meeting minutes.

4. Recognitions

4.1 Moment of Silence in Honor of Mr. C.D. "Tippy" Fleming, Jr. Former Accomack County Board of Supervisor & Gerald Goga, Former Lieutenant in charge of Investigations for the Sheriff's Department.

4.2 Recognize Public Works Team Response to Water Leak

Mr. Mason recognized Andy Nunnally, Building & Grounds Supervisor, along with two of his crewmembers, Joseph 'Joe' Gross and Leon Ayres for their prompt response and above and beyond efforts to repair the damage caused by a water leak on Sunday, October 28, 2018. He explained that without their tireless efforts, the damage would have been more severe and not allowed offices to open on time, costing the County additional money and time. The Board joined Mr. Mason in thanking the employees.

4.3 Recognize Billie Jean Miles and the United Way Campaign

5. Consent Agenda

5.1 Approval of Consent Agenda

On a motion made by Mr. Phillips and seconded by Mr. Tarr, the Accomack County Board of Supervisors voted to approve the following items from the Consent Agenda:

5.2 Consider scheduling a public hearing for its December 19, 2018 meeting at 5:30 p.m., for Matthews Market on REZ-2018-004 to rezone Tax Map #55A-A-66, 55A-A-61C, 55A-A-61D, 55A-1-1, 55A-1-2, 55A-A-68, and 55A-1-1A, located at 14141 & 14149 Lankford Highway & 29187 Bloxom Circle, Mappsville, VA from Residential to General Business.

5.3 Consider scheduling a public hearing for its December 19, 2018 meeting at 5:30 p.m., for Rob Bloxom & Bloxom Auto Supply on REZ-2018-005 to rezone Tax Map #55A-A-6, 55A-A-3, 55A-A-3A, 55A-A-4A, 55A-A-2, 55A-A-1, & 55A-A-4, located at 14110, 14116 & 14126 Lankford Highway, Mappsville, VA from Residential to General Business.

5.4 Appointment of County's Zoning Administrator and Subdivision Agent to Mrs. Katie Nunez effective November 14, 2018. The appointment will remain in effect, at minimum, through her current certification period of December 31, 2021.

5.5 Approve the Fiscal Year 2020 Budget Call and Draft Budget Calendar

5.6 Authorize County Administrator to accept/execute deed of property for the former Saecker Dentist Office Tax Map # 86D-A-11 located beside the County's 9-1-1 facility

6. Items Removed from Consent Agenda

No items were removed from the Consent Agenda.

7. Report of Public Officials

7.1 Annual Forestry Report from Robbie Lewis, Senior Area Forester

Mr. Lewis appeared and briefed the Board on the Forestry Department's achievements in 2018.

8. Committee Reports

There were no Committee Reports.

9. Old Business

9.1 Accomack Properties, Inc. - Rezoning & CUP Applications

On behalf of Mr. Morrison and Mrs. Nunez during their absence, Mr. Mason reviewed the project with the Board noting the following points since its last meeting:

1. VDOT has recommended approval of the Traffic Impact Analysis submitted by the applicant. A traffic light at the RT 13 & Dogwood/Phillips Drive intersection and related improvements are proposed. Costs will be borne by the developer.
2. A revised site plan and acknowledgement that the applicant has secured ownership of the property immediately to the north (along Dogwood Drive) was presented to the Planning Commission at its October 10, 2018 meeting.
3. The proffers have been clarified and appear to adequately address items directly related to the proposed development project. It is important to note that the installation of the traffic light and related improvements are tied to the construction of the gas station. If the gas station is not built, the traffic signal will not be installed, unless an additional condition is applied under the conditional use permit.

Mrs. Burge read the revised proffer statement:

**Statement of Proffer for the
Rezoning of property 938-A-22 and Lots 938-2-1 thru 8 Fox Meadows, Melfa,
Accomack County, Virginia**

The following is proffered to the Accomack County Board of Supervisors in consideration of the request for re-zoning of the properties. This voluntary offer is made by the Property Owner and Developer:

Accomack Properties, Inc. and is binding on its heirs, successors or assignee(s).

1. A re-zoning exhibit and preliminary site plan dated Nov. 2017, latest revision No. 5, dated 10/31/18 has been prepared and submitted as an example of the type and scope of use on the properties.
2. The landscaping shown on the preliminary site plan (Sheet 2 of 2), dated Nov. 2017, latest revision No. 5, dated 10/31/18 is hereby proffered. Trees shall be a minimum of 1.5-inches in caliper and eight feet in height at the time of their initial planting. Shrubs shall be a minimum of 2 gallons and shall have a minimum initial height of 3 feet. The intent is to provide landscaping at sufficient height at initial planting to soften the facade of the buildings.

3. The Developer shall install all required roadway improvements contained in the Traffic Engineering submittals to VDOT and to all requirements contained in VDOT's approval letter dated October 15, 2018 for this project, including the traffic light. The traffic light shall be installed and be functional prior to requesting a final inspection for the convenience store/gas station building. The traffic light shall be bonded prior to the site plan approval for the convenience store/gas station. Surety shall be in a form acceptable to Accomack County. The bonding amount shall be set in accordance with the approved Engineer's Estimate which is required to be submitted to VDOT.
4. The Developer shall connect to the public sewer system. Each parcel shall have its own pumped sewer connection to the Accomack County owned and operated sewer main that abuts the property. Each public sewer connection will be installed to applicable DEQ, VDH and Accomack County DPW standards prior to a certificate of occupancy being issued for any structures served.

The Board also heard from Mr. John Salm, Project Engineer, and Mrs. Burge.

On a motion made by Mr. Phillips and seconded by Mr. Tarr, the Accomack County Board of Supervisors approved the Accomack Properties, Inc. application for Conditional Rezoning of Tax Map # 93B-A-22 from Agricultural to Residential and Conditional Rezoning of Tax Map #93B-2-1 through 8 and a portion of 93B-A-22 from Agricultural to General Business as requested by the application which has been amended numerous times and includes a two sheet site plan last revised on October 29, 2018 (re-zoning exhibit and preliminary site plan), a proffer statement last dated October 31, 2018 and a Traffic Impact Analysis VDOT recommended for approval in an October 15, 2018 letter.

The Board of Supervisors note the following facts support its decision to rezone the property:

1. A site plan showing a gas station/convenience store, fast food restaurant, and a 45-unit apartment development has been submitted and proffered.
2. Market rate apartments, appropriately sized and located, are identified in the Future Land Use section of the Comprehensive Plan of current adoption.
3. The proffers adequately address the traffic improvements required by VDOT to accommodate the traffic generated by the development, and VDOT has recommended approval.
4. Public sewer is available to the site and the developer has stated his intention to connect to public sewer.
5. The development has access to a side street (Dogwood Road) and access management as suggested by the Comprehensive Plan of current adoption has been achieved.
6. The Board of Supervisors, Planning Commission, and staff have reviewed several plans modifications, over many months and provided feedback to the applicant and representatives. The Board believes that the latest version of the plan adequately addresses the input provided.

On a motion made by Mr. Tarr and seconded by Mr. Phillips, the Accomack County Board of Supervisors voted to remand the Conditional Use Permit back to the Planning Commission for additional review and comment and return it to the Board for final action.

10. Appointments

10.1 November Appointments

A. Eastern Shore of Virginia Resource Conservation and Development Council:

An appointment for the Eastern Shore of Virginia Resource Conservation and Development Council was continued until the November meeting due to Ms. Gordy's absence.

B. Board of Trustees of the Eastern Shore Public Library:

On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors voted to continue the appointment to its December meeting.

C. Parks & Recreation Advisory Committee:

On a motion made by Mr. Hart and seconded by Ms. Major, the Accomack County Board of Supervisors voted to appoint Mr. Gerald Pitts of Melfa, VA, to fill the remaining term of Mr. Tony R. Washington, Jr. on the Parks and Recreation Advisory Committee. The remainder of the four - year term will expire on June 30, 2021.

D. Wetlands Board:

On a motion made by Mr. Tarr and seconded by Mr. Hart, the Accomack County Board Supervisors voted to reappointment Mr. Gene Wayne Taylor to the Accomack County Wetlands Board, per Code of Virginia 28.2-1303, for a five-year term to expire on June 30, 2023.

E. Economic Development Authority:

Mr. Tarr reported that Mr. Charles Ray Davis had resigned from the Authority.

On a motion made by Mr. Tarr and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to appoint Mr. Jack Tarr to the Economic Development Authority per Code of Virginia 15.2-4904, to fill the remaining term of Mr. Charles Ray Davis. The remainder of the four- year term will expire on February 18, 2019.

10.2 November Attendance Report

There was no discussion on the attendance reports.

11. Public Hearing (6:30)

11.1 Public Hearing Rules

11.2 Public Hearing on Draft Updated Solid Waste Management Plan

Mr. Duncan and Mr. Chris Burns, CHA Consulting, Inc. explained that in accordance with 9 VAC 20-130-130, prior to submission of a plan or major amendment the County

is required to publish a notice and hold a public hearing on the plan, which is revised every five years.

Chairman Crockett opened the public hearing. No one signed up or requested to speak. Chairman Crockett closed the public hearing.

On a motion made by Ms. Major and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to approve the updated Solid Waste Master Plan prepared by CHA design/construction (Project Number 34873) solutions and dated October 10, 2018.

11.3 Public Hearing on Proposed Farm Leases of County-Owned Property

Mrs. Burge informed the Board that the current leaseholder of the properties does not wish to continue leasing County property for agricultural activities and has submitted written notice to terminate the Lease Agreement.

Chairman Crockett opened the public comment period. The following person signed up to speak:

1. Danny Mills – Evans Wharf Road, Onancock
Mr. Mills thanked the supervisors for their service. Mr. Mills informed the Board that while the land for lease is comprised of Bojac soil, it had been depleted of nutrients over the years; he recommended they consider requiring that the leaseholders provide a report of nutrients put on the farm on a regular basis.

The Board requested that staff review options and contact the Eastern Shore Agricultural Research and Extension Center to research the nutrient matter further.

On a motion made by Mr. Wolff and seconded by Mr. Tarr, the Accomack County Board of Supervisors voted to solicit bids for the new leases and parcels/acreages identified as:

- Property 1: Portion of Tax Map No. 101-5-C (6 Acres, more or less)**
- Property 2: Portion of Tax Map No. 101-5-C (11 Acres, more or less)**
- Property 3: Portion of Tax Map No. 101-5-C (12 Acres, more or less)**
- Property 4: Portion of Tax Map No. 101-5-B (13 Acres, more or less)**
- Property 5: Portion of Tax Map No. 101-5-D (30 Acres, more or less)**

The initial lease period shall be three (3) years, with the option to renew for two (2) one (1) year extensions.

In addition, staff shall consider a plan to require regular nutrient reporting on the land to the County.

12. New Business

12.1 Consider Re-establishment of the Tourism Commission

Chairman Crockett informed the Board that he, Mrs. Burge, and Mr. John Coker, Northampton Board Supervisor, had worked together to complete the final draft of the

proposed joint resolution of the County of Accomack and the County of Northampton, Virginia, to jointly promote Tourism within the counties of Accomack and Northampton and to re-establish the Eastern Shore of Virginia Tourism Commission.

On a motion made by Mr. Crockett and seconded by Mr. Muhly, the Accomack County Board of Supervisors voted to approve the Joint Resolution of the County of Accomack and the County of Northampton, Virginia, effective January 1, 2019, to jointly promote Tourism within the counties of Accomack and Northampton and to re-establish the Eastern Shore of Virginia Tourism Commission.

Mrs. Burge explained that it is important to maintain the regional efforts, therefore, the Board of Directors would consist of seven (7) members, as follows:

1. Each Board of Supervisors shall appoint one (1) sitting Board of Supervisor's member to a term not more extensive than that member's term of office;
2. One (1) ex-officio voting member appointed by the Cape Charles Town Council;
3. One (1) ex-officio voting member from the Chincoteague Chamber of Commerce (its President or designee);
4. One (1) appointee from the Northern area of Northampton County to be appointed by the Northampton County Board of Supervisors;
5. One (1) appointee at large from Accomack County to be appointed by the Accomack County Board of Supervisors; and
6. One (1) ex-officio non-voting member representative of the Virginia Tourism Corporation.

Chairman Crockett noted that he and Mr. Coker had met with the current Tourism members and they were supportive of the change.

The following appointments were made contingent on Northampton County's vote on the resolution.

On a motion made by Chairman Crockett and seconded by Mr. Phillips, the Accomack County Board of Supervisors voted to appointment Supervisor William J. "Billy" Tarr as Accomack's one (1) sitting Board member to the Eastern Shore of Virginia Tourism Commissiond.

On a motion made by Chairman Crockett and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to appoint Mr. Adam James as its one (1) appointee at large for the Eastern Shore of Virginia Tourism Commission.

13. County Administrator's Report

13.1 Delinquent Personal Property Taxes List as of 10/15/2018

At its August meeting, the Board requested a list of delinquent taxpayers. Mr. Mason reported that he had worked with Mrs. Dana Bundick, Treasurer to compile a list of the

top delinquent personal property taxes; this does not represent the list of top delinquent taxpayers, as some may owe taxes on additional property.

On a motion made by Mr. Muhly and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to request Mrs. Dana Bundick, Treasurer, to create a full delinquent tax list and submit to the Board.

On a motion made by Mr. Wolff and seconded by Mr. Tarr, the Accomack County Board of Supervisors voted to post the list of the top 35 delinquent personal property taxes owed on the County website for 45 days.

13.2 CDBG Planning Grant Update

Mr. Mason reported that the second project management team meeting for the Gospel Temple/Adams Crossing CDBG project was held on October 29, 2018. He noted:

- Potentially seven structures impacted by this project.
- Six of these structures are occupied and all would require substantial rehabs due to the severity of the repairs needed. Essentially new construction.

Ms. Major thanked the A-NPDC for its work to assist communities in need, going above and beyond.

13.3 Other

Mr. Jeff Flournoy, 9-1-1 Executive Director, will give a presentation to the Board at its December meeting on Next Generation 9-1-1.

14. County Attorney's Report

- A. Saecker Property:** Mrs. Burge brought the Board's attention to Consent Agenda Item 5.6 Authorize County Administrator to accept/execute deed of property for the former Saecker Dentist Office Tax Map # 86D-A-11 located beside the County's 9-1-1 facility. She informed the Board that the closing date for the sale would be November 15, 2018.
- B. Whispering Pines:** Informed the Board that progress was being made to address the derelict structure.
- C.** Requested that the Board include a special item to its Closed Session to include a consultation for legal advice.

15. Board of Supervisors Comment Period

- A. Mr. Hart** – No comment.
- B. Ms. Major** – No comment.
- C. Mr. Tarr** – No comment.
- D. Mrs. Gordy** – Absent
- E. Mr. Wolff** – Reported that due to inclement weather, the rocket launch had been delayed.
- F. Mr. Muhly** – No comment.
- G. Mr. Phillips** – No comment.
- H. Mr. Chesser** – **Stated** that after watching recently elections, he wanted to thank the Board for being a pleasure to work with and always respecting one another's opinions.

I. Chairman Crockett – No comment.

16. Budget and Appropriation Items

16.1 County Budget and Appropriation Amendment

November 14, 2018 BOS Meeting

RESOLUTION TO AMEND THE FISCAL YEAR 2019 ACCOMACK COUNTY GOVERNMENT BUDGET

WHEREAS, it is the responsibility of the Accomack County Board of Supervisors to approve and maintain the budget for Accomack County; and

WHEREAS, on March 21, 2018, the Board of Supervisors finalized the Accomack County Fiscal Year 2019 Budget; and

WHEREAS, during the course of the fiscal year certain unanticipated events occur that compel amendments to the budget be made; and

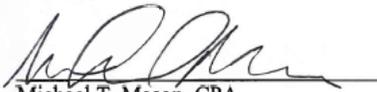
WHEREAS, staff has reviewed the following requested budget amendments and recommends that they be approved; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2019 County budget be amended by the amounts listed below and the amounts appropriated for the purposes indicated.

Fiscal Year	Requesting Department	Fund/Function	Purpose	Funding Source	Total
FY19	Environmental Quality	General Fund/Litter Prevention	To recognize grant funds awarded for Litter Prevention and Recycling Program activities	State Funds	\$ 18,840
Total					\$ 18,840


Robert D. Crockett
Chairman, Board of Supervisors

ATTEST:


Michael T. Mason, CPA
County Administrator

Adopted by the Board of Supervisors of Accomack County, Virginia, this 14th day of November 2018.

On a motion made by Mr. Wolff and seconded by Mr. Phillips, the Accomack County Board of Supervisors voted to approve the resolution containing a Fiscal Year 2019 budget amendment totaling \$18,840 to increase revenue for State grant funds, from the Department of Environmental Quality (DEQ) awarded to the County for litter prevention and recycling.

17. Payables

17.1 November Payables

Mr. Mason certified the November payables.

On a motion made by Mr. Chesser and seconded by Mr. Wolff, the Board of Supervisors voted to certify Mr. Mason to pay the November payables.

18. Closed Meeting

On a motion made by Mr. Tarr and seconded by Mr. Wolff, the Board of Supervisors voted unanimously to enter into Closed Session pursuant to Virginia Code Section 2.2-3711. for the following purposes:

18.1 Virginia Code Section 2.2-3711.A.3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body relating to Hacks Neck.

18.2 (Special Item) Virginia Code Section 2.2-3711.A.7 – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Chairman Crockett declared the meeting reopened to the public at 6: 38 p.m.

On a motion made by Mr. Hart and seconded by Mr. Wolff, the Board of Supervisors voted unanimously, by roll call vote, with Mrs. Gordy absent, 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.

19. Adjournment

19.1 Adjournment

On a motion made by Mr. Wolff and seconded by Mr. Phillips, the Accomack County Board of Supervisors voted to adjourn at 6:55 p.m.