

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 21st day of August, A.D., 2013.

Members Present: Donald L. Hart, Jr., Chair  
Wanda J. Thornton  
Ron S. Wolff  
Grayson Chesser  
John Charles "Jack" Gray, Vice Chair  
Kay W. Lewis  
Robert D. Crockett  
Laura Belle Gordy  
C. Reneta Major

Others Present: Steven B. Miner, County Administrator  
Mark B. Taylor, County Attorney  
Shelia Goodman, Administrative Assistant

### **Call to Order**

The meeting was called to order by the Chair and opened with a prayer by Mrs. Lewis after which the Pledge of Allegiance to the Flag was recited.

### **Amendment to the Agenda**

Remove item 8.1 (Comments regarding the Rural Addition Program from VDOT) because the representative from VDOT could not attend the meeting, 8.2 (Update on "Watch for Children" warning signs) but a portion would remain and be discussed by Stewart Hall, 5.3 (Deer Hunting with Dogs); and 8.4 (Action regarding Eastern Shore Public Library) move the item after the Public Comment.

### **Adoption of the Agenda**

Ms. Major made a motion to adopt the Agenda, as amended. Mrs. Gordy seconded the motion. The motion was unanimously approved.

### **Public Comments**

County Attorney Mark Taylor read the rules governing conduct during the Public Comment period.

The following persons spoke in support of the construction of a new library:

Carol Callander, Bloxom  
Russell Jones, Onancock  
Terry Malarkey, Onancock  
Jenny O'Neill, Onancock  
Tony Pacardi - library and the litter truck  
Mary K. Mulligan, Onancock  
Oris Culick, Onancock  
Susan Brown, Parksley  
David Poyer, Franktown  
Lenore Hart-Poyer, Franktown  
Foston Chandler, Onancock  
Rosalyn Norton from Melfa

The following persons spoke in opposition to the construction of a new library:

Shirley Zamora, Onancock  
John Snyder, Bloxom

Other comments related to the construction of a new library were offered by:

Alan Silverman, Onancock – in support of construction but not the concept proposed  
Paul Muhly, Parksley - in support of construction but not the proposal

The following persons offered comments related to delayed EMS response in Captain's Cove in Greenbackville:

Sandra Wills, Greenbackville  
Lawrence Berger, Greenbackville  
Christine Berger, Greenbackville

The following person offered comments on the proposed Bridge Hill rezoning amendment:

Mark Baumgartner gave an update on the obstacle identified by the Plan and advised the staff had revised the Conditional Use Permit application and it had been filed and was proceeding down a clear path.

#### **Eastern Shore Public Library Building Construction**

Mr. Wolff told the Board he was a member of the Eastern Shore Public Library Board Foundation and had resigned as of today, August 21, 2013, and his resignation had been accepted. He continued and stated he no longer has a conflict of interest and intended to vote on the Library issue.

Mr. Crockett clarified Accomack County's help in building the Northampton County Library in Nassawadox. He stated Accomack County assisted Northampton County by giving them \$25,000 which was a big difference between and \$6 million dollars. He commented regarding the issue of teaming up Eastern Shore Community College.

Mr. Crockett explained if the Board obtained a debt service estimate of \$6 million and assuming a 20 year term 5.5% true interest cost and level payments, the annual debt service would be approximately \$507,000 per year which would be so much doubt the County could not absorb with the current revenue. He stated the Board has to look at the full picture not a particular request. Mr. Crockett said taxes would have to be increased by 2 cents from the request of the Library Board and explained the entire picture and said he looked at the needs, wants, and means and felt their wants far exceeded the County's means to pay.

Mrs. Barbara Coady, Chair of the Board of Trustees of the Eastern Shore Public Library presented their recommendation to the Board of Supervisors. She told the Board, the Board of Trustees asks for their support to build a new and suitable library for the community.

Chairman Hart asked the Board if there were not enough Board members to support the full amount of \$6 million dollars, would enough support be given to the Library Board and the Library Foundation for a positive vote.

Mr. Wolff made a motion for the full funding of \$6 million dollars for the library. Ms. Major seconded the motion.

A discussion ensued.

The vote on the motion: Ayes: Mr. Hart, Mr. Gray, Mr. Wolff, Ms. Major  
Nays: Mrs. Thornton, Mr. Chesser, Mr. Crockett, Ms. Lewis, Mrs. Gordy,

Mr. Crockett offered comments.

Mr. Crockett made a substitute motion that the Board deny the \$6 million dollar request and have the Board of Supervisors appoint a joint committee from members of the Board of Supervisors and members of the Library Board to work on the issues and solutions. Mrs. Thornton seconded the motion. A discussion ensued. The motion passed. 6 - 3. Ayes: Mr. Chesser, Mr. Gray, Mr. Crockett, Ms. Lewis, Mrs. Gordy, Mrs. Thornton Nays: Mr. Hart, Ms. Major, Mr. Wolff

### **Recess**

By consensus the Mr. Hart declared a five minute recess.

### **Call to Order**

Mr. Hart called the meeting back to order.

### **Consent Agenda**

Mr. Wolff made a motion to approve the following items under the Consent Agenda. Mrs. Lewis seconded the motion. The motion was unanimously approved.

### **5.2 Proclamation Proclaiming September 17 -23, 2013 as Constitution Week**

#### **PROCLAMATION Proclaiming September 17 – 23, 2013 As Constitution Week**

**WHEREAS**, We the People did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

**WHEREAS**, it is important that all citizens fully understand the provisions, principles, and meaning of the Constitution so they can support, preserve, and defend it against encroachment; and

**WHEREAS**, the Bicentennial of the Constitution provides a historic opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and

**WHEREAS**, the President and the Congress of the United States have designated the week of September 17 – 23, 2013, as Constitution Week; and

**WHEREAS**, the people of the County of Accomack do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it:

**NOW THEREFORE BE IT PROCLAIMED**, that the County of Accomack in cooperation with the Commission on the Bicentennial of the United States Constitution, do hereby proclaim the week of September 17 – 23, 2013, as Constitution Week, and September 17, 2013, as Constitution Day, and invite every citizen and institution to join in the national commemoration.

#### **5.4 Subdivision Ordinance Amendments pursuant to DCR Guideline**

Schedule a Public Hearing to be held on Wednesday, September 28, 2013 at 7:30 in the Board of Supervisors Chambers to afford interested persons the opportunity to be heard or to present written comments concerning the following proposed amendment to Accomack County Code Section 78-9, Submission and approval of plats and specifications, to add plat specifications pursuant to Virginia Department of Conservation and Recreation (DCR) corrective Action.

#### **AN ORDINANCE TO AMEND CHAPTER 78, SUBDIVISIONS, SEC. 78-9, SUBMISSION AND APPROVAL OF PLATS AND SPECIFICATIONS, OF THE ACCOMACK COUNTY CODE**

**WHEREAS**, the Virginia Department of Conservation and Recreation has called upon Accomack County to amend their ordinance to conform to the new Virginia laws pursuant to a Corrective Action Agreement; and

**WHEREAS**, the Accomack County Board of Supervisors is desirous of amending its ordinances pursuant to the Corrective Action Agreement; and

**WHEREAS**, the public necessity, convenience, general welfare, and good practice require that the Accomack County Subdivision Ordinance should be amended to provide the corrective action called for by the Department of Conservation and Recreation.

**NOW, THEREFORE, BE IT ALSO ORDAINED** by the Board of Supervisors of Accomack County this \_\_\_\_\_ day of \_\_\_\_\_, 2013, that the Accomack County Subdivision Ordinance be amended to add specifications requested by the Virginia Department of Conservation and Recreation and that the Accomack County Code, Chapter 78, Subdivisions, Sec. 78-9, Submission and Approval of Plats and Specifications, is hereby amended as follows:

#### **Sec. 78-9. - Submission and approval of plats and specifications.**

(a) Request for approval. Request for approval of a proposed subdivision shall be made to the agent by the subdivider or by his agent in writing, on an application form provided by the county, and no lot shall be sold until a final plat for the subdivision shall have been approved by the county and recorded in the manner provided in this section. The agent shall have ten business days in which to determine and inform the subdivider in writing whether an application is complete. The timeline for review of a subdivision application will commence on the day it is deemed by the agent to be a complete application. To be deemed a complete application, all of the information called for in subsections 78-9(a), (b) and (c) shall be provided, including payment in full of any submission fees that may be required by the county.

(b) Conceptual preliminary plat. Prior to submission of a preliminary plat for ten or more lots, a subdivider shall submit a conceptual preliminary plat to the agent and shall meet with the agent to review said conceptual preliminary plat. The subdivider shall submit to the agent six paper copies of a conceptual preliminary plat, and a digital copy in PDF or other format acceptable to the agent, of the proposed subdivision. The purpose of such conceptual preliminary plat, and meeting, is to permit the agent to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The agent, upon submission of any conceptual preliminary plat, shall study it, and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the conceptual preliminary plat indicating necessary changes. The subdivider shall return any such marked plat to the agent with the detailed preliminary plat.

(1) The conceptual preliminary plat shall:

- a. Be drawn on a print of a topographic map of the property which also shows the environmental information shown on the existing resources/site analysis map as required in subsection 78-9(b)(1)e;
- b. Be drawn to a scale of not more than 100 feet to the inch;
- c. Show the name, location and approximate area of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided;
- d. Include the approximate dimensions of existing and proposed features;
- e. Be accompanied by an existing resources/site analysis map which shows major environmental features, including but not limited to, woodlands, flood zones, hedgerows, fences, vernal pools, perennial streams, wetlands, soil types, historic and cultural features (including cemeteries and military earthworks), power lines, underground pipes, geologic features, and areas of the property that are visible from any adjacent public right-of-way;
- f. Show all areas which are proposed to be disturbed by clearing, grading or construction, and the methods used to prevent significant damage or disturbance to the major environmental features identified in subsection 78-9(b)(1)e;
- g. Show the proposed location of building sites, and septic drainfield sites and wells, where applicable, on each lot.

(2) Whenever part of a tract is proposed for platting a conceptual preliminary plat for the entire tract shall be submitted. This plat is merely for informational purposes and is not binding on the subdivider or the board of supervisors. The agent may mark the conceptual preliminary plat indicating necessary changes. The subdivider shall return any such marked plat to the agent with the detailed preliminary plat.

(c) Detailed preliminary plat. The subdivider shall present to the agent 15 copies of a detailed preliminary plat at an appropriate scale of not more than 100 feet to the inch. In addition to the information shown, and the standards met for the conceptual preliminary plat, the detailed preliminary plat shall include the following information for that portion of the tract intended for initial subdivision:

- (1) Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, the method of determination must be shown.

- (2) Location of proposed subdivision by an insert map at a scale of not less than two inches equal one mile showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
- (3) A metes and boundary description or existing survey of records showing total acreage of the original tract, acreage of the area proposed for the subdivision, number and approximate area and frontage of all building lots, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries. In case only a part of a tract of land is proposed for subdivision, the agent may require the detailed preliminary plat to show a proposed future subdivision of such remaining acreage or a part thereof, to make certain that proper orientation of future streets can be developed with the platted streets. Approval of the detailed preliminary plat will not constitute approval of the proposed subdivision for the remaining acreage.
- (4) All existing and proposed streets showing width, existing utility or other easements, public areas and parking areas, storm drainage facilities and other pertinent data.
- (5) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply, including the location of proposed drainfields and wells.
- (6) All parcels of land to be dedicated for public use and the condition of such dedication.
- (7) The subdivider, if he chooses, may submit with the detailed preliminary plat, plans and specifications for improvements requiring performance securities, in order that the appropriate approving authorities may render preliminary opinions and suggest changes in the final plat.
- (8) When a residential subdivision is proposed in or adjacent to any agricultural zoning district, the following statement shall be clearly visible on the preliminary plat, and on any final plat subsequently approved and recorded: "These residential building lots are located in an area and zoning district specifically designated for agricultural activities, including horticulture and the raising of animals. Residents may expect the use of herbicides, pesticides, and fertilizers on adjacent agricultural fields, as well as other general agricultural activities, including plowing, spraying, pruning, and harvesting, which may occasionally generate dust, smoke, noise, and odor, and may also include changes from one specific agricultural activity to another." Such statement shall likewise be included on any individual plats of lots or parcels within such subdivisions subsequently and separately surveyed and recorded.
- (9) When all or part of the subdivision is located in the A or V zones, as specified on National Flood Insurance Program Flood Insurance Rate Maps, the boundary of those zones shall be depicted on the plat. If none of the subdivision is in the A or V zone, a statement to that effect should be made on the plat.
- (10) Description and general location of any structures and facilities required for stormwater management according to applicable county ordinances.
- (11) For any subdivision plat creating 50 or more lots, the subdivider shall provide a traffic impact study to determine the proper design and configuration of new streets and public road entrances. Such studies shall include the following elements, each of which may be modified or waived if the agent determines that a particular element is not applicable.

- a. Clearly-stated assumptions.

- b. A summary table or tables listing each type of land use, the number and type of dwelling units proposed, the trip rates used (daily as well as peak periods), and the resultant trip generation.
- c. A site map showing the location within the site of each type of proposed land use and of all dwelling units.
- d. Existing and projected traffic volumes (including turning movements), facility geometry (including storage lengths), and traffic controls where appropriate, including a.m. and p.m. peak hour site traffic, a.m. and p.m. peak hour total traffic, total daily traffic, distribution and assignment of trips generated by the project, and projected level of service (LOS) and warrant analyses, including existing conditions and cumulative conditions at build-out. Projections will be for five years following the date of proposed project build-out. The base volume for non-site traffic shall be the latest forecasts available from the Virginia Department of Transportation. The source for trip generation rates shall be "Trip Generation" published by the Institute of Transportation Engineers (ITE), most recent edition.
- e. Mitigation phasing plan, including dates of proposed mitigation measures.
- f. All final submittals for traffic impact studies must be signed and sealed by a Virginia Registered Civil Engineer.

(12) A statement summarizing proposed restrictive covenants and reservations.

(13) A check payable to the County of Accomack to cover the required fees as established by the board of supervisors.

(d) Procedure. The following procedures apply to subdivision applications.

(1) Upon receipt of an application for subdivision, the Agent shall review it to determine if it is complete, including all applicable items set forth in subsections 78-9(a), (b) and (c). Within ten business days of receiving the application, the Agent shall inform the applicant in writing as to whether the application is deemed complete, and if it is not complete, what items need to be added or corrected in order for it to be deemed complete. Once the agent has deemed the application complete, the agent shall notify the applicant in writing, at which time the review process and timeline for review and action on the application, as set forth herein, shall officially begin.

(2) For subdivisions of less than ten lots, the agent, or his appointed representative, shall determine whether the detailed preliminary plat generally conforms to the requirements of this chapter and of chapter 106, if any. The subdivider shall be advised in writing, either by formal letter or legible markings on the subdivider's copy of the detailed preliminary plat or physical improvement plans, if submitted, concerning any additional data that may be required, and the character and extent of any changes that will have to be made. The agent shall provide such written notification to the applicant within 60 days of the application being deemed to be complete, unless the agent submits the application to any state agency for referral, in which case the agent shall have 90 days from the date of official acceptance of the application to approve or deny the plat.

(3) Detailed preliminary plats for subdivisions creating ten or more lots, or any subdivision requiring a new private or public road, shall be submitted to the planning commission for review. The planning commission shall review the detailed preliminary plat at a public meeting which shall be advertised in accordance with § 15.2-2204 Virginia Code Ann. In addition, the subdivider shall post a notice of intent to subdivide

on the property, in a location clearly visible from the road, for at least ten days prior to the planning commission meeting. The planning commission shall take action to recommend approval, conditional approval, or denial of the preliminary plat within 60 days of official acceptance of the application if the agent does not submit the application to any state agencies for review and shall not be required to approve the plat in less than 60 days from the date of official acceptance. If the agent submits the application to state agencies, the planning commission shall make its recommendations to the agent within 45 days after receiving comments from all state agencies. However, all actions of the agent or planning commission, and state agencies, on a preliminary subdivision plat shall be completed within 90 days. The planning commission's recommendation shall be forwarded to the agent, who will then approve or deny the plat and notify the applicant in writing.

(4) Upon official acceptance of the subdivision application, the agent shall submit copies for comment and advice to any local, state or federal agencies or boards that the agent deems necessary for the agent to determine whether the application meets the requirements of this chapter, including but not limited to the Virginia Department of Transportation, the Virginia Department of Health, and the Virginia Department of Conservation and Recreation. Such agencies shall provide comments to the agent within 45 days after the agent submits such a referral request.

(e) No guarantee. Approval by the agent of the detailed preliminary plat does not constitute a guarantee of approval of the final plat.

(f) Twelve months limit. The subdivider shall have not more than 12 months, after receiving official notification of approval concerning the detailed preliminary plat, to file with the agent a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The agent may, on timely written request by the subdivider, grant an extension of this time limit.

(g) Final plat submission requirements. Four copies of the final subdivision plat shall be submitted to the agent for final approval and subsequent recording. The final plat shall be submitted on sheets having a size of 17½ inches by 22 inches and shall be a clear, legible, and reproducible print of a boundary survey of the area to be subdivided, (such survey shall show a closure with an accuracy of not less than one in 10,000). The final plat shall be accompanied by approved, engineered plans and specifications for all improvements requiring performance security. Plans for public streets and drainage facilities shall have been approved by the Virginia Department of Transportation; plans for water and sewerage facilities shall have been approved by the Virginia Department of Health. Plans for on-site sewage disposal systems shall include a note stating that such systems shall be pumped-out at least once every 5 years. A digital copy of the final plat shall also be submitted to the agent in a format acceptable to the agent, such as PDF.

The final plat shall include all requirements of the detailed preliminary plat in detail form and also shall include the following:

(1) A blank oblong space to be reserved for the use of the approving authority.

(2) Certificates signed by the surveyor or engineer preparing the final plat setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title. Each plat shall also contain a statement to the effect that, "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any." The statement shall be signed by such persons and duly acknowledged before an officer authorized to take acknowledgment of deed.



(3) Identification of the respective tracts from which a subdivision was assembled, if the subdivision consists of land acquired from more than one source of title.

(4) The accurate location and dimensions by bearings and distances with all curve data on all lots, street lines, centerlines of streets, and boundaries of all proposed or existing easements.

a. Distances and bearings must balance and close with an accuracy of not less than one in 10,000.

b. The data of all curves along the street frontage shall be shown in detail on the curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.

(5) In accord with subsection 78-7(a) of this chapter, the subdivider shall submit, to the agent, a cost estimate for improvements requiring performance security based on the final approved plans. The subdivider shall be notified at this time of the total amount of performance security for improvements that will be required as a prerequisite to final plat approval.

(6) For a subdivision with streets that will not be constructed to the standards necessary for inclusion in the secondary system of state highways, the final plat shall include the following statement: "The streets in the subdivision hereon depicted do not meet state standards and will not be maintained by the state department of transportation or the county until such time as such streets have been constructed to meet the prevailing subdivision street requirements of the state department of transportation using funds other than those administered by that agency."

(7) All final plats and final engineered plans and specifications for improvements submitted in accordance with Section 78-9(g) shall show Resource Protection Area and Resource Management Area boundaries and the extent of the buildable area(s) allowed on each lot based on all applicable setbacks, easements, drainfields, reserve areas, and/or limitations.

(8) All final plats and final engineered plans and specifications for improvements submitted in accordance with Section 78-9(g) shall show a note stating that all existing vegetation shall be preserved and that only water dependent facilities or redevelopment of grandfathered facilities shall be permitted in Resource Protection Areas.

(9) All final plats and final engineered plans and specifications for improvements submitted in accordance with Section 78-9(g) shall show a note stating that on-site sewage disposal systems shall be pumped out at least once every 5 years.

(10) All final plats and final engineered plans and specifications for improvements submitted in accordance with Section 78-9(g) shall show the location of a 100 percent reserve drainfield for all on-site sewage disposal systems.

(h) Final plat; approval and recording. Within 60 days after a final plat and the accompanying documents required by this chapter have been officially accepted by the agent, the agent determines whether the subdivider has or has not complied with all the requirements of this chapter. If the agent disapproves a plat, all copies of the plat and accompanying documents will be returned to the subdivider and the agent will provide written notification to the subdivider stating the reasons for disapproval. Following approval, the agent shall indicate his approval of the final plat in writing upon the face of the plat. The subdivider shall record the approved plat within 60 days following the date of approval and shall immediately notify the agent in writing with evidence of the recordation. The county clerk shall record the approved plat when it is submitted by the subdivider. If the subdivider

fails to have the plat recorded within six months following the date of approval, the agent shall mark the plat "VOID" and return the plat to the subdivider.

This Ordinance is effective upon adoption.

### 5.5 Authorize Existing Petty Cash Accounts

#### Resolution

**WHEREAS**, Virginia Code Section 15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

**WHEREAS**, Management has already established a number of existing petty cash accounts used to provide change to customers or to make small dollar purchases; and

**WHEREAS**, Staff can find no evidence that these petty cash accounts were ever formally approved, through resolution, by the Board of Supervisors as required by Virginia Code Section 5.2-1229; and

**WHEREAS**, Staff seeks to correct the oversight by having the Board formally authorize the establishment of these funds all be it after-the-fact; and

**WHEREAS**, the Board of Supervisors now desires to formally approve of the establishment of these petty cash funds; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Accomack County, Virginia approves the use of the following petty cash funds:

<b><u>Department:</u></b>	<b><u>Type</u></b>	<b><u>Amount</u></b>
Public Works-North Landfill (Emp1)	Change	\$150.00
Public Works-North Landfill (Emp2)	Change	\$150.00
Public Works-Transfer Station (Emp1)	Change	\$150.00
Public Works-Transfer Station (Emp2)	Change	\$150.00
Public Works-Transfer Station (Emp3)	Change	\$150.00
Public Works-Transfer Station (Emp4)	Change	\$150.00
County Administrator's Office	Checking	\$1000.00
Comprehensive Management Team	Checking	\$1500.00
Sheriff's Office	Cash	\$1500.00
Sheriff's Office (paid informant)	Cash	\$280.00
Airport	Change	\$300.00
Airport	Checking	\$500.00
Parks and Recreation Office	Cash	\$100.00
Animal Control Facility	Change	\$160.00
Building and Zoning Office	Change	\$100.00
Planning Office	Change	\$50.00
Treasurer's Office (Emp 1-6)	Change	\$600.00
Treasurer's Office	Change	\$300.00

Adopted by the Board of Supervisors of Accomack County, Virginia, this 21<sup>st</sup> day of August 2013.

### 5.6 Award of Bid #667, Sub-Base Repair & Pavement Replacement at Saxis Bulkhead

Awarded Bid #667 to Brittingham Bulldozing & Excavating, Inc. in an amount not to exceed \$152,857.50. This is a Hurricane Sandy project with FEMA/VDEM covering 94% of project costs. Local share is \$9,172. The resolution authorizes the

budget amendment and matching appropriation and the resolution identifies the budget contingency as the source of the local share.

**Resolution**

**BE IT RESOLVED** by the Board of Supervisors of Accomack, County, Virginia, that the FY2014 County budget be amended by the amounts listed below and the same amounts appropriated for the purposes indicated.

<b>Fund</b>	<b>Department</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>Amount</b>
General Fund	Building and Grounds	Federal portion of the Saxis Bulkhead Repair Project	FEMA Grant Funds	\$143,685
General Fund	Buildings and Grounds	Local share of the Saxis Bulkhead Repair Project	Budget Contingency	\$ 9,172
<b>Total</b>				<b>\$152,857</b>

Adopted by the Board of Supervisors of Accomack County, Virginia, this 21<sup>st</sup> day of August 2013.

**Deer Hunting with Dogs**

Ms. Major said she had received several emails from citizens in Election District 9 indicating their opinion was that a Public Hearing on deer hunting with dogs was not needed, but proper enforcement of the law was needed to address problems with dogs on land owner’s property while hunting.

A discuss ensued.

Mrs. Thornton made a motion to have County Attorney Mark Taylor prepare the proper documents to take the deer hunting with dogs issue to Public Hearing in September or early October. Mr. Wolff seconded the motion. The motion was unanimously approved.

Mr. Hart said the Public Hearing would not be held within a Board of Supervisors regular monthly meeting; that a Special Meeting would have to be held. Mr. Taylor told the Board the Chair of the Game and Inland Fisheries Board said if the Board of Supervisors were going to request the Department of Game and Inland Fisheries to take action to change the state hunting regulations for next year, 2014, concerning deer hunting with dogs they would need a request from the Board of Supervisors by the early part of fall.

Mr. Crockett asked the staff to contact the Sheriff’s Department and request them to provide the Board information concerning the number of calls they received concerning complaints with the dogs on landowner’s property.

## **Virginia Department of Forestry**

Mr. Robbie Lewis, Area Forester, gave a yearly report concerning general forestry activities and distributed the report to Board members.

### **Recess**

By consensus, Mr. Hart recessed the meeting until 7:30 p.m.

### **Call to Order**

Mr. Hart called the meeting back to order at 7:35 p.m.

### **Public Hearing**

County Attorney Mark Taylor read rules governing conduct during Public Hearings.

### **Proposed Amendment to FY13 – FY14 Budget – General Fund for Receipt of Federal Grant Funds for Accomack County Elevation Project**

Mr. Hart opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Proposed Amendment to FY13 – FY14 Budget – General Fund for Receipt of Federal Grant Funds for Accomack County Elevation Project.

No one from the public spoke on the issue.

Mr. Hart closed the Public Hearing.

Mr. Crockett made a motion to adopt the Proposed Amendment to FY13 – FY14 Budget for Receipt of Federal Grant Funds for Accomack County Elevation Project and approve the resolution that amends the County budget by \$534,240 in HMGP funding, through the Virginia Department of Emergency Management and appropriates the funds. Ms. Major seconded the motion. The motion was unanimously approved.

### **RESOLUTION**

**BE IT RESOLVED** by the Board of Supervisors of Accomack County, Virginia, that the FY2014 County Budget be amended by \$534,240 and the same amount appropriated to reflect the award of FEMA Hazardous Mitigation Grant funding awarded through the Virginia Department of Emergency Management for the purpose of raising four residential structures to the required flood code height requirements and providing flood code complaint foundations.

Adopted by the Board of Supervisors of Accomack County, Virginia, this 21<sup>st</sup> day of August, 2013.

## **Minutes**

Ms. Major made a motion to approve the minutes of July 17, 2013, with corrections. Mr. Wolff seconded the motion.

A discussion ensued with Mrs. Thornton asking for clarity. The motion was unanimously approved.

## **Report of Public Officials**

Jeff Terwilliger, Director of Public Safety gave a brief report referencing the Lunar Atmosphere and Dust Environment Explorer (LADEE) Launch Parking launch preparations. Mr. Terwilliger responded to questions from the Board. Mrs. Thornton stated the Town Council wants all parking on Route 175 to not exist.

## **Report on Waterways**

Mrs. Thornton and Mr. Crockett gave a brief report on the meeting that had been held with the Army Corps of Engineers and the Coast Guard regarding the current status of project funding and needs and the possibility of funds. Mr. Crockett stated it was made clear at the meeting the Coast Guard would not be cutting the markers off. A lengthy discussion.

## **Eastern Shore Community College Board**

Mrs. Lewis made a motion to reappoint Ms. Terry A. Ewell to the Eastern Shore Community College Board, for a four year-term beginning immediately and ending on June 30, 2017. Mr. Wolff seconded the motion. The motion was unanimously approved.

## **Presentation by Somerset Utilities Regarding Natural Gas in Accomack County**

Mr. Jerry Sanders of LVI Power Company, Baltimore, Maryland, gave a presentation on the pipeline that would run from Maryland along route 13 to Accomac. Mr. Sanders told the Board several companies would be participating in the project; some would supply the gas, some would be engineers, and some would be doing construction with LVI being the provider.

Mr. Sanders told the Board leading industries such as Tyson's, Perdue, Valley Protein, and the Commonwealth Chesapeake Peaker Plant in New Church have already committed to changing their energy source. A price comparison was displayed showing fuel or propane was three (3) times more expensive than natural gas. He told the Board he was seeking a franchise agreement with the county to extend the pipeline from Somerset County, Maryland to Virginia and had given County Attorney the paperwork to review the agreement.

Mr. Sanders responded to questions.

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

Mr. Miner stated at the last Board of Supervisors Meeting he was asked to gather information relative to Parks and Recreation program revenues and expenses. He told the Board Mr. Wayne Burton had put together the spreadsheet for the FY2012-2013 profit revenue.

Mr. Burton, Parks and Recreation Manager, explained the Summer Program and the Summer Feeding Program and responded to questions.

### **Board of Supervisor's Comment Period**

Mr. Chesser commented on Deborah Christie, Executive Director, Wallops Research Park, leaving the position and felt the County should decide who is chosen to replace her. Mr. Miner stated he would be fully involved in the hiring process and he would make the final decision.

Mr. Crockett informed the Board that the groundbreaking for the new hospital would be held on October 22<sup>nd</sup> either at 1:00 or 1:30 p.m. Mr. Miner told Rich Morrison when he makes a request in the future in reference to the Atlantic Town Center copy the Board members because it would show what kind of response was being received from them.

Mrs. Thornton commented on the new Stormwater Regulations and felt the Islands (Chincoteague, Saxis, and Tangier) could not comply with the new regulations that were coming down the pipe.

Mrs. Thornton made a motion to propose to Delegate Lewis and work with the County Attorney and see if they could come up with a proposal to the State through the legislature to have the Island exempt and why the exemption was needed.

Mr. Crockett seconded the motion. The motion was unanimously approved.

Mr. Hart commented on the VACo Region I Meeting that would be held on September 3<sup>rd</sup> and stated he, Ms. Major, and Mr. Miner would be attending the meeting.

### **Budget and Appropriation Items**

Mr. Wolff made a motion to approve the Resolution to Amend the FY14 budget and appropriation items. Ms. Major seconded the motion. The motion was unanimously approved.

## RESOLUTION

**BE IT RESOLVED** by the Board of Supervisors of Accomack County, Virginia, that the FY2014 County budget be amended by the amounts listed below and the same amounts appropriated for the purposes indicated.

Fund	Department	Purpose	Funding Source	Amount
General Fund	Contributions	To assist the Town of Chincoteague with the cost of Passenger busing associated with the upcoming LADEE Launch	Budget Contingency	\$1,689
General Fund	Legal Services	To cover the cost associated with reproducing and shipping legal files for 2 previous zoning appeal cases to Accomack	Budget Contingency	\$515
<b>TOTAL</b>				<b>\$2,195</b>

Adopted by the Board of Supervisors of Accomack County, Virginia this 21<sup>st</sup> day of August 2013.

### Payables

Mr. Miner certified the bills.

Mrs. Thornton made a motion to approve the payables. Mr. Wolff seconded the motion. The motion was unanimously approved.

### Closed Session

Mrs. Thornton made a motion to go into Closed Meeting pursuant §2.2-3711.A (1) and (5) of the Code of Virginia of 1950, as amended. Mr. Crockett seconded the motion. The motion was unanimously approved.

- 1) Pursuant to subsection (A) (1) 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; and

### **Parks and Recreation**

- 2) Pursuant to subsection (A) (5) Discussion 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.

### Open Session

The Chair declared the meeting open to the public.

### Certification of Closed Meeting

Mr. Wolff made the motion to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, 1950, as amended, 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 Opening Meeting requirements under this chapter and (ii) such public business

matters as were identified in the motion by which the Closed Meeting was convened.

Ms. Lewis seconded the motion. The motion was unanimously approved.

**Roll Call**

Ayes: Mr. Chesser	Mrs. Thornton	Mr. Crockett
Ms. Lewis	Mr. Gray	Ms. Major
Mr. Wolff	Mr. Hart	Mrs. Gordy

**Adjournment**

Mr. Crockett made a motion to adjourn the meeting. Mr. Gray seconded the motion. The motion was unanimously approved. The meeting adjourned 10:30 a.m.

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Donald L. Hart, Jr., Chair

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Date