

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 19th day of September, A.D., 2012, at 5:00 p.m.

Members Present: Laura Belle Gordy, Chair  
Wanda J. Thornton, Vice Chair  
Ron S. Wolff  
Grayson Chesser  
John Charles "Jack" Gray  
Kay W. Lewis  
Robert D. Crockett  
Donald L. Hart, Jr.  
C. Reneta Major  
Others Present: Steven B. Miner, County Administrator  
Mark B. Taylor, County Attorney  
Shelia S. Goodman, Administrative Assistant

### **Call to Order**

The meeting was called to order by the Chair and opened with a prayer by Donald Hart, Jr., after which the Pledge of Allegiance to the Flag was recited.

### **Adoption of the Agenda**

Mr. Crockett made a motion to adopt the Agenda. Mr. Gray seconded the motion. The motion was unanimously approved.

Mr. Miner asked to move from the Consent Agenda item 5.2 (Wachapreague Channel Dredging) to 7.3 Public Officials.

Mrs. Gordy asked to change Eastern Shore Rural Health Resolution to where Mr. Charlie Russell's Resolution was because he would be arriving a little later in the meeting.

### **Public Comments**

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

Mr. John Custis of Custis, Dix, Lewis, and Custis Law Firm spoke on behalf of his clients Mr. David Hickman, Mr. Phil Hickman and their company Dublin Farms. Mr. Custis on behalf of his clients respectfully requested the Board of Supervisors to consider the adverse conditions of the Navy using the Wallops as a training facility and take a hard stance against such use on behalf of his clients and the citizens of Accomack County.

Mr. William Starr apologized to the Board for all the events surrounding his slide presentation at the August 15, 2012, meeting. He asked they accept his apology for the controversy, the dissension, time wasted, and sensibilities offended by his slide show concerning the Atlantic Town Center Development.

Mr. Ronnie Thomas spoke on “No PUD” for Atlantic Town Center.

### **Minutes**

Mr. Hart made a motion to approve the Minutes of August 15, 2012 regular monthly meeting and the August 15, 2012 joint meeting with the Accomack County Airport Commission. Ms. Major seconded the motion. The motion was unanimously approved.

### **Recognitions**

Mrs. Thornton read and presented the following Proclamation Proclaiming October 11, 2012 as National Health Service Corps Day to Jeanette Edwards of Eastern Shore Rural Health System.

### **PROCLAMATION Proclaiming October 11, 2012**

#### **As National Health Service Corps Day Proclamation**

**WHEREAS**, the National Health Service Corps has been working to recruit quality health care professionals to treat those living in medically underserved areas; and

**WHEREAS**, the National Health Service Corps is a network of close to 10,000 primary health care professionals dedicated to building healthy communities

**WHEREAS**, these professionals provide quality care to 9.5 million people who would otherwise lack adequate access to health services; and

**WHEREAS**, countless citizens in Accomack County, Virginia, have benefitted from the placement of health care professionals in our community;

**NOW THEREFORE**, we, the members of the County of Accomack Board of Supervisors, hereby proclaim Thursday, October 11, 2012, as

**NATIONAL HEALTH SERVICE CORPS DAY** in the County of Accomack, Virginia.

Mrs. Gordy read the Resolution of Appreciation and presented the Resolution to Mr. Charlie Russell and his family.

### **RESOLUTION OF APPRECIATION**

**WHEREAS**, Charlie Russell serves as General Manager of WESR Radio Station located in Accomack, Virginia; and

**WHEREAS**, on Saturday, July 14, 2012, at midday, the Eastern Shore of Virginia experienced a severe thunderstorm which spawned tornado warnings; and

**WHEREAS**, even though WESR was on an automated programming for the weekend, upon hearing the weather bulletins, Mr. Charlie Russell immediately went to the radio station; and

**WHEREAS**, he provided the public with live updates and critical information concerning the storm; and

**WHEREAS**, with the assistance of family members, reports were relayed to the public about possible damage to Accawmacke Elementary School and the surrounding area; and

**WHEREAS**, due to Charlie's quick response, critical information was broadcast to the listening area which could have saved many lives, and

**WHEREAS**, he is an outstanding citizen of Accomack County, Virginia, who gives of himself to the community and his fellowman; now

**THEREFORE, BE IT RESOLVED**, that the Accomack County Board of Supervisors does hereby commend Charlie Russell for his outstanding contributions and valuable services to the citizens of the County of Accomack; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be spread upon the Minutes of the Board of Supervisors of Accomack County.

### **Consent Agenda**

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

- 5.3 Billie Reed, former Director of the Virginia Space Flight Authority requested the Board to authorize a resolution of appreciation
- 5.4 Watch for Children sign in Horntown at Fleming Road and Sign Post Road requested by Mr. Wolff
- 5.5 Contract Award-RFP 259 Inmate Commissary Services to Oasis Management Systems, Inc. with the company paying a 30.2% commission on net sales to the County for the initial term of four (4) years with options to renew the contract for two (2) additional two-year terms.
- 5.6 Contract Award-IFB 643R Petroleum Products with the low bid "differential" for the provision of petroleum products for the initial term of one year with options to renew for three (3) additional one-year terms as follows: Harry W. Drummond, Inc. for regular unleaded gasoline, 87-octane gasoline (differential of \$ .11) per gallon and #2 fuel oil (differential of \$.115) per gallon; James River Solutions for "off road" diesel fuel (differential of \$.20 ) per gallon, and Mansfield Oil Company for "on road" highway, low sulfur diesel (differential price of \$.0235) per gallon.
- 5.8 Scheduled a Public Hearing on Enterprise Zone Amendment on October 17, 2012 at 7:30 p.m. in the Board of Supervisors Chambers.
- 5.9 Scheduled a Public Hearing on Riverside Shore Memorial Hospital Conditional Use Permit on October 17, 2012 at 7:30 p.m. in the Board of Supervisors Chambers.

### **Public Officials**

Dr. W. Bruce Benson, Division Superintendent, Accomack County Public Schools gave the Board an update on values, vision, mission, and goals that the School Board had adopted for the 2012-2013 school year. He continued his report and gave an update on the SOL Assessment and the number of students enrolled in Accomack County Schools, and how Virginia's approved "No Child Left Behind" (NCLB) waiver impacts

schools. Dr. Benson briefed the Board on the extensive flooding at Pungoteague Elementary School; Metompink Elementary School, and Chincoteague High School, cohort comparison on teacher's salaries, administrator and classified pay ranges, and responded to questions.

Teresa Long, Accomack County Extension Agent, Agriculture and Natural Resources gave the Board an update on key crops - potatoes, corn, and soybeans. Ms. Long explained the Farm Day Tour that would be held next Tuesday and the Container Program. Ms. Long continued and told the Board Accomack County would be host of the Small Grain Tour for 2013 and responded to questions from the Board.

### **Wachapreague Channel Dredging**

Chief Warrant Officer Jonathan Franclerois and Executive Officer Melvin Zebrowski commented on the dredging issue at Wachapreague Channel. He said he was there to support the Mayor, the Town of Wachapreague, and Accomack County. He told the Board one of the challenges the Corps of Engineers was facing was the disposal of dredge material. He continued and stated there were two (2) proposals that were on the table that resulted in an increase from \$800,000 to \$1 million to \$1.5 million.

Honorable Daniel Robert Bilicki, Mayor of the Town of Wachapreague addressed the Board about the issues of no maintenance program to help with the waterway on the Coast of Virginia and commented on the dredging issues. Mayor Bilicki spoke on the issue of the economic impact it would have on the Town of Wachapreague and addressed some of the items.

Mr. Hart made a motion to have the Chairman sign the letter supporting the Wachapreague Channel dredging and send it to Corps of Engineers Colonel Paul B. Olsen, District Commander. Mr. Wolff seconded the motion. The motion was unanimously approved.

Mr. Hart made stated it needed to be designated as a safe haven.

### **Navy Environmental Assessment Press Release for Field Carrier Landing at Wallops**

Mr. Miner told the Board this was put on the Agenda just in case the Board wishes to comment on the draft Environmental Assessment. He continued and stated the Navy would be holding a poster session at the NASA Visitor Center from 5:00 p.m. until

8:00 p.m. on September 27, 2012 to discuss the project and answer questions from the public.

Mrs. Thornton made a motion to request the Navy to come and do the same type of demonstration as proposed for NASA's airstrip at Wallops Island. Mr. Gray seconded the motion. A discussion ensued. The motion was unanimously approved.

### **Eastern Shore of Virginia Tourism Commission**

Mr. Miner explained the former resolution creating the Joint Tourism Commission and stated it was badly out of date and had not been re-adopted in whole during several amendments over the years. He continued and told the Board the resolution was intended to clarify the various amendments and get one fresh document. Mr. Miner stated he had discussed with Northampton County Administrator Katie Nunez and they saw no reason they could not have a joint resolution that differs only in the methodology that each prefers for making appointments. He noted two new items. One was the motion that a Board may choose one of its Board members as one of its appointees, so long as that person's term shall not exceed the Board member's elected term. Mr. Miner stated the other new item was the concept of appointing a Board of Supervisor member as a non-voting liaison and he felt the Board did not want to have both, but that would give an alternative to appointing a member directly if that was what the Board preferred.

A discussion ensued regarding revamping the Tourism Commission and accountability. Mrs. Thornton stated the Governor appointed Lynn Locken to work on the Eastern Shore because he was so interested in tourism on the Shore. Mrs. Thornton suggested Lynn Locken sit in on any discussions the Board would have on tourism. A discussion ensued on the transient occupancy tax and having a joint work session with the Board of Supervisors and the Eastern Shore of Virginia Tourism Commission.

Mr. Hart made a motion for staff to work with County and others to revamp the Tourism Commission. Ms. Major seconded the motion. The motion was unanimously approved.

**A JOINT RESOLUTION CLARIFYING AND UPDATING  
THE AGREEMENT BETWEEN THE COUNTY OF  
ACCOMACK AND THE COUNTY OF NORTHAMPTON,  
VIRGINIA, TO JOINTLY PROMOTE TOURISM WITHIN  
THE COUNTIES OF ACCOMACK AND NORTHAMPTON  
AND TO ESTABLISH THE EASTERN SHORE OF VIRGINIA  
TOURISM COMMISSION**

WHEREAS, pursuant to the provisions of ~~Sec. 15.1-10 and Sec. 15.1-10.1~~ **Sec. 15.2-1204** of the Code of Virginia of 1950, as amended, the governing body of a county may promote the resources and advantages of said county and secure and promote the economic development of the county and appropriate certain revenues as provided for therein for said purposes; and

WHEREAS, the Counties of Accomack and Northampton possess numerous resources, both natural and man-made, which are potentially attractive to tourists and said Counties are desirous of jointly promoting, advertising, and giving publicity to these tourism resources for the continued and future economic development of the Eastern Shore of Virginia; and

WHEREAS, pursuant to the provisions of ~~Sec. 15.1-21~~ **Sec. 15.2-1300** of the Code of Virginia of 1950, as amended, the power or powers, privileges or authority exercised or capable of being exercised by a political subdivision may be exercised jointly with another subdivision; and

***WHEREAS, numerous amendments have been made to the original Resolution creating the Eastern Shore Tourism Commission and a clarifying Resolution is needed to put all changes into one document:***

NOW, THEREFORE, BE IT RESOLVED AND AGREED BY THE COUNTY OF ACCOMACK AND THE COUNTY OF NORTHAMPTON AS FOLLOWS:

(1) That the County of Accomack and the County of Northampton hereby **clarify and update the Resolution which previously established** the Eastern Shore of Virginia Tourism Commission.

(2) That said Commission is created to carry out the purposes enumerated in Paragraph 4 hereof. Said Commission shall be and is **hereby** deemed a separate legal entity from the Counties of Accomack and Northampton.

***THEREFORE, the following shall, until and unless, later amended, be the terms under which the Commission operates.***

- (a) The Board of Commissioners shall consist of six (6) members, with Accomack County appointing three members and Northampton County appointing three members. Members shall either be involved in the tourism industry on the Eastern Shore of Virginia or possess extensive experience in related industry that would contribute to the mission and intent of the Eastern Shore Tourism Commission; **except that either Board may, as one of its voting members, appoint a sitting Board of Supervisor**

***member to a term not more extensive than that member's term of office.***

(b-1)

Northampton's text:

Each member appointed by the Northampton County Board of Supervisors shall serve at the pleasure of the appointing body.

(b-2)

Accomack's text:

All members appointed by the Accomack County Board of Supervisors shall be appointed for a term of three years each, provided, however, that the terms of initially appointed members shall be 1, 2, and 3 years ***ending at December 30, as allocated by that Board.***

***(c) Either Board may appoint, at its pleasure, a non-voting Board liaison to the Commission.***

**(d)** In the event that unrestricted annual funding from either county exceeds that of the other county by 51% or greater ***that is paid to the Tourism Commission only\****, the county providing the larger amount of unrestricted funding shall appoint an additional member for a one-year term, bringing the Commission to a membership of seven (7), effective upon July 1 of that fiscal year. The Eastern Shore Tourism Commission Director shall inform both counties of the need for such an appointment upon adoption and certification of the annual fiscal contribution from each county to the Eastern Shore Tourism Commission.

**(e)** Said Commission shall possess all such powers and authorities capable of being exercised by the Counties that may be reasonably necessary to carry out the purposes for which it is established, including the power to acquire, hold and dispose of real and personal property necessary for the joint or cooperative undertaking and the hiring of such personnel as may be reasonably necessary to effect its purposes.

**(f)** The purposes of said Commission are the promotion, advertisement, and giving publicity to the tourism resources and advantages of the two Counties comprising the Eastern Shore of Virginia and the securing and promoting of the economic development of said Counties.

**(g)** The Commission or its director shall annually prepare and submit to the respective governing bodies of the Counties a budget and work program in accordance with currently existing procedures. Appropriations by each said County shall be in advance on a quarterly basis. In accordance with the provisions of ~~Sec. 15.1-162~~ ***Sec. 15.2-2506***, the approval of said budget shall not obligate either County to appropriate said sums contained therein. Funding of said Commission shall be subject to the limitations prescribed in ~~Sec. 15.1-10 and Sec. 15.1-10.1~~ ***Section 15.2-1204*** of the Code of Virginia of 1950, as amended.

(3) The existence of this Agreement and the Commission established pursuant hereto shall be perpetual unless terminated in accordance with the provisions of Paragraph 5 hereof.

(4) This Agreement may be canceled by either County by giving to the other written notice, by registered or certified mail, at the office of the County Administrator prior to the beginning of any calendar quarter. Upon the expiration of said next ensuing quarter, said Agreement shall be deemed to be terminated and said Commission dissolved except that said Commission shall continue in existence for a reasonable period of time for the limited purpose of disposing of any assets of the Commission. All assets, or the proceeds thereof, of said Commission shall be divided between the two Counties at the same ratio provided in Paragraph 5 hereof upon termination and dissolution.

(5) This Clarifying Agreement and the Commission established pursuant hereto shall be deemed to be effective upon its joint adoption by the governing bodies of said Counties; ~~provided, however, that the activities of said Commission shall be limited to organizational and budget planning purposes until July 1, 1984.~~

BE IT FURTHER RESOLVED that each County Administrator shall certify a true copy hereof to the other.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2012.

*\*this phrase was adopted by the Accomack Board on 1/18/2012 and must be ratified by Northampton*

#### Recess

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

#### Call to Order

The Chair called the meeting back to order.

#### Public Hearings

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

#### Ordinance Amendment to Chapter 14, Aviation, Article II, Airport Commission, Section 14-31 through Section 14-40, to terminate the current Airport Commission and continue operation to the Airport as a County Department

The Chair opened the public hearing to afford interested persons the opportunity to be heard or to present written comment concerning terminating the current Airport Commission and continue operation of the Airport as a County Department.

The following persons spoke in opposition to the proposed Ordinance to terminate the Accomack County Airport Commission.

David Moon, Vice Chairman of the Accomack County Airport Commission

Randy Powell, member, Accomack County Airport Commission

The Chair closed the Public Hearing.

Mr. Crockett made a motion to adopt the following Ordinance Amendment to Chapter 14, Aviation, Article II, Airport Commission, Section 14-31 through Section 14-40, to abolish the current Airport Commission and continue operation of the Airport as a County Department effective January 1, 2013. Ms. Lewis seconded the motion. The motion was unanimously approved.

**ORDINANCE OF THE BOARD OF SUPERVISORS OF  
ACCOMACK COUNTY, VIRGINIA TO AMEND CHAPTER 14,  
AVIATION, ARTICLE II, AIRPORT COMMISSION,  
SEC. 14-31 THROUGH SEC. 14-40, OF THE ACCOMACK COUNTY  
CODE TO TERMINATE THE CURRENT AIRPORT  
COMMISSION AND CONTINUE OPERATION OF THE AIRPORT  
AS A COUNTY DEPARTMENT**

**WHEREAS**, the Board of Supervisors on December 21, 1988, created the Accomack County Airport Commission for the purposes of improving, equipping, maintaining, operating and promoting the Accomack County Airport and related facilities; and

**WHEREAS**, the Board of Supervisors is expressly enabled under Virginia law to modify the Accomack County Airport Commission or terminate said Commission; and

**WHEREAS**, the Board of Supervisors desires to terminate the Accomack County Airport Commission, to continue operation of the Accomack County Airport as a department of the Accomack County government, to re-adopt and continue the Rules, Regulations and Minimum Standards for the Operation of the Accomack County Airport as adopted by the Airport Commission on August 13, 1998, and revised on November 14, 2008; and

**NOW, THEREFORE**, be it enacted as follows:

**CHAPTER 14, AVIATION  
ARTICLE II  
SEC. 14-31 THROUGH SEC. 14-40  
AIRPORT COMMISSION**

**ARTICLE II. – AIRPORT COMMISSION**

Sec. 14-31 through Sec. 14-40 is hereby repealed in their entirety and ARTICLE II is re-enacted as follows:

**ARTICLE II. – AIRPORT COMMISSION**

**Sec. 14-31. - Created, established.**

The Board of Supervisors of Accomack, County, Virginia, pursuant to the authority contained in provided by Virginia Code § 5.1-31 hereby continues the Accomack County Airport and related facilities in accordance with the following article.

**Sec. 14-32. - Airport boundaries.**

For the purposes of this ordinance, the Accomack County Airport shall be deemed to include all that land contained within the boundaries, outlined in green, on a certain drawing entitled "Exhibit 'A' Property Map, Accomack County Airport" dated April, 1986, VA8313-C, Sheet 1 of 1 prepared by Delta Associates, P.E., Inc., with the

exception of 29.5 acres sold to the Eastern Shore Nursery of Virginia which deed and plat is recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia, in Deed Book 508, page 729; 1.59 acres donated to the Hollies Baptist Church of Keller which deed and plat is recorded in the aforesaid clerk's office in Deed Book 518, page 564; and 4 acres dedicated to the Eastern Shore Fire Training Center as spread upon the minutes of the Board of Supervisors Minutes dated October 7, 1988, which are not shown on said drawing. All county-owned farm lands adjacent to the Airport, whether shown on Exhibit A or not, shall also be deemed to be part of the Accomack County Airport.

**Sec. 14-33. – Operation.**

The Accomack County Airport shall operate as a department of the Accomack County government, under the supervision of the Accomack County Administrator.

**Sec. 14-34 - 36. Reserved.**

**Sec. 14-37. - Rules, Regulations and Minimum Standards Continued.**

The operation of the Accomack County Airport shall continue pursuant to the Rules, Regulations and Minimum Standards adopted by the Airport Commission on August 13, 1998, and revised November 14, 2008, the same being incorporated in this ordinance by this reference, as if fully set out herein.

**Sec. 14-38. - Exemption from taxation.**

The operation of the Airport and its support and service facilities constitutes the performance of essential governmental functions, and the airport commission shall not be required to pay the local taxes and assessments of the Board of Supervisors.

**Sec. 14-39. - Financial support.**

The Accomack County Board of Supervisors shall receive, account for and expend monies from all federal, state and local sources made available for the improvement and operation of the airport. Funding support for the airport shall be derived from:

- (1) Grants and other funds from the federal government;
- (2) Support moneys, grants, contributions and other funds from the Commonwealth;
- (3) Appropriations by the Board of Supervisors; and
- (4) Revenues generated by the operation of the airport.

**Sec. 14-40. - Duration.**

The Airport shall continue in operation as a county department until such time as an authority or similar agency succeeds to its principal functions, purposes and powers by act of the General Assembly or until it is terminated by the Board of Supervisors.

Witness this signature and seal.

I hereby certify that the foregoing is a true and correct copy of the Ordinance approved at the September 19, 2012, meeting of the Accomack County Board of Supervisors, Accomack County, Virginia.

**Proposed Ordinance to Amend Chapter 34, Elections, Article Iii, Precincts, Sec. 34-67, Polling Places of the Accomack County Code**

The Chair opened the public hearing to afford interested persons the opportunity to be heard or to present written comment concerning an amendment to correctly state that the name of the building that is the polling location in District 2, Precinct 202, Greenbackville, VA shall be “Greenbackville Vol. Fire Department” and not “New Greenbackville Firehouse.”

No public comments were offered.

The Chair closed the Public Hearing.

Mr. Wolff made a motion to adopt the following amendment to Chapter 34, Article III, Precincts, Section 34-67, Polling Places, to correctly state that the name of the building this is the polling location in District 2, Precinct 202, Greenbackville, Virginia, shall be “Greenbackville Vol. Fire Department” and not “New Greenbackville Firehouse.” Mr. Hart seconded the motion. The motion was unanimously approved

**AN ORDINANCE TO AMEND CHAPTER 34, ELECTIONS,  
ARTICLE III, PRECINCTS,  
SEC. 34-67, POLLING PLACES  
OF THE ACCOMACK COUNTY CODE**

**WHEREAS**, the Board of Supervisors of Accomack County, Virginia, at its May 12, 2011, meeting enacted revisions to the Accomack County Code with regard to Polling Places; and

**WHEREAS**, the Board of Supervisors of Accomack County has been advised that an emergency exists relating to the name of the polling place in Greenbackville, Virginia, and finds that Chapter 34, Elections, Article III, Precincts, Sec. 34-67, Polling Places, of the Accomack County Code needs to be amended to correctly state the name of building that is the Polling Location in District 2, Precinct 202, Greenbackville, Virginia from New Greenbackville Firehouse to Greenbackville Vol. Fire Dept.; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** as an Ordinance of Accomack County, that the Accomack County Ordinance enacted May 12, 2011, amending the Accomack County Code as it pertains to Polling Places, is hereby further amended to state that the name of the Polling Place in District 2, Precinct 202, Greenbackville, Virginia, shall be Greenbackville Vol. Fire Dept. and not New Greenbackville Firehouse. Therefore, Chapter 34, Elections, Article III, Precincts, Sec. 34-67 of the Accomack County Code is hereby amended as follows:

**Chapter 34. Elections**

**Article III. Precincts**

Sec. 34-67. Polling Places.

Section 34-67 as previously shown in the Accomack County Code is hereby deleted in its entirety.

The precincts for each election district and the polling place for each precinct shall be set forth below:

Election District	Precinct Number	Precinct Name	Polling Location
District 1	101	Chincoteague	Chincoteague Community Center
District 2	201 202	Atlantic Greenbackville	Atlantic Fire House <del>New Greenbackville</del> <del>Vol. Fire Dept.</del> Fire House
District 3	301	Oak Hall	Arcadia High School
District 4	401 402 403	Bloxom Parksley Saxis	Bloxom Town Hall Parksley Fire House Saxis Fire House
District 5	501 502	Mappsville Rue	Kegotank Elementary Metompinkin Elementary
District 6	601 602	Accomac Tangier	Tasley Fire House Tangier Combined School
District 7	701 702	Onancock Onley	Onancock Town Hall Onley Volunteer Fire and Rescue Company 25489 Maple Street
District 8	801 802 803	Bobtown Melfa Wachapreague	Pungoteague Elementary School Melfa Fire House Wachapreague Fire House
District 9	901	Painter	Painter Fire House
Central Absentee Ballot Precinct Place			Board of Supervisors Room, Accomack County Administration Building, 23296 Courthouse Avenue Accomac, Virginia

State Law Reference – Polling Places, §24.2-305, et seq.

This Ordinance is effective immediately.

**Atlantic Town Center, LLC**

Mr. Miner told the Board they had previously held a public hearing on the matter of a request by the Atlantic Town Center Properties, LLC, for consideration of a proposed Future Land Use Map Amendment, which would support the proposed future rezoning of property lying in the Atlantic District, near Wattsville. He stated that at that public hearing, the applicant volunteered to provide written confirmation of their

statement that evening that they would not use the Nock's Landing Road site as a site for disposal of treated effluent from the proposed new development, as they had previously planned. He continued and said they then sent a letter to make that commitment; however, the Board found it lacking in sufficient detail. They then sent another letter and the County Attorney believes that the most recent letter was sufficient for the purpose of stopping the applicant from using Nock's Landing Road as promised.

Mr. Wolff made a motion for denial of the Atlantic Town Center, LLC. Future Land Use Plan Map. Mr. Chesser seconded the motion. The motion failed 3 – 6. AYES: Mr. Wolff, Mr. Chesser and Mr. Gray. NAYS: Ms. Lewis, Mrs. Gordy, Mrs. Thornton, Mr. Crockett, Ms. Major, and Mr. Hart. The motion failed.

Mr. Crockett made a motion to recommend approval of the Future Land Use Plan/Map Amendment as recommended by the Planning Commission on June 13, 2012, including "Area A" (Requested by Atlantic Town Center Properties, LLC) and "Area B" (Property owned by Blanche Douglas C/O Alma Doggett – Tax Map Number 27-A-97). Ms. Major seconded the motion. A discussion ensued. The motion passed 6 – 3. AYES: Kay Lewis, Robert Crockett, Mrs. Gordy, Mrs. Thornton, Ms. Major, Mr. Hart. NAYS: Mr. Chesser, Mr. Wolff, Mr. Gray

### **Appointments**

#### **Eastern Shore Community College Board**

Mr. Chesser made a motion to appoint Mr. Aaron Kane to the Eastern Shore Community College Board to commence immediately and expire on June 30, 2016 to replace Mr. W. Maury Enright who is ineligible for reappointment. Ms. Major seconded the motion. The motion was unanimously approved.

#### **Eastern Shore Advisory Committee on Baylor Ground Study**

Mrs. Thornton made a motion to appoint a local advisory committee consisting of working watermen and possibly others from the seaside on the Baylor Ground issue. Mr. Gray seconded the motion. A discussion ensued. The motion was unanimously approved. Mrs. Thornton suggested one member from each district should serve on the committee and she suggested notifying VMRC and would like for them to have input in helping to create the committee. Mrs. Thornton requested the creation of the Baylor Ground Committee be put on the October 17, 2012 Agenda.

## **County Administrators Report**

Mr. Miner gave a brief update on Town of Onancock gallons usage per day and explained same and responded to questions. Mr. Miner said the memo from the town manager to the Council stated that the County was seeking an amendment to the waste water contract.

Mr. Miner reported to the Board he had signed the Joint Land Use Study Contract on behalf of the NAVY.

## **County Attorney's Report**

The County Attorney gave an opinion on the office holding statue and responded to questions.

## **Board of Supervisors Comment Period**

Mr. Chesser congratulated Mrs. Thornton on her recent appointment to the Soil and Water Board.

Mrs. Thornton stated she hoped being appointed to the Soil and Water Board was a big appointment and she hoped she would be able to help the Eastern Shore by sitting on the Board.

## **Budget Items**

Mr. Wolff made a motion to approve the Budget Items. Mr. Crockett seconded the motion. The motion was unanimously approved.

### Budget and Appropriation Items

FISCAL YEAR 2013

#### **GRANTS**

None

#### **Contingencies (Balance as of 9/12/12=\$222,657)**

None

Other

#### **Decrease Fund Balance**

Fire Programs Fund \$10,214

#### **Increase Expenditures**

Fire Programs Fund  
--Carryover remaining volunteer training levy from FY12 \$10,214

#### **Increase Revenues**

Charges for Services \$23,000

#### **Increase Expenditures**

Fire Programs Training  
--FY13 volunteer training levy \$23,000

#### **Increase Revenues**

Miscellaneous Recoveries \$13,625

#### **Increase Expenditures**

Translator Television

--Technical services to remedy translator TV interference with NASA (Funded by NASA) \$13,625

**Increase Revenues**

Insurance Recoveries \$11,602

**Increase Expenditures**

Sheriff's Office

--Auto insurance claim reimbursement \$11,602

**Payables**

Finance Director, Mike Mason certified the payables.

Ms. Major made a motion to approve the payables. Mrs. Thornton seconded the motion. The motion was unanimously approved.

**Closed Meeting**

The County Attorney read the rules for Closed Session.

Supervisor Wolff made a motion to go into Closed Meeting pursuant to §2.2-3711.A of the Code of Virginia of 1950, as amended, pursuant to subsections (3) for 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 an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and (5) for 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 matter. Mr. Crockett seconded the motion. The motion was unanimously approved.

**Open Session**

The Chair declared the meeting open to the public.

**Certification of Closed Meeting**

Mr. Wolff made the motion to certify by roll call vote, pursuant to §§ 2.2-3711.A (3) and (5) 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 discussion or consideration of the matters that were identified in the motion by which the Closed Meeting was convened, being Virginia Code §§ 2.2-3711.A (3) and (5). Mr. Crockett seconded the motion. The motion was unanimously approved.

**Roll Call**

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

**Adjournment**

Mr. Wolff made a motion to adjourn. Mrs. Thornton seconded the motion. The motion was unanimously approved. The meeting adjourned at 10:15 p.m.

---

Chair

---

Date