

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held at Metompkin Elementary School in Parksley, Virginia on the 16th Day of October, 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
C. Reneta Major

Member Absent: Laura Belle Gordy

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 Ms. Major, after which the Pledge of Allegiance to the Flag was recited.

Adoption of the Agenda

Mr. Crockett made a motion to adopt the Agenda. Ms. Major seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Public Comments

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

The following persons spoke in support of deer hunting with dogs:

Winter C. Cullen, III, Painter, VA
John Hamblin, Jr., Willis Wharf, VA
Ned Finney, Onley, VA

Minutes

Mr. Crockett made a motion to approve the September 18, 2013 Minutes. Ms. Major seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Consent Agenda

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

1. Proposed Holiday Schedule

Thanksgiving

Wednesday, November 27 – offices closing at noon

Thursday, November 28, - offices closed

Friday, November 29, - offices closed

Christmas

Tuesday, December 24 – offices closed

Wednesday, December 25 – offices closed

New Years:

Wednesday, January 1, 2014 – offices closed

2. Tier 1 Help Desk Services Contract, and
3. The exemption of Tangier Volunteer Fire Company from DOT/State Vehicle Inspection and the submission of detailed vehicle maintenance records in lieu of DOT/Station Inspection

Deer Hunting with Dogs in Accomack County

County Attorney Mark B. Taylor commented on a procedural point concerning a process followed from the Board of Supervisors' Public Hearing held on October 3, 2013. He said he wanted to clarify for the public and the Board. Mr. Taylor stated he had received a complaint from a citizen alleging Chairman Hart and the Board of Supervisor gave a speaker 8 minutes to speak to address an issue. He clarified to the public that it was not true. He said Mr. Kirby Birch from the Dog Hunters Association from Powatan County was not given 8 minutes to speak. Mr. Taylor continued and stated Mr. Birch was only given 4 minutes and 42 seconds, and was given grace by Chairman Hart to sum up his speech and wanted it to be stated publicly that the Board of Supervisors processes are fair.

Mr. Gray told the Board he had signed a Conflict of Interest that if the deer hunting with dogs comes to a vote he could vote without any conflict of interest, and County Attorney had cleared him to vote on the issue. Mr. Gray informed the Board and the public that he rented two parcels of his land to hunt clubs and allows his friends to hunt on other property, but that none of them use dogs on his property.

Mr. Crockett stated had staff checked with the local Conservation Police Officers and the Sheriff's office and it was his understanding during the past two years there were zero official complaints made concerning deer hunting with dogs. He said before the October 3, 2013 Public Hearing, he had planned to make a motion to control deer hunting with dogs and shared these four requirements: dog hunters register with hunt clubs, use at least 200 continuous acres for the hunts, use tracking collars, and limit the number of dogs to 8, but after listening to the public speakers, he was convinced a committee could

handle the problems. He presented the following outline of the committee and how it should be formed:

Name of Committee - Hunter/Landowner Advisory Committee

1. Mission

This Committee, established by the Board of Supervisors, will work to produce good relations and provide a line of communication between hunters, landowners and the general public: Committee meetings will be open to the public and will be advertised. The Committee will meet in September to discuss the upcoming hunting season and make plans for a safe and respectful season and in February to critique the hunting season.

II. Committee Members

The Committee will consist of seven members, six appointed by the Board of Supervisors who will equally represent the hunting community (preferably the presidents of our three local hunt clubs) and the landowners. The seventh appointee will be a current member of the Board of Supervisors who shall be appointed by the Chair of the Board of Supervisors. The Board of Supervisors member shall serve as Chair of the committee.

III. The Committee will meet twice a year, the first meeting in September and the second in February. More meetings could be scheduled if the need arises. The meetings will be held in the Board of Supervisors' room and staffed by the County Administrator's office. Minutes and tape recordings will be produced of all meetings. A representative from the Accomack County Sheriff's Office and the Virginia Department of Game and Inland Fisheries will be requested to attend the meetings.

IV. Reporting

The Chair of the Committee or his/her designee shall report to the Board of Supervisors at their March meeting of each year. The Board will be briefed on the success of the previous hunting season and any corrective action taken. An attendance report will be provided to the Board of Supervisors.

Mr. Crockett made a motion to establish the Hunter/Landowner Advisory Committee as outlined. Mr. Gray seconded the motion.

A discussion ensued.

Mrs. Thornton said she respected Mr. Crockett for what he was saying and that the outline sounded wonderful, but it had been tried before and did not work then and did not believe it would work now; that there were so many out of state hunters coming into the County to hunt and she was a strong advocate of private property rights and knows what it is to have water and livestock killed; that she felt it was owed to the public to protect their property rights, and was opposed to hunting deer with dogs.

Mrs. Lewis agreed with Mrs. Thornton concerning property rights.

Mr. Chesser said he was a former Game Warden and did not hunt with dogs; felt the Committee should be given a chance to work on the issues to see if a compromise of some kind could be reached, and did not want to see the tradition end.

Mr. Wolff said he could not support the compromise.

Ms. Major said the compromise would be good but some regulations needed to be put in place and supported the compromise.

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

Mrs. Thornton made a motion that at the end of the 2013 hunting season, after the Hunter/Landowner Advisory Committee had met and evaluated all issues and problems and reported any infractions to the Board that the Board goes forth requesting the Department of Game and Inland Fisheries to prohibit deer hunting with dogs. Mrs. Lewis seconded the motion.

A discussion took place.

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

Mr. Crockett made a motion to nominate six people to serve on the Committee; three landowners, three hunt club presidents; and that the Chair of the Board of Supervisors would appoint the Board member to serve as the Chair of the committee. Mr. Chesser seconded the motion.

Discussion continued with members expressing their desire to select representatives from the Magisterial Districts at the November 6, 2013 meeting.

Mr. Crockett withdrew his motion.

Chairman Hart asked the Board members to submit names of representatives, by Magisterial District, to serve on the Hunter/Landowner Advisory Committee at the November 6, 2013 meeting.

County Administrator's Report

County Administrator Steven B. Miner informed the Board that the Virginia Department of Transportation had agreed to have a work session concerning rural additions on November 6, 2013.

County Attorney's Report

County Attorney Mark B. Taylor stated he had three items for closed meeting.

Board of Supervisors Comment Period

Mr. Crockett stated when the Board selects members to serve on the Hunter/Landowner Advisory Committee all shareholders at the meeting are stakeholders.

Mr. Wolff stated his meeting Monday night was held at Captains Cove and the Director of Public Safety was with him. He said the meeting was very well attended and

received. He said the issue at the northern end of County concerning EMS was addressed and questions were answered.

Mrs. Thornton said she had attended two meetings lately involving FEMA. She stated Federal flood insurance costs and prices went up 25 percent and are expected to increase 10 times the amount from what was being paid now. She said she felt some type of workshop needed to be held to let the people understand what is going to happen and asked the County Attorney to investigate banks that are forcing people with mortgages to get insurance on the whole house, not just what they owe on the house and let the Board of Supervisors know as soon as possible. Mr. Hart asked Mr. Taylor to get a response back to the Board by December 1st.

Mr. Chesser said he would like to keep Mrs. Gordy and her family in prayers.

Payables

Upon certification by the County Administrator, Mrs. Thornton made a motion to approve the October payables. Mr. Wolff seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Recess

By consensus, the Chair recessed the meeting until 6:30 p.m.

Call to Order

The Chair called the meeting back to order.

The Chair stated two public hearings would be conducted at the same time to address the following:

- 1) A request by Atlantic Town Center Development Corporation to amend the conditional rezoning of Bridge Hill, which occurred in 2006, to amend the development plan and proffers and to allow for the addition of a wastewater treatment facility to serve the proposed Town Center at Wallops Island Spaceport Planned Unit Development which would also reduce the size of the lots and increase the development's density that was approved as part of the 2006 conditional rezoning, Tax Map number 27-A-85 located west of Route 679/Fleming Road and south of Route 175 Chincoteague Road, and
- 2) A request by Atlantic Town Center Properties, LLC to rezone approximately 10 acres from General Business and Agricultural to Planned Unit Development Tax Map numbers 27-A-115, 27-A-116, 27-A-100, 27-A-99, 27-A-99A, and 27-A-96, located at the intersection of Route 175/Chincoteague Road and Route 704/Dream Road which would include a maximum of 650 residential units and 700,000 square feet of combined office, commercial, and retail space and an 80-room hotel.

Mr. Hart said Mrs. Gordy was not present due to illness in her family and had requested the Board not vote on this issue this evening; that if the Board waits according the Board's Rules and Procedures, it would have to be voted on at the regular monthly

meeting of the Board on November 20, 2013, and that it would be the first item on the Agenda.

Bridge Hill Conditional Rezoning Amendment and Town Center at Wallops Island Spaceport Planned Unit Development

Rich Morrison, Planning and Community Development Director, told the Board he had two communications; a handout from Mrs. Joan Kean from Chincoteague to the Board of Supervisors and a letter from Mrs. Patti Hankins of Atlantic who wished to have it read into the record. Mr. Morrison read the following letter into the record:

Mr. Miner and Mr. Morrison,

As Accomack County homeowners we wish to make the following comments regarding tonight's public hearing which we would like read into the official record:

We support the Accomack County Planning Commission's recommendation to the Board of Supervisors to deny the Bridge Hill Conditional Rezoning Amendment. We agree that this proposed amendment is inconsistent with the 2006 rezoning. Reducing lot size and increasing this development's density is not consistent with the County's Comprehensive Plan. We urge the Supervisors to vote against this amendment.

Regarding the second issue before you tonight. The PUD concept isn't a good fit for the Eastern Shore of Virginia. A PUD concept doesn't promote or preserve the natural resources and beauty of the area. The PUD concept isn't a match for neighboring properties. We are opposed to the request by ATC Properties, LLC to rezone approximately 106 acres from General Business and Agricultural to Planned Unit Development.

*Patti and Jeff Hankins
Sandpiper Lane
Atlantic, VA*

Mr. Morrison gave a brief presentation and overview concerning the Bridge Hill Conditional Rezoning Amendment and the Town Center at Wallops Island Spaceport Planned Unit Development (PUD) and responded to questions.

Bridge Hill Conditional Amendment and Town Center at Wallops Island Spaceport Planned Unit Development

Mr. Baumgartner gave a presentation and overview of the proposed Atlantic Town Center Development and responded to questions from the Board.

Public Hearing Concerning the Proposed Bridge Hill Conditional Rezoning Amendment and Town Center at Wallops Island Spaceport Planned Unit Development

County Attorney Mark Taylor read the public hearing rules.

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the following:

- 1) A request by Atlantic Town Center Development Corporation to amend the conditional rezoning of Bridge Hill, which occurred in 2006. The request is to amend the development plan and proffers and to allow for the addition of a

wastewater treatment facility to serve the proposed Town Center at Wallops Island Spaceport Planned Unit Development. The Amendment would also reduce the size of the lots and increase the development's density that was approved as part of the 2006 conditional rezoning. The Bridge Hill parcel is tax map number 27-A-85 and is located west of Route 679/Fleming Road and south of Route 175/Chincoteague Road.

- 2) A request by Atlantic Town Center Properties, LLC to rezone approximately 106 acres from General Business and Agricultural to Planned Unit Development. The parcels requested to be rezoned are tax map numbers 27-A-115, 27-A-116, 27-A-100, 27-A-99, 27-A-99A, and 27-A-96, and are located at the intersection of Route 175/Chincoteague Road and Route 704/Dream Road. The proposed Planned Unit Development would include a maximum of 650 residential units and 700,000 square feet of combined office, commercial and retail space and an 80-room hotel.

Public Comment

The following persons offered comments of opposition of the Atlantic Town Center Project:

Shirley Fauber, Greenbackville, VA
Steve West, New Church, VA
Paul Mulley, Parksley, VA
Clara Jo Thomas, Atlantic, VA
Ronnie Thomas, Atlantic, VA
Bruce Holland, New Church, VA
Jeanette Smolinski, New Church, VA
Audrey Leonard, New Church, VA
Linda Henderson Gordon, Greenbackville, VA
Hayden Gordon, Greenbackville, VA
Cheryl Gresham, Accomac, VA
Angel Wingfield, Atlantic, VA
Robert Tittle, Greenbackville, VA
Mary Hopkins, Atlantic, VA
George Parker, Onley, VA
Joan Kean, Chincoteague, VA (**submitted a letter**)
Patti and Jeff Hankins, Atlantic, VA (**submitted a letter**)

The following persons offered comments of support of the Atlantic Town Center Project:

William Baines, Virginia Beach, VA
Peter Bale, Chincoteague, VA
James Linton, Nelsonia, VA
Bill Chandler, Onancock, VA
David Layfield, Salisbury, MD

The Chair closed the Public Hearing.

The Chair asked the people in favor of the Atlantic Town Center Project to stand and those opposed to the Atlantic Town Center Project to stand.

Closing Remarks by Mark Baumgartner

Mr. Baumgartner offered comments concerning promoting the Atlantic Town Center Development and provide a Planned Unit Development Ordinance that allows for mixed uses in a concentrated area that could provide in a 100 acres what would take thousands of acres of farmland away from the county, and asked the Board to approve the Bridge Hill Rezoning Amendment and the Planned Unit Development (PUD).

Chairman Hart stated the Board will vote on the Bridge Hill Conditional Rezoning Amendment and the Town Center at Wallops Island Spaceport Planned Unit Development at the November 20, 2013 meeting.

Closed Meeting

Mr. Wolff made a motion to go into closed pursuant to Virginia Code §2.2-3711 for the following purposes: Mr. Crockett seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

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;
2. Pursuant to subsection (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 an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, and
3. Pursuant to subsection (A) (7) Discussion concerning consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation.

Recess

By consensus, the Chair recessed the meeting at 9:00 p.m.

Call to Order

The Chair called the meeting back to order at 9:10 p.m.

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. Major 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

Nays: None

Absent: Mrs. Gordy

Mr. Wolff made a motion to direct staff to send a Utility Services Area Map (corrected in purple) to the Planning Commission to be included in the pending Comprehensive Plan update that will be going to the Planning Commission's Public Hearing and then come back to the Board of Supervisors. Ms. Major seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Mr. Wolff made a motion to authorize the County Administrator to engage Springsted to begin the process for a permanent full-time position for Wallops Research Park Manager. Mrs. Thornton seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Adjournment

Ms. Major made a motion to adjourn the meeting to November 6, 2013 at 5:00 p.m. Mrs. Thornton seconded the motion. The motion was unanimously approved with Mrs. Gordy absent. The meeting adjourned at 10:30 p.m.

Donald L. Hart, Jr., Chair

Date