

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac, Virginia on the 20th Day of November, A.D., 2013.

Members Present: Donald L. Hart, Jr., Chair
John Charles "Jack" Gray, Vice Chair
Wanda J. Thornton
Ron S. Wolff
Grayson Chesser
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 Ms. Lewis, after which the Pledge of Allegiance to the Flag was recited.

Adoption of the Agenda

Mr. Hart requested that he add an item under Report of Public Officials for the receipt of a report from Mr. Crockett and Ms. Major concerning the recently held meeting with the Library Board.

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

Bridge Hill Conditional Rezoning Amendment

Rich Morrison Planning and Community Development Director told the Board of Supervisors that the Planning Commission had turned down the Bridge Hill Conditional Rezoning Amendment request because it did not match the comprehensive land development plan which had significantly changed since the 2000 single-family home plan was submitted. He said the developer had not complied with the following requested proffers.

- What the number of units planned for the development will be.
- There must be at least 109 acres of open space, not to include the wastewater treatment facility or its components.
- Will there be a Home Owners Association (HOA)?
- Phasing Plan: construction of facilities, residential units, utilities, roads, and community amenities, if any.
- Guarantee that the site will remain residential, not just a location for water/sewer.
- What the general location for the wastewater treatment facility and its

components will be if the Conditional Use Permit for the facility is approved.

- No sewer from outside sources other than from the Planned Unit Development, if it is approved, will be allowed.
- Proffer that a contribution to Accomack County Public Schools and also to the library will be made upon the sale of each residential lot.
- Proffer sidewalks/walkable areas.
- Indicate that the property may be provided sewer service by a utility company and may have a wastewater treatment facility constructed on it, if authorized by a Conditional Use Permit issued by the Accomack County Board of Supervisors.

The Planning Commission also requested the applicant to submit drawings of the proposed layout.

A discussion ensued on proffers.

County Attorney Mark Taylor explained to everyone that proffers could be invited, recommended, or asked for - all of which were acceptable under the Virginia Code.

Discussion continued.

Mr. Chesser made a motion that the Board of Supervisors DENY the Bridge Hill Conditional Rezoning Amendment as recommended by the Planning Commission and for the record adopt by reference and include in the motion the express findings and the entire form of the motion to DENY provided by the Director of Planning and Community Development and attached to our Agenda for this meeting:

Mr. Wolff seconded the motion. A lengthy discussion ensued. Ayes: Mr. Chesser, Mr. Wolff, Mr. Gray, Mrs. Gordy, Mr. Hart. Nays: Mrs. Thornton, Mrs. Lewis, Mr. Crockett. Abstentions: Ms. Major.

“MOTION TO ACCEPT THE RECOMMENDATION MADE BY THE PLANNING COMMISSION TO DENY THE BRIDGE HILL CONDITIONAL REZONING AMENDMENT, AS REQUESTED BY ATLANTIC TOWN CENTER DEVELOPMENT CORPORATION.

The Board of Supervisors has reviewed the application and attachments stamp date received on March 26, 2013, as amended, filed by Atlantic Town Center Development Corporation, for property identified as Tax Map No. 27-A-85, including the September 4, 2013 proffer statement.

On September 11, 2013, the Planning Commission voted to recommend denial of the Bridge Hill Conditional Rezoning Amendment, as requested by the Atlantic Town

Center Development Corporation. The Planning Commission forwarded its recommendation to the Board of Supervisors and the Board held a public hearing on the matter on October 16, 2013. The Board of Supervisors accepts the recommendation made by the Planning Commission and finds the following:

1. The Board of Supervisors finds that the 2006 conditional zoning and accompanying plan are more in-keeping with the existing and future land uses in the Wattsville area than the 2013 concept plan and proffers advanced with the current application.
2. The Board of Supervisors finds that the 2006 plan and subsequent plat submittal is superior to the one advanced in the current application in terms of overall layout, natural resource preservation, and lot size relationship to neighboring properties.
3. The Board of Supervisors believed that the 2006 conditional rezoning approval would yield a single-family residential development. The 2013 application requests consideration for a wastewater treatment facility and single-family lots. Based upon the Board's review of the information provided with the conditional rezoning application, a wastewater treatment facility could be constructed on the property without the development of single-family residential homes or lots. The Board finds this to be incongruent with the 2006 approval.
4. The Board of Supervisors is of the opinion that placement of a wastewater treatment facility, which its primary purpose would be to serve the proposed neighboring Planned Unit Development, is not appropriate on property planned for a sizeable small-lot subdivision.
5. The Comprehensive Plan addresses wastewater treatment in the Future Land Use Plan on page 6-7. As part of its review of the conditional rezoning amendment, the Comprehensive Plan guidance is evaluated by the Planning Commission. It is the opinion of the Planning Commission that the proposed wastewater treatment facility size and scale is not in-keeping with the Future Land Use Plan of the Comprehensive Plan related to wastewater treatment and its application on the Bridge Hill site. The Board of Supervisors agrees with the Planning Commission's opinion."

Planned Unit Development for Town Center at Wallops Island Spaceport

County Administrator Steven B. Miner stated the County Attorney's opinion was not to take any action on the PUD for Town Center at Wallops Island Spaceport tonight because of legal reasons. He clarified for the record the 2 issues that were involved, one

was a motion on the Planned Unit Development (PUD) and the second was the ordinance relating to the details surrounding the PUD that did not go before the Planning Commission. County Attorney stated the ordinance did not go before the Planning Commission when they held their Public Hearing he continued and stated this will have to go before them and they will have to make a recommendation.

Mr. Chesser made a motion to postpone action on the Town Center at Wallops Island Spaceport Planned Unit Development rezoning application and to refer the matter back to the Planning Commission to ensure that appropriate due process is rendered on the application, and to direct the Planning Commission to hold a public hearing on the property-specific Ordinance submitted by the applicant and to return its recommendation on the property-specific Ordinance and the PUD application itself to the Board as soon as possible and no later than the Board of Supervisors' February 19, 2014 meeting. Mr. Chesser stated his intent that the matter be postponed until the Planning Commission returns its recommendation to the Board. Mr. Wolff seconded the motion. The motion was unanimously approved.

Recess

By consensus, the Chair declared the meeting in recess for five (5) minutes.

Call to Order

The Chair called the meeting back to order.

Public Comments

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

The following persons offered comments:

William Starr, Atlantic, VA - the practice landings of planes at Wallops
Kim Grewy, Melfa, VA - on support of the library funding
Jerry Stack – Greenbackville, VA - the touch and go flights being a nuisance
David VanDessel, Hopeton, VA - wild dogs in the area
Teresa VanDessel, Hopeton, VA - wild dogs in the area
Matt Cormons, Hopeton, VA - wild dogs killing livestock

Minutes

Ms. Major made a motion to approve the October 6 and October 16, 2013

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

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 Award of Bid #668 to lower bidder, Jim Wert Builders in the amount of \$56,964 to remove and replace both roofs at the Northern Landfill with the option to replace new gutters and downspouts at \$3,751 for a total award of \$60,715,

5.3 Contract Award of RFP 264 for Engineering Services for Water and Wastewater to Bowman Consulting for one (1) year with the option to renew for four (4) successive one-year terms and work orders for specific tasks would be issues as needed and within budget limitations.

Accomack-Northampton Housing Authority

David Annis, Director of Housing Development gave an updated report on the activities of the Accomack-Northampton Planning District, Accomack-Northampton Regional Housing Authority, and Eastern Shore of Virginia Housing Alliance.

Flood Plan Easement

Tina Jerome, District Conservationist, and Blaine Delaney, Watershed Program Coordinator with the USDA Natural Resource Conservation Service (NRCS) appeared before the Board and spoke about a Floodplain Easement Program to aid Virginia Hurricane Sandy recovery and to help prevent future damage from significant storm events. Ms. Jerome told the Board that a 9.7 acre property in Sanford had been deemed eligible for this Floodplain Easement Program and would be forwarded to the NRCS National Office for ranking and she was requesting the County of Accomack to agree to serve as the “project sponsor”. Ms. Jerome explained that the primary function of the “project sponsor” was to purchase the fee simple little of the 9.7 acre property and commit to covering the costs for the recording fees and closing costs, which costs were estimated to be \$4,600. Upon discussion, the Board felt they did not have enough information to act on it.

Mrs. Thornton made a motion to deny the request. Mrs. Gordy seconded the motion. The motion was unanimously approved.

Library Board Meeting Report

Mr. Crockett gave an update of the meeting that was held with Ms. Major, the Library Board and himself on October 24, 2013. He advised that they had a good discussion and shared the County’s regards on space needs as well as the amount of

money that was being spent on rental property. Mr. Crockett continued and stated he and Ms. Major would recommend to the Board to prioritize a list of County space needs.

Mr. Crockett made a motion to schedule a date for a work session to prioritize space needs by February 2014. Ms. Major seconded the motion. The motion was unanimously approved.

Accomack County Fire and Rescue Commission

Mr. Wolff made a motion to reappoint Robert Crockett as the representative for the Accomack County Board of Supervisors to serve on the Accomack County Fire and Rescue Commission for a one year term. Ms. Major seconded the motion. The motion was approved with Mr. Crockett abstaining.

Mr. Chesser made a motion to reappoint K. W. Ainsworth as a member-at-large to serve on the Accomack County Fire and Rescue Commission for a one year term. Mrs. Lewis seconded the motion. The motion was unanimously approved.

Accomack County Planning Commission

Mr. Wolff made a motion to appoint Angela Wingfield to fill the unexpired term of E. Phillip Hickman, Jr., beginning January 1, 2014 and ending December 31, 2014. Mr. Chesser seconded the motion. The motion was unanimously approved.

Solid Waste Committee

Mr. Crockett made a motion to appoint Joseph Donahue as a citizen member to serve on the Solid Waste Committee for a two-year term commencing immediately and expiring on June 30, 2015. Mr. Wolff seconded the motion. The motion was unanimously approved.

Wetlands Board

Mr. Wolff made a motion to appoint Jay Ford as an alternate member to serve on the Wetlands Board. Ms. Major seconded the motion. The motion was unanimously approved.

Recess

By consensus the Chair declared the meeting in recess until 7:30 p.m.

Call to Order

The Chair called the meeting back to order.

Public Hearing

The County Attorney read the public hearing rules governing conduct during Public Hearings.

Proposed Amendment to Fiscal Year 2013/2014 Budget for Public School and Capital Projects Funds

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed amendment to Fiscal Year 2013/2014 for Public School and Capital Projects funds.

No public comments were offered and the Chair closed the Public Hearing.

Mr. Wolff made a motion to approve the following amendment to Fiscal Year 2013/2014 Budget for Public School and Capital Project Funds. Ms. Major seconded the motion. The motion was unanimously approved.

Public School Funds

<u>Source of Funds</u>		<u>Use of Funds</u>	
Title I Grant Funds	\$ 2,243,258	Instruction	\$4,863,973
Title II Grant Funds	302,634	Improvement of Instruction	361,831
Title III Grant Funds	72,702	Attendance Services	9,000
Title IV Funds	93,438	TOTAL	\$5,234,804
Special Education Flow Through			
Preschool	1,056,200		
State Grants/Initiatives	<u>1,466,572</u>		
Total	\$5,234,804		

Capital Projects Fund

<u>Source of Funds:</u>		<u>Use of Funds</u>	
Bond Proceeds	\$3,971,421	Wallops Research Park Project	\$3,971,421

Mark-Dana Corporation - CDBG Housing Grant

Mr. David Koogler of Mark-Dana Corporation addressed the Board asking for their approval to apply for a CDBG Housing Grant for the proposed Accomack Village development.

Stormwater Management Ordinance Preliminary Submittal

Norman Pitt gave a brief presentation on the Planning Department’s progress on the new Stormwater Management Ordinance. He told the Board the deadline had been extended. The Board received a copy of the Stormwater Management Program Policies and Procedures for Accomack County. He said he felt work sessions would need to be held with the Board to review the Ordinance which would have to be submitted to the State for preliminary review.

Following his presentation, he responded to questions.

County Administrator’s Report

County Administrator Steven B. Miner asked for a work session on December 5, 2013 at 5:00 p.m. concerning wastewater issues for the central part of the County.

Board of Supervisors Comment Period

Mr. Wolff reported official data for the month of October EMS Response Time (Captain’s Cove) was 100% within the 20 minute standard countywide for the first time ever.

Mrs. Gordy stated Mr. Fleming had a stroke and was in rehab at the Hermitage and his wife was also at the Hermitage. She told the Board that Tourism would be having an Open House for the new office located in Onancock located near Bagwell Oil Company on December 11, 2013 from 4 p.m. – 6 p.m. She wished all a Happy Thanksgiving.

Budget and Appropriation Items

Ms. Major made a motion that the FY14 County budget be amended by the amounts listed below and the same amounts appropriated for the purposes indicated. Mr. Wolff 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.

Department	Purpose	Funding Source	Amount
Registrar	To cover the cost of annual leave and compensatory time payments to terminated employees in accordance with County Personal Polices.	Budget Contingency	\$7,700
Emergency Management	To recognize award of an Emergency Management Performance (EMP) grant.	State Revenue	\$7,500
Sheriff	To accept insurance proceeds to cover the cost of vehicle repairs due to an automobile accident.	Insurance Recoveries	\$225
Operations	To recognize state budget adjustments per 10/15 Memo.	State and Federal Revenue	\$21,600
Operations	To recognize state	State and Federal	\$5,799

	budget adjustments per 10/28 Memo.	Revenue	
Operations	To accept grant funds offered by the DOA to remove airport obstructions (Phase 1). The local match is already available.	State Funds/Local Capital Grant Reserve Funds	\$280,000
			\$322,824

Adopted by the Board of Supervisors of Accomack County, this 20th day of November 2013.

Payables

Upon certification by the County Administrator, Mr. Wolff made a motion to approve the November payables. Ms. Major seconded the motion. The motion was unanimously approved.

Closed Meeting

Mrs. Thornton made a motion to go into closed meeting pursuant to Virginia Code §2.2-3711 for the following purposes: Mr. Wolff seconded the motion. The motion was unanimously.

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;

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.

Mr. Hart left at 9:35 p.m

Certification of Closed Meeting

Mr. Wolff made the motion to reconvene in Open Meeting and to certify by roll call vote, pursuant to Section 2.2-3711(A) (1) 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 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: Mrs. Thornton	Mr. Chesser	Mr. Wolff
Mr. Gray	Ms. Lewis	Mr. Crockett
Mrs. Gordy	Ms. Major	

Adjournment

Mr. Crockett made a motion to adjourn the meeting to December 5, 2013 at 5:00 p.m. Mr. Wolff seconded the motion. The motion was unanimously approved with Mr. Hart absent. The meeting adjourned at 10:17 p.m.

Donald L. Hart, Jr., Chair

Date