

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Cafetorium of Metompkin Elementary School in Parksley, Virginia on the 15th day of April, A.D., 2015 at 5:00 p.m.

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

Others Present: Steven B. Miner, County Administrator  
Michael Mason, Finance Director  
Shelia West, Administrative Assistant

### **Call to Order**

The meeting was called to order by the Chair and opened with a prayer by Rev. James I. Boyd of First Baptist Church, Mappsley, VA, after which the Pledge of Allegiance to the Flag was recited.

### **Adoption of the Agenda**

Mr. Crockett made a motion to adopt the Agenda with a change to move item 7.4 (Proposed Airport in Painter) and place it under the County Administrator's Report. Mr. Hart seconded the motion. The motion was unanimously approved.

### **Public Comment**

Ms. Major read the rules governing conduct during the public comment period.

Comments were offered by the following persons:

Haydon Worchester, Jr. – Onancock, VA-Utility Cost Committee Report Sewer Treatment Plant

Comments of opposition to the proposed Atlantic Town Center Utility Facility Conditional Use Permit Amendment Extension Request and Package Plant Relocation were offered by:

Ronnie Thomas, Atlantic, VA – opposing the Atlantic Town Center Utility Facility Conditional Use Permit Amendment Extension request and package plant relocation

Comments of opposition to the proposed poultry houses:

Stella Beach, Painter, VA  
Melissa Ruhan, Exmore, VA  
Christina Wilson, Bloxom, VA  
Anita Johnson, Greenbush, VA  
Eileen Kirkwood, Eastville, VA  
Bruce Richards, Cape Charles, VA

A discussion ensued concerning the proposed poultry houses located on Seaside Road in Election District 9.

## **Minutes**

Mr. Wolff made a motion to approve the Minutes of the March 4, 9, 18, 23, 26, and 31, 2015 meetings. Mr. Crockett seconded the motion. The motion was unanimously approved.

## **Consent Agenda**

Mr. Wolff made a motion that Item 5.3, Town Center Utility Facility Conditional Use Permit Amendment Extension Request and Package Plan Relocations, be removed from the Consent Agenda. Mr. Chesser seconded the motion. The motion was unanimously approved.

Mr. Hart made a motion to approve the following items under Consent Agenda.

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

- 5.2 The Planning Commission's 2015 Workload Items as submitted,
- 5.4 To support and/or endorse the Bridge Projects on Tangier Projects #1304 (Wallace Road over West Ridge Creek) and Route 1306 (School Road over West Ridge Creek) bridge replacements in the Town of Tangier and send the action to VDOT, Town Council, and the Town of Tangier,
- 5.5 The contract renewal of RFP, 250 Miscellaneous Engineering Services with CHA Consulting, Inc. and Draper Aden Associates for engineering services related to solid waste operations for the one-year term of May 17, 2015 through May 16, 2016,
- 5.6 The contract renewal of RFP 234, Financial Advisory Services, with Davenport and Company for the provision of financial advisory services for the two-year term of May 1, 2015 through April 30, 2017 in accordance with the terms and conditions of RFP 234, and
- 5.7 The Accomack County Parks and Recreation 2105 Summer Nutrition Program Grant Submittal request to apply for the Virginia Department of Health's Summer Foods Service Program.

## **Town Center Utility Facility Conditional Use Permit Amendment Extension Request and Package Plan Relocation**

Mr. Wolff made a motion to not approve any extension to Atlantic Town Center or the relocation of the sewer plant. Mr. Chesser seconded the motion.

A discussion ensued.

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

Mrs. Thornton made a motion to extend the Atlantic Town Center Utility Facility Conditional Use Permit and relocation of the sewer plant for one year. Mr. Crockett seconded the motion. Ayes: Mrs. Thornton, Mrs. Lewis, Mrs. Gordy, Mr. Crockett, Ms. Major. Nays: Mr. Wolff, Mr. Chesser, Mr. Gray, Mr. Hart.

**FEMA Housing Mitigation Grant Program (HMGP) Award for Specific Homes**

Mr. Hart made a motion to approve grant funds in the amount of \$1.9 million for a specific FEMA housing project group of homes; Pickett's Point Lane in Onancock, Cattail Lane in Mears, Breezy Point in Hacks Neck, South Street in Wachapreague, Greenbackville, on Quinby Bridge Road, and on Chincoteague) to be protected from flood damage under Federal Emergency Management Agency's Housing Mitigation Grant Program (HMGP), and authorize staff to advertise a public hearing to be scheduled to amend the budget on May 20, 2015 in the Board of Supervisors Chambers at 7:30p.m. Mr. Crockett seconded the motion. The motion was unanimously approve.

**Update on the Six-Year Plan**

Chris Isdell, Accomac Residency Administrator, Virginia Department of Transportation, appeared before the Board, handed out the Six-Year plan to the Board, gave an update on VDOT projects, discussed issues on the Secondary Six-Year Plan, and responded to questions.

He referenced the impact of House Bill 2, which eliminated district boundaries for project funding. He said VDOT was now required to send district funds into other districts if projects there were considered a higher need than projects in the local district and (vice versa).

Mr. Wolff made a motion to request Mr. Isdell look into the possibility of the placements of rumble strips on the east side on Saxis Road approaching U. S. Route 13 and on the west side on Temperanceville Road approaching U. S. Route 13. Mrs. Lewis seconded the motion. The motion was unanimously approved.

Mr. Hart made a motion to have Dr. Miner sign the necessary documents and adopt the following Resolution approving the Secondary Road Six Year Plan 2015-2016 to 2017-2021 and Improvement Priorities for Fiscal Year 2015-2016 for Accomack County. Mrs. Thornton seconded the motion. The motion was unanimously approved.

**RESOLUTION**

**WHEREAS**, the Virginia Department of Transportation and the Accomack County Board of Supervisors have jointly established the Secondary Road Six-Year-Plan for the fiscal years 2015-2016 to 2017-2021 and priority list for the fiscal year 2015-2016; and

**WHEREAS**, the Virginia Department of Transportation and the Accomack County Board of Supervisors have jointly held a Public Hearing on the Secondary Road Six-Year Plan for fiscal years 2015-2016 to 2017-2021 and Improvement Priorities for fiscal year 2015-2016.

**NOW, THEREFORE, BE IT RESOLVED** that the Accomack County Board of Supervisors hereby approves the Secondary Road Six-Year-Plan for fiscal years 2015-2016 to 2017-2021 and Improvement Priorities for Fiscal Year 2015-2016.

**Recess**

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

**Call to Order**

The Chair called the meeting back to order.

**Public Hearings**

The Chair read the rules governing conduct during Public Hearing.

**Proposed Riverside Shore Memorial Hospital Conditional Use Permit Amendment**

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Riverside Memorial Hospital Conditional Use Permit Amendment.

Planning and Community Development Director Rich Morrison gave a brief overview of the request by Riverside Shore Memorial Hospital for a Conditional Use Permit Amendment for a reduction in parking by 20 percent and splitting the 1 medical building into 2 buildings.

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

Mr. Crockett made a motion to approve the Planning Commission's following recommendation:

To amend the previously approved Conditional Use Permit Use Permit issued on October 17, 2012 for development as depicted on Site and Utility Plan Amendment CO2A stamp date on January 20, 2015, the most recently submitted site plan entitled Site and Utility Plan Amendment CO2A stamped January 20, 2015 and CUP Amendment Exhibit EX1 and Rendered Landscape Plan 1 replace sheets CO1-CO6 dated July 3, 2012 and last revised on October 5, 2012 and a rendered landscape plan last revised on September 5, 2012 and that all conditions of the original approval remain in effect. Mrs. Gordy seconded the motion. The motion was unanimously approved.

**Proposed Conditional Rezoning Request to Rezone from Residential to General Business**

The Chairman opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed Conditional Rezoning Request to rezone the parcel of land in Mappsville for a Dollar General from Residential to General Business.

Mr. Morrison gave a brief overview of the proposed rezoning of a 3 acre site adjacent to Matthews Market along Highway 13 on the northbound side from residential to commercial for the applicant on behalf of Dollar General and responded to questions.

Comments of opposition were offered by the following persons:

Charlie Russell, Onancock, VA  
Tommy Hines, Accomac, VA  
Jean Taylor, Mappsville, VA  
Karen Riggan, Crisfield  
Randy Merritt, Nelsonia, VA  
Allen Hamilton, Townsend, VA  
Paul Muhly, Hopeton, VA  
Frank Russell, Parksley, VA  
Teresa Etheridge, Parksley, VA  
James I. Boyd, Mappsville, VA  
Bruce Matthews, Mappsville, VA

The Chair closed the Public Hearing.

Mr. Gray made a motion to deny the rezoning request of the parcel of land in Mappsville for a Dollar General. Mr. Wolff seconded the motion.

A discussion ensued with the Board expressing empathy and understanding to Mr. Matthews.

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

Mr. Crockett made a motion to approve the Planning Commission's recommendation to rezone the Mappsville Parcel for a Dollar General from Residential to General Business to include the following proffers. Mrs. Thornton seconded the motion.  
Ayes: Mrs. Thornton, Mr. Chesser, Mr. Crockett, Mrs. Gordy, Ms. Major, Mr. Hart  
Nays: Mr. Wolff, Mrs. Lewis, Mr. Gray.

**1. Concept Site Development Plan and Conditional Zoning Plat**

- a. The conditional zoning of the Property will be in accordance with the boundaries shown on the Plat Attached revised ZC100 3/19/15.
- b. The overall development of the Property will be as shown on the attached Site Development Plan revised ZC100 3/19/15.

**2. Environmental Protection**

- a. The applicant proffers to reduce the amount of required parking spaces as

required in the general business rezoning district from 45 to 30 total spaces for the reduction of impervious surface, the promotion of onsite infiltration of stormwater, and the overall protection of water and soil quality. (depicted on the revised ZC100 plan dated 3/19/15) We will apply to zoning appeals board for a variance from the standards to increase the environmental sustainability of this project. We will also install 2 outside waste disposal bins for public use to prevent waste and trash from being thrown on the ground.

### **3. Transportation**

a. The Applicant will work with the Virginia Department of Transportation in designing and constructing site access per the sheet ZC100 revised on 3/19/15. Safety is of the utmost importance to us in this project and therefore our current design addresses vehicular safety above and beyond the standards by increasing turn radius, providing a deceleration lane, and improving a portion of Davis Drive. All roadway and street improvements will be at the sole discretion of VDOT.

### **4. Landscaping and Buffering**

The Applicant will preserve and reserve environmental features and existing tree buffers as depicted on the plans sheet ZC100 dated 3/19/15. The Applicant shall establish opaque and dense landscape buffers as depicted on the plans between the property and all lines of site to adjacent residential properties. This landscape exceeds the spacing/density requirements of the Zoning Ordinance.

### **5. Architectural Upgrades**

We will substitute the prototypical block face on the front of the building with brick or a brick-like veneer. This is so that the building will be in harmony with the character of most building in the Mappsville area.

### **6. Screening for Neighbors**

Venture Properties VII LLC will proffer \$1,000 toward additional screening for the property located at 14077 Lankford Highway if the owner desires. It will be the responsibility of the owner to procure and use the funds to establish the buffer. Venture Properties, LLC will make every effort to work with the owner and our subcontractors during construction to install the buffers.

## **Recess**

It was the consensus of the Board to recess for 5 minutes.

## **Call to Order**

The Chair called the meeting back to order.

## **State Fire Marshall**

Dr. Miner explained and asked the Board to consider a recommended change to the County's fire inspection process. He said in the past fire inspections had been done under Mr. Fluhart's license by his staff and upon his retirement, the thought was to move this operation to the Public Safety Division. He said upon research with the small number of inspections and the likely cost to maintain the function internally it would be best to have the State take over.

Mr. C. Ray Pruitt, Interim Director of Public Safety, explained that the Department of Public Safety did not have the staff and was financially unable to bring on an additional position; that he had spoken with Mr. Rich Morrison concerning the issue and they both recommended that the Board adopt a resolution that would permit the

Virginia State Fire Marshalls Office to conduct all fire inspections in the County and responded to questions.

Dr. Miner stated the resolution had not been prepared for this meeting but would be included on the May 20<sup>th</sup> Consent Agenda for adoption.

**Bid Award-IFB 683 Grangeville Convenience Center**

Mr. Hart made a motion to approve the bid award to the low bidder Beauchamp Construction in the amount of \$409,500 for the Grangeville Convenience Center and to adopt the following Resolution. Mr. Crockett seconded the motion. The motion was unanimously approved.

**RESOLUTION TO AMEND THE FISCAL YEAR 2015 ACCOMACK COUTY BUDGET IN ORDER TO ALLOW CONSTRUCTION OF THE GRANCEVILLE CONVENIENCE CENTER**

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

**WHEREAS**, on April 8, 2014, the Board of Supervisors adopted the Accomack County Fiscal Year 2015 Budge; and

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

**WHEREAS**, staff has determined and the bids support that an additional \$325,000 is needed in addition to the current appropriation to construct the Grangeville Convenience Center; and

**WHEREAS**, staff has identified the following unbudgeted funding sources that will fill the budgetary gap created by the project shortfall;

Sources of funding:	
Return of Broadband Investment form ESVBA	\$ 75,000
Reallocation of Grangeville staffing for FY15	44,266
Budget Contingency (\$111K available)	78,447
Reallocation of I.T. appropriation for Broadband Services (no longer needed)	17,000
FEMA Funding	<u>110,287</u>
<b>Total Funding Sources</b>	<b>\$325,000</b>

**WHEREAS**, these funding sources are sufficient to allow the project to move forward if it is the desire of the Board of Supervisors; now, therefore,

**BE IT RESOLVED** by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2015 County budget be amended by \$325,000 and funds appropriated for construction of the Grangeville Solid Waste Convenience Center.

**Utility Cost Committee**

Chairman Major polled the Board to determine if it wished to invite the former Utility Cost Committee a Board of Supervisors Meeting. It was the consensus of the Board to not consider it until it was deemed necessary by the Board and upon the

response from the Town of Onancock regarding the three options from the Board after May 1, 2015.

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

Dr. Miner gave an update on recent Legislation affecting rural road additions that would go into effect July 1, 2015. He informed the Board this was a State Code and had discussed this issue with Stewart Hall. He asked the Board if they wanted to change their policy to initiate the process and when would it become effective in the County.

Ms. Major offered comments concerning Fooks Lane off of Big Pine Lane.

Ms. Major made a motion to revisit the County Policy so it would reflect the State Code. Mr. Hart seconded the motion.

A discuss ensued concerning the three roads (Calvin Drive in Texaco Town, Fooks Road, and Redwood Road behind Melfa).

The motion, as stated, was unanimously approved.

Mrs. Thornton made a motion to write a letter to the VDOT District Administrator in Suffolk thanking him and expressing the Board's appreciation for Accomack County having local representation. Mr. Hart seconded the motion. The motion was unanimously approved.

Dr. Miner discussed the Board's policy on appointments and changes concerning the term limits of those being effected.

Dr. Miner commented concerning a Town of Painter Airpark issue and a letter received from the Virginia Department of Aviation Office expressing concerns. The proposed amendments to Article II were as follows:

Article II is proposed to be amended by adding a new Paragraph II-5.1 to read as follows:

**II-5.1 Airpark: A facility requiring neither federal nor state licenses for takeoffs and landings of ultra-light and light-sport, light-utility aircraft, and associated gliders and unpowered aircraft, such aircraft not to exceed 1750 pounds empty weight.**

### **Proposed Amendments to Article III:**

**Article III is proposed to be amended by adding a new Paragraph III-4.3D to read as follows:**

#### **D. Airparks**

He asked that the process be delayed until more information could be received from the Federal Aviation Administration (FAA) and ask the Town of Painter not to act until the Director of FAA sends a letter to Mayor Campbell.



A discussion ensued concerning the proposed airpark and Dr. Miner said he would be happy to send a letter to protect the Accomack County Airport within 5 miles.

Mr. Hart made a motion for staff to send a letter to both agencies, (FAA and DOA) asking to protect the airspace within 5 miles of the Accomack County Airport and not to allow anything which would intrude into the airspace. Mr. Crockett seconded the motion. The motion was unanimously approved.

#### **Board of Supervisors Comments**

Mrs. Thornton told the Board the United States Coast Guard at Chincoteague had been cleaning up on Route 175 and made a motion for the Board to send a Resolution of Appreciation to the United States Coast Guard at Chincoteague. Mr. Wolff seconded the motion. The motion was unanimously approved.

Mr. Wolff confirmed the \$8 million had been released for the Spaceport.

Mr. Chesser made a motion that a Resolution be prepared to recognize Francine Payton and her granddaughter for picking up hundreds of bags of garbage on the Horntown Road and invite her to the next Board of Supervisors Meeting to receive the Resolution. Mr. Crockett seconded the motion. The motion was unanimously approved.

Ms. Major told the Board the Attorney General came to the Shore and met with Accomack Public Safety Director, Law Enforcement from Accomack/Northampton County, and Virginia State Police, and received a tour concerning Public Safety issues. Ms. Major talked about tobacco outlets on the north end of the Shore concerning a possibility of taxes that could be received.

#### **Budget and Appropriation Items**

Mr. Wolff made a motion to approve the following Resolution to amend Fiscal Year 2015 County Budget and Appropriate Related Funds. Mr. Chesser seconded the motion. The motion was unanimously approved.

#### **RESOLUTION TO AMEND THE FISCAL YEAR 2015 ACCOMACK COUNTY BUDGET**

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

**WHEREAS**, on April 8, 2014, the Board of Supervisors adopted the Accomack County Fiscal Year 2015 Budget; and

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

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

**BE IT RESOLVED** by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2015 County budget be amended by the amounts listed below and the same amounts appropriated for the purposes indicated.

<b>Requesting Department</b>	<b>Function</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>Amount</b>
Public Safety	Fire and Rescue	To recognize actual contributions (FYTD) received for the Line of Duty Death Memorial (LODD	Donations	\$ 20,781
Parks and Recreation	Summer Food Program	To recognize anticipated grant revenue for the Summer Food Program per the funding application.	Federal Grant	\$ 138,921
Airport	Airport	Restoration of the burial safe uncovered during recent sit work at the Airport	Contingencies	\$ 600
<b>Total</b>				<b>\$ 160,302</b>

**Payables**

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

**Closed Meeting**

Mr. Hart made a motion that the Board go into closed meeting for the following purposes pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended. Mr. Wolff seconded the motion. The motion passed unanimously.

1. Pursuant to paragraph (A) (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. The purpose of the closed meeting is to discuss an unannounced prospective business or industry opportunity recently communicated to the County Administrator.

**Open Session**

The Chair declared the meeting open to the public.

**Certification of Closed Meeting**

Mr. Crockett made a motion and seconded by Mrs. Lewis, to reconvene in Open Meeting and to Certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, that to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully

exempted from Open Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened.

Ayes:	Mrs. Thornton	Mr. Wolff	Mr. Chesser	Nays: None
	Mrs. Lewis	Mr. Crockett	Mrs. Gordy	
	Mr. Hart	Ms. Major	Mr. Gray	

**Adjournment**

Mrs. Thornton made a motion to adjourn. Mr. Crockett seconded the motion.

The motion was unanimously approved. The meeting adjourned at 11:15p.m.

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C. Reneta Major, Chair

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Date