

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 20th day of April, A.D., 2011.

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

Others Present: Steven B. Miner, County Administrator
Yvonne N. Pennell, Administrative Assistant
Mark B. Taylor, County Attorney

Call to Order

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

Adoption of the Agenda

The Chair requested the following amendment to the Agenda:

To remove Item 10b – Mr. Jody Bagwell would not be present to discuss.

Mr. Robert Crockett stated that he would still like to speak on Item 10b in the absence of Mr. Jody Bagwell.

Mrs. Gordy made a motion to approve the Agenda as amended. Mrs. Thornton seconded the motion. The motion passed unanimously.

Public Comment

The Chair read the Rules governing conduct during the Public Comment Period.

Comments concerning delinquent County real estate and personal property taxes and the collection of same according to State Code were given by Wesley Edwards

Comments of gratitude for the action the Board had taken in adopting the Business and Industrial Districts in the Accomack County Zoning Ordinances, suggestion to the Planning Commission to remove the access limitations on the Highway 13 Corridor and broadening the corridor were given by Robert Lentz, Project Coordinator, Highway 13 Beautification Project

Comments were given by Roy. S Custis concerning problems he had encountered with the Treasurer's Office following a commissioner's delinquent tax sale

It was the consensus of the board to refer the matter to the County Attorney.

Comments were given by Shirley Zamora related to Whispering Pines property and land and the reduction of number of supervisors in the County

County Attorney Mark Taylor offered comments and responded to questions regarding the Whispering Pines. It was noted that the delinquent taxes were owed by the owner

Whispering Pines Properties

Mrs. Thornton made a motion that the Treasurer be requested to turn the Whispering Pines property over to James W. Elliott, Special Commissioner, to sell those delinquent properties affiliated with the account as soon as possible to settle the \$10,512.46 owed in delinquent real estate taxes. Mrs. Gordy seconded the motion. The motion passed unanimously.

A discussion ensued.

Consideration of Minutes

Mrs. Mears made a motion to adopt the minutes of the December 6 and 15, 2010, meetings, with corrections. Mrs. Thornton seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Mears, Mrs. Gordy, Mr. Hart. Nays: None. Abstentions: Mr. Crockett, Ms. Major.

Consent Agenda

Mr. Chesser requested that Item 7 (c) be removed from the Consent Agenda for discussion.

Ms. Major made a motion to adopt the Consent Agenda as amended. Mrs. Thornton seconded the motion. The motion passed unanimously.

- a. The use of \$5,000 of E. D. 1 Drainage funds to assist the Town of Chincoteague to assist with drainage issues,
- b. The contract renewal of RFP 188 – Insurance Consultant,
- c. To schedule a Public Hearing for a proposed amendment to Chapter 82, Article III, Real Property Taxes, Division 5, Exemption for Disabled Veterans,
- d. Schedule a Public Hearing to receive public comment on the Atlantic, Craddockville, Leemont, Painter, Scarboroughs Neck, and Shields Agricultural and Forestal Districts,
- e. The following Resolution of Recognition for Rev. Jerome Lee, Jr., and

RESOLUTION OF RECOGNITION

WHEREAS, Pastor Jerome Lee, Jr. was elected the Pastor of the Shiloh Baptist Church, Boston, Virginia on May 15, 1999 and was installed in October, 1999; and

WHEREAS, Pastor Lee announced that he would be leaving the area to accept another position in Greensboro, North Carolina; and

WHEREAS, Pastor Lee has earned the affection of a host of area residents who are proud to call him Pastor and “friend”, and his dedication to the best interests of the community has won the high regard of all his associates; and

WHEREAS, under his Pastorate and during his tenure he initiated many programs at the church which are too numerous to mention here, but would include: Tuesday Noon Day bible study, was the first Pastor to travel internationally to foreign countries through the Pastoral Excellence Program-Lott Carey Foreign Mission, first Youth Summer Program, Children’s Church-First and Fourth Sundays, and first to have the world renowned group, Luther Barnes and the Sunset Jubilaires – Homecoming 2004, visit the Easter Shore:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby recognize and commend the distinguished, faithful and outstanding service of Pastor Jerome Lee, Jr. to the community of Boston, Virginia and the citizenry of the County and extends best wishes to him and his wife for a happy and successful future; and

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Minutes and be put upon a plaque to be presented to Pastor Lee.

f. The following Resolution for Watch for Children signs in the vicinity of New Church near 5037 Holland Road and in the Town of Keller

R E S O L U T I O N

BE IT RESOLVED that the Accomack County Board of Supervisors hereby request the Commissioner of the Virginia Department of Transportation or his representatives to provide, in accordance with Section 33.1.210 of the Code of Virginia, and install *Watch For Children* signs in the Town of Melfa at the described locations shown below:

TOWN OF NEW CHURCH

Near 5037 Holland Road

TOWN OF KELLER

NR North Street
First Street
Second Street
Center Avenue
Lee Street

Madison Avenue
Jefferson Avenue
West Street
Adams Crossing Road

The Accomack County Board of Supervisors also requests that these signs should be paid out of the secondary construction allocations allotted to Accomack County.

Proposed Amendment to Chapter 82, Taxation, Article IV, Transient Occupancy Tax

Finance Director Michael Mason responded to questions regarding the collection of the Transient Occupancy tax and other matters relating to same.

Mrs. Thornton made a motion to hold a Public Hearing to receive public input on a proposed amendment to Chapter 82, Article IV, Transient Occupancy Tax, Sec.82-167, Tax Levy and Rate, of the Code of Accomack County, Virginia. Mr. Crockett seconded the motion. The motion passed unanimously.

Update on Reassessment

County Assessor Brent Hurdle gave a brief update on the 2012 Reassessment and responded to questions.

A discussion ensued with Mr. Hurdle and Finance Director Mike Mason responding to questions.

FY12 District Drainage Funds

Mr. Crockett offered comments regarding the Draft Policy for District Drainage Funds for use in drainage and other projects. A discussion ensued regarding drainage projects, the amount of funds allocated for projects, and the time frame in which funds should be used. Mrs. Thornton suggested that the funds be appropriated with a time frame for usage within a 2-year basis and each district only be allowed to accumulate up to \$25,000. There was discussion regarding funding, process in which projects would be approved and changes in the draft Policy Statement.

Mr. Crockett made a motion that the name of the Draft Policy Statement be renamed to "District Projects" ; to adopt the draft policy developed by staff with certain changes and that 3(a) Amount - \$50,000 remain , that Public Works Director Stewart Hall will be responsible for prioritizing and executing projects within the incorporated towns and the County. Also, for the purpose of the policy that the Town of Chincoteague and Assateague be considered as a town and would receive 100% funding and the policy would be effective July 1, 2011, and to remove from f (ii) "prior to July 1 of a given year." Mr. Chesser seconded the motion. The motion passed unanimously.

Mr. Crockett thanked staff for the work done on the draft policy.

Appointments

Eastern Shore Resource Conservation and Development Council

Mr. Chesser informed members that he was resigning as Ex-Officio from the Eastern Shore Resource Conservation and Development Council.

Mr. Chesser made a motion to appoint Mrs. Sandra Hart Mears as Ex-Officio to the Eastern Shore Resource Conservation and Development Council. Mr. Wolff seconded the motion. The motion was unanimously approved.

Mr. Wolff made a motion to appoint Dr. Barney Selph to the Eastern Shore Resource and Conservation and Development Council to fill the unexpired term of Michael A. Starling, who has resigned, the term to begin immediately and end on December 31, 2012. Ms. Major seconded the motion. The motion passed unanimously.

Solid Waste Committee Mission and Membership Terms

Mr. Miner reminded members that the request had been made by the Board to appoint membership terms and a mission for the committee. A discussion continued. It was the consensus of members to postpone the matter until the Board meeting on May 18, 2011.

Accomack County Fire and Rescue Commission Bylaws

Mr. Crockett discussed concerns he had regarding the financial reports of the County Fire Departments, noting that upon research discovered that the County did not have a County policy requiring accountability from the County Fire Departments on certain financial reports.

A discussion ensued.

Mr. Crockett made a motion to have staff develop a County policy requiring accountability for the Fire Tax and General Fund distribution to Fire Companies. Mrs. Thornton seconded the motion. The motion passed unanimously.

Advertisement of Board's Agenda

Following discussion concerning the advertisement of the Board's regular monthly meeting agenda in the local media; Mrs. Mears requested that staff get costs associated with the advertising of the Board's regular monthly meetings to include only action items.

County Administrator's Report

County Administrator Steven B. Miner reported on the following matter (s):

Welcome Reception on April 21st at 5:00 PM at the Painter Research Station for the new Extension Director.

Mr. Hart informed members that as Vice Chair, Mrs. Gordy would be representing the Board at the Eggs and Issues at the Island House Restaurant with Delegate Lewis.

County Attorney's Report

County Attorney Mark Taylor reported on the following matter (s):

- 1) Final Resolution regarding dispute of Johnson's Landing – Quit Claim Deed from the Allen's

Mrs. Mears made a motion to adopt the following Resolution. Mrs. Thornton seconded the motion. The motion passed unanimously.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CERTAIN REAL ESTATE NEAR LEEMONT, METOMPKIN MAGISTERIAL DISTRICT, NORTH SIDE OF JOHNSON'S A LANDING ROAD (STATE ROUTE 670) FROM FRANK ALLEN AND MARY ALLEN

WHEREAS, a Deed to such property has been tendered to Accomack County, Virginia; and

WHEREAS, pursuant to the provisions of Va. Code Ann. §15.2-1803 (2003 Repl.Vol.), as amended, a County shall approve and accept conveyances of real estate to the County; and

WHEREAS, the Board of Supervisors of the County of Accomack, Virginia, deems such authorization to accept conveyance of certain real estate reasonable and necessary:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ACCOMACK, VIRGINIA, AS FOLLOWS:

1. That the Board of Supervisors by reason of the foregoing recitations, and pursuant to the provisions of Va. Code Ann. §15.2-1803 (2003 Repl.Vol.), as amended, hereby authorizes the acceptance of conveyance of the hereinafter described real property.

2. That Frank Allen and Mary Allen desire to convey the property near Leemont, Metompkin Magisterial District, Accomack County, Virginia, on the North side of Johnson's Landing Road (State Route 670) to Accomack County, Virginia, a political

subdivision of the Commonwealth of Virginia, by a Quitclaim Deed with General Warranty and English Covenants of Title, for an in consideration of the sum of One Dollar (\$1.00), the following described real estate:

Description: ALL that certain land situate in Metompkin Magisterial District, Accomack County, Virginia, near Leemont, being situate South of those lines identified as “existing board fence” running Northwest and Northeast from “utility pole ANEC 2400815,” and from the Northeast end of such “existing board fence” running to the East along the North side of Johnson’s Landing Road (State Route 670), to the point indicated by an arrow as “approximate end [sic] of S.R. 670,” on a certain plat of survey entitled, “Various Lines Surveyed at the Request of Edward F. Allen located near Leemont, Metompkin District, Accomack County, Virginia,” by Shore Engineering Company, Inc., dated January 13, 1998, and recorded in the Clerk’s Office of the Circuit Court for Accomack County, Virginia, in Plat Book _____, at Page _____, said lot or parcel further identified on said plat as “currently being used as a landing by County of Accomack.” Said property is further identified for real estate tax purposes as Tax Map No. 77-A-23.

BEING a portion of the property conveyed unto Edward F. Allen and Muriel M. Allen, husband and wife, by Deed dated March 27, 1987, from Philip Dieffenbach, and others, and recorded in the Clerk’s Office of the Circuit Court for Accomack County, Virginia, in Deed Book 519, at Page 780; and further conveyed from Edward F. Allen and Muriel M. Allen, husband and wife, to Frank Allen and Mary Allen, husband and wife, as Parcel 2, by Deed dated April 1, 1997, and recorded in the aforesaid Clerk’s Office in Deed Book 737, at Page 643.

TOGETHER with all the rights, privileges and appurtenances thereunto belonging or otherwise appertaining.

SUBJECT to valid recorded easements, covenants, reservations and restrictions in the chain of title to the property hereby conveyed which have not expired by limitation of time contained therein or otherwise become ineffective.

IT is the intention of the Grantors herein to quitclaim, convey, release and grant any and all interest, if any, to the property herein described and any and all property which the Grantors claim in the matter of Frank Allen and Mary Allen v. Gerald Sellars, Mary Sellars and the County of Accomack, Virginia (Accomack County Circuit Court Case No. 10-CL439) is wrongfully occupied by the Grantees.

TOGETHER WITH all the rights, privileges, appurtenances, and rights of way thereunto belonging or in anywise appertaining.

3. That this Resolution shall be recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia, accepting the conveyance of such real estate to the County of Accomack, Virginia, in accordance herewith to effectuate the intent of this Resolution.

4. That Steven B. Miner, County Administrator, shall be authorized to sign such documents as may be necessary to effectuate receipt of said property.

5. This Resolution shall become effective upon its adoption.

6. Should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, the remainder of such Resolution shall not be affected thereby.

FYI Only - Draft of Ordinance Amendments necessary to proceed with the advertisement of the Redistricting maps as finalized with Tom Brockenbrough, GIS Coordinator.

It was the consensus of members to have the redistricting maps available for the public at the Public Hearing and to have staff available to answer questions.

Supervisors Comment Period

After hearing information provided by Ms. Major concerning an issue discussed at a Painter Town Council meeting, it was the consensus of the Board to ask the Solid Waste Committee to look into the disposal of asbestos and non-friable shingles.

Mrs. Thornton requested that the Board adopt a Resolution at its next meeting to request VDOT to place shoulders and complete a traffic safety study on the Chincoteague Causeway.

Mr. Crockett requested an activity report from the lobbyists from the time its services began to date and each month thereafter.

Mr. Chesser addressed concerns regarding earlier discussion concerning minority districts and reducing the number of Supervisors on the Board.

Mrs. Mears made a motion that the rules be suspended during the Supervisor's comment period to vote on a matter of importance. Mr. Crockett seconded. The motion passed unanimously.

Mrs. Mears made a motion that the Board Chair and County Administrator be authorized to write letters of concern to those Virginia counties that suffered storm damage from recent tornados. Mr. Wolff seconded the motion. The motion passed unanimously.

Mr. Wolff briefed members about the regular meeting he held at the Marina Club at Captains Cove.

Budget and Appropriation Items

Mrs. Mears made a motion to approve the following budget and appropriation items. Mr. Wolff seconded the motion. The motion passed unanimously.

FISCAL YEAR 2011

From Contingencies (As of 03/25/11: \$171,576 Remaining in regular operating contingency/\$196,470 in Capital contingencies)

Decrease Contingency	
Capital Contingency	\$ 3,540
Increase Expenditures	
Planning	\$ 3,540
Software to aid in redistricting process	
Decrease Contingencies	
Operating Contingency	\$ 5,000
Increase Expenditures	
Legal Services	\$ 5,000
Arbitration costs	\$ 5,000

Other

Increase Revenues	
Garage Recoveries	\$ 23,000
Increase Expenditures	
Solid Waste	\$ 23,000
Public Works Garage interdepartmental service recoveries	
Increase Revenues	
Miscellaneous Recoveries	\$ 32,244
Increase Expenditures	
Contingencies	\$ 15,815
Translator TV	\$ 9,809
Sheriff	\$ 6,620
<u>Grants, Etc.</u>	
Decrease Revenues	
From the Federal Government	\$ 33,383
From the Commonwealth	\$ 5,142
Decrease Expenditures	
Social Services	\$ 38,525
State Budget Adjustment	
Increase Revenues	
Contributions to Fire and Rescue Companies	\$ 1,000
Increase Expenditures	
Fire Training Services	\$ 1,000
Public Pooled company training funds administered by the Public Safety Department	

Payables

Mrs. Mears made a motion to authorize the payment of invoices. Ms. Major seconded the motion. The motion passed unanimously.

Recess

By consensus of the Board, the Chair recessed the meeting until 7:30PM.

Call to Order

The Chair called the meeting back to order.

Public Hearings

The County Attorney read the rules governing conduct during public hearings.

Locustville, Pungoteague, and Tasley Agricultural & Forestal Districts

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning Locustville, Pungoteague, and Tasley Agricultural & Forestal Districts.

No public comments were offered.

Mr. Rob Testerman, Land Use Planner, gave a brief presentation regarding the Districts.

Locustville Agricultural and Forestal District

Mr. Crockett made a motion to adopt the following Resolution. Mrs. Mears seconded the motion. The motion passed unanimously.

RESOLUTION OF ADOPTION

LOCUSTVILLE AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE

WHEREAS, it is the policy of the Board of Supervisors to conserve, protect and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, shellfish and fisheries production, watershed protection, wildlife habitat, and aesthetic purposes, through a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the County's economy and as an economic and environmental resource of major importance; and

WHEREAS, the Board of Supervisors is authorized pursuant to §§ 15.2-4300, *et seq.*, VA Code Ann., to create agricultural, forestal or agricultural and forestal districts; and

WHEREAS, the Board of Supervisors established the Locustville Agricultural and Forestal District for a period of four years beginning January 19, 1983; and

WHEREAS, the Locustville Agricultural and Forestal District has been renewed every four years since 1983 and the Board of Supervisors has requested the Agricultural

and Forestal District Advisory Committee and Planning Commission to review and make recommendations on renewal of the district in 2011; and

WHEREAS, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

WHEREAS, the Agricultural and Forestal District Advisory Committee reviewed the Locustville Agricultural and Forestal District on February 23, 2011, and recommended continuation of the district with the modification of properties within the district and the modification of the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007; and

WHEREAS, the Planning Commission advertised a Public Meeting with the landowners in the Locustville Agricultural and Forestal District, and the Public Meeting was held by the Planning Commission on March 9, 2011, and the Planning Commission recommended continuation of the district with the modification of properties within the district and the modification of the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007; and

WHEREAS, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on April 9, 2011 and April 13, 2011, and a Public Hearing was held by the Board of Supervisors on April 20, 2011; and

WHEREAS, the landowners in the Locustville Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the March 9, 2011, Planning Commission Public Meeting and the April 20, 2011, Board of Supervisors Public Hearing, and provided the following information regarding the proposed modification of properties in the district and the proposed modifications to the district conditions: copy of the proposed Locustville Agricultural and Forestal District Ordinance, including a list of properties in the district, a copy of the Accomack County Agricultural and Forestal District Ordinance, and a copy of the current district ordinance; and

WHEREAS, the proposed ordinance will further the public health, safety and welfare of citizens of Accomack County;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Accomack County does hereby enact the attached Locustville Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

Pungoteague Agricultural and Forestal District

Mr. Hart made a motion to adopt the following Resolution. Miss Major seconded the motion. The motion passed unanimously.

RESOLUTION OF ADOPTION

PUNGOTEAGUE AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE

WHEREAS, it is the policy of the Board of Supervisors to conserve, protect and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products and to conserve and protect agricultural and forestal lands as valued natural and ecological

resources which provide essential open spaces for clean air sheds, shellfish and fisheries production, watershed protection, wildlife habitat, and aesthetic purposes, through a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the County's economy and as an economic and environmental resource of major importance; and

WHEREAS, the Board of Supervisors is authorized pursuant to §§ 15.2-4300, *et seq.*, VA Code Ann., to create agricultural, forestal or agricultural and forestal districts; and

WHEREAS, the Board of Supervisors established the Pungoteague Agricultural and Forestal District for a period of four years beginning January 19, 1983; and

WHEREAS, the Pungoteague Agricultural and Forestal District has been renewed every four years since 1983 and the Board of Supervisors has requested the Agricultural and Forestal District Advisory Committee and Planning Commission to review and make recommendations on renewal of the district in 2011; and

WHEREAS, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

WHEREAS, the Agricultural and Forestal District Advisory Committee reviewed the Pungoteague Agricultural and Forestal District on February 23, 2011, and recommended continuation of the district with the modification of properties within the district and the modification of the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007; and

WHEREAS, the Planning Commission advertised a Public Meeting with the landowners in the Pungoteague Agricultural and Forestal District, and the Public Meeting was held by the Planning Commission on March 9, 2011, and the Planning Commission recommended continuation of the district with the modification of properties within the district and the modification of the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007; and

WHEREAS, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on April 9, 2011 and April 13, 2011, and a Public Hearing was held by the Board of Supervisors on April 20, 2011; and

WHEREAS, the landowners in the Pungoteague Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the March 9, 2011, Planning Commission Public Meeting and the April 20, 2011, Board of Supervisors Public Hearing, and provided the following information regarding the proposed modification of properties in the district and the proposed modifications to the district conditions: copy of the proposed Pungoteague Agricultural and Forestal District Ordinance, including a list of properties in the district, a copy of the Accomack County Agricultural and Forestal District Ordinance, and a copy of the current district ordinance; and

WHEREAS, the proposed ordinance will further the public health, safety and welfare of citizens of Accomack County;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Accomack County does hereby enact the attached Pungoteague Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include

the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

Tasley Agricultural and Forestal District Ordinance

Mrs. Gordy made a motion to adopt the following Resolution. Mr. Crockett seconded the motion. The motion passed unanimously.

RESOLUTION OF ADOPTION

TASLEY AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE

WHEREAS, it is the policy of the Board of Supervisors to conserve, protect and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, shellfish and fisheries production, watershed protection, wildlife habitat, and aesthetic purposes, through a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the County's economy and as an economic and environmental resource of major importance; and

WHEREAS, the Board of Supervisors is authorized pursuant to §§ 15.2-4300, *et seq.*, VA Code Ann., to create agricultural, forestal or agricultural and forestal districts; and

WHEREAS, the Board of Supervisors established the Tasley Agricultural and Forestal District for a period of four years beginning January 19, 1983; and

WHEREAS, the Tasley Agricultural and Forestal District has been renewed every four years since 1983 and the Board of Supervisors has requested the Agricultural and Forestal District Advisory Committee and Planning Commission to review and make recommendations on renewal of the district in 2011; and

WHEREAS, the Board of Supervisors adopted the Accomack County Agricultural and Forestal District Ordinance on May 16, 2007, with the intent of incorporating the provisions of this ordinance in the creation of any new Agricultural, Forestal or Agricultural and Forestal districts and to include its provisions in each of the existing districts as they come up for renewal; and

WHEREAS, the Agricultural and Forestal District Advisory Committee reviewed the Tasley Agricultural and Forestal District on February 23, 2011, and recommended continuation of the district with the modification of properties within the district and the modification of the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007; and

WHEREAS, the Planning Commission advertised a Public Meeting with the landowners in the Tasley Agricultural and Forestal District, and the Public Meeting was held by the Planning Commission on March 9, 2011, and the Planning Commission recommended continuation of the district with the modification of properties within the district and the modification of the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007; and

WHEREAS, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on April 9, 2011 and April 13, 2011, and a Public Hearing was held by the Board of Supervisors on April 20, 2011; and

WHEREAS, the landowners in the Tasley Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the March 9, 2011, Planning

Commission Public Meeting and the April 20, 2011, Board of Supervisors Public Hearing, and provided the following information regarding the proposed modification of properties in the district and the proposed modifications to the district conditions: copy of the proposed Tasley Agricultural and Forestal District Ordinance, including a list of properties in the district, a copy of the Accomack County Agricultural and Forestal District Ordinance, and a copy of the current district ordinance; and

WHEREAS, the proposed ordinance will further the public health, safety and welfare of citizens of Accomack County;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Accomack County does hereby enact the attached Tasley Agricultural and Forestal District Ordinance to continue such district and modify the district conditions to include the provisions of the Accomack County Agricultural and Forestal District Ordinance adopted on May 16, 2007.

Public Hearing on Chincoteague Elementary Gymnasium

Mr. Wayne Burton, Parks and Recreation Manager, reviewed with the Board cost estimates which were received for repairs to the former Chincoteague school gymnasium and responded to questions.

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or present written comments concerning the intention of the Board of Supervisors to Convey Real Property known as Chincoteague Elementary Gymnasium located on Chincoteague, Accomack County, Virginia.

The Chair recognized members of the Chincoteague Town Council in attendance.

Comments of support were given by:

John Jester
Ellen Richardson
Terry Howard

The Chair closed the Public Hearing.

A general discussion took place with Mr. Burton responding to questions.

Mr. Gray made a motion to give the building and land to the Town of Chincoteague and adopt the following Resolution. Mrs. Thornton seconded the motion.

RESOLUTION OF THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA, RELATIVE TO CONVEYING REAL PROPERTY KNOWN AS CHINCOTEAGYE ELEMENTARY GYMNASIUM, LOCATED ON CHINCOTEAGUE, ACCOMACK COUNTY, VIRGINIA

WHEREAS, by Deed dated August 8, 2007, and recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, as Instrument No. 2007 05588, Accomack County received from the County School Board of Accomack County, Virginia, certain real estate situate on Chincoteague, known as the Chincoteague Gym property located on Chincoteague Island, Accomack County, Virginia, Tax Map No. 030A5A000036900; and

WHEREAS, Accomack County desires to convey said real estate to the Town of Chincoteague; and

WHEREAS, Accomack County authorizes the County Administrator to sign the Deed and any other necessary documents to convey said property as above described.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ACCOMACK COUNTY, VIRGINIA, that the County Administrator sign the Deed and any other necessary documents to convey the Chincoteague Gymnasium Property, Chincoteague, Accomack County, Virginia, to the Town of Chincoteague. Said property more fully described and set out in said Deed.

BE IT SO RESOLVED THIS 20TH DAY OF April, 2011.

A discussion ensued.

Mrs. Gordy amended the motion to include that the building remain as a recreational facility, that it not be sold, but revert back to the County should it cease being used as recreational facility.

Mr. Wolff made a substitute motion that the County complete the necessary repairs to the building, retain ownership and that at a later time, discuss the option of having the Town staff the facility. Mrs. Mears seconded the motion. Ayes: Mr. Wolff, Mr. Hart. Nays: Mrs. Thornton, Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Crockett, Mrs. Gordy, Ms. Major.

The original motion, as amended, passed unanimously.

Closed Meeting

Mr. Wolff 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. Mrs. Mears seconded the motion. The motion passed unanimously.

- a. Pursuant to subsection (A) (1) for discussion or consideration, of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, and
- b. Pursuant to subsection (A) (7) for consultation and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Open Session

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Wolff made a motion, seconded by Mrs. Mears, 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. Gray	Mrs. Gordy
Mr. Wolff	Mrs. Mears	Mr. Hart
Mr. Chesser	Mr. Crockett	Miss Major

Nays: None

County Attorney's Contract

Mr. Wolff made a motion to renew the County Attorney's contract with one (1) specific amendment. Mrs. Gordy seconded the motion.

A discussion ensued regarding the contract and matters relating to comp time.

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

Adjournment

Mrs. Thornton made a motion to adjourn the meeting to May 12, 2011 at 7:30PM in the Board Chambers. Mrs. Mears seconded the motion. The motion passed unanimously. The meeting adjourned at 9:30PM.

Chair