

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of

Accomack held in the Board Chambers in Accomac on the 18th day of

May, A.D., 2011.

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

Member Absent: John Charles "Jack" Gray

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 with a prayer by Rev. Donald Broad, after which the Pledge of Allegiance to the Flag was recited.

### **Comments from the Chair**

The Chair apprised Board members that a total of seventeen (17) letters had been written to the Counties in Virginia that had suffered storm damage. He commented on the positive feedback that had been received. He also shared the traumatic experience he had encountered enroute to a VACo meeting while traveling through Washington County that had been more recently affected by the tornado.

### **Adoption of the Agenda**

The Chair requested the following amendment to the Agenda.

Remove 6 – Consideration of Minutes

Add 7 (a) (2) – Consider the use of \$6,500 each to the Towns of Melfa, Keller and Wachapreague from the E.D. 8 Drainage fund to assist with drainage issues

Add 7 (e) (3) – Consider requesting a traffic study for Atlantic Road

7 (e) (1) – Change the word "speed" to "safety"

Mr. Wolff made a motion to approve the Agenda, as amended. Mrs. Mears seconded the motion. The motion passed unanimously.

### **Public Comment**

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

The following person extended an invitation to the Board, County employees, and those in attendance to a Health Fair on June 11, 2011 and to learn about Emergency Preparedness:

Tim Gaddak, Member of CERT - Captains Cove – Greenbackville, VA

The following person offered comments regarding delinquent property tax collections in Accomack County:

Wesley Edwards

The following person offered comments concerning lobbyist services in the County:

Robert Gresham

The following person appeared before the Board to request a resolution from the Board regarding payment of taxes no longer owed for property purchased at a County auction.

Roy Custis

County Attorney Mark Taylor responded to questions related to Mr. Custis' matter.

Miss Major made a motion to request that the Treasurer acknowledge to Mr. Roy S. Custis that the real estate taxes have been paid through February 4, 2010, for property he and his wife purchased at the commissioners delinquent tax sale held on February 4, 2010, that no additional taxes are owed and neither are any additional fees due from Mr. Custis as stated in the law. Mrs. Gordy seconded the motion.

A discussion took place with Mrs. Bundick responding to questions.

The motion, as stated, passed unanimously with Mr. Gray absent.

### **Announcement of the Chair**

Mr. Hart informed members that Mr. Gray was detained out of town and was unable to return for the meeting and had requested any controversial issues be postponed until he could be present.

### **Consent Agenda**

Mrs. Thornton made a motion to approve the following items under the Consent Agenda. Mrs. Mears seconded the motion. The motion passed unanimously.

- a. The use of \$7,000 each to the Towns of Onley and Onancock from the E. D. 7 Drainage to assist with drainage issues
- b. To award RFP 239 for Financial Auditing Services to Robinson, Farmer, Cox Associates for the provision of financial auditing services for fiscal years ending June 30, 2011, 2012, and 2013 in accordance with provisions of RFP 239 which also allows for renewals for two (2) consecutive fiscal years. Authorize the County Administrator to execute the contract
- c. To schedule a Public Hearing to receive public comments regarding the proposed Secondary Six-Year Plan for fiscal years 2011-2012 to 2012-2017 and Improvement Priorities for fiscal year 2011-2012
- d. Adopted the following proclamation proclaiming May 21 through May 27, 2011 as National Safe Boating Week

**PROCLAMATION  
PROCLAIMING  
MAY 21 THROUGH MAY 27, 2011  
As  
NATIONAL SAFE BOATING WEEK**

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical “Rules of the Road,” drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly NOT the smart thing to do, are all examples of human error or a lack of proper judgment. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

**Whereas**, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

**Whereas**, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

**Whereas**, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

**Whereas**, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today’s boating public and

**Whereas**, U.S. Coast Guard Auxiliary Flotilla 12-02 Painter, and Flotilla 12-06 Chincoteague provides safe boating instruction for persons of all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur.

**Therefore**, we, the Accomack County Board of Supervisors, do hereby support the goals of the North American Safe Boating Campaign and proclaim May 21-27, 2011, as National Safe Boating Week and the start of the year-round effort to promote safe boating. And we encourage all boaters to wear their life jackets, boat responsibly, and enroll in a safe boating class.

**In Witness Whereof**, we urge all those who boat to “Boat Smart. Boat Safe. Wear it.” and practice safe boating habits.

- e. Request the Virginia Department of Transportation to:
  - 1. Conduct a safety study on the Chincoteague Causeway, and
  - 2. The placement of shoulders on the Causeway
- f. The use of \$6500 each to the Towns of Melfa, Keller, and Wachapreague from the E.D. 8 Drainage fund to assist with drainage issues
- g. Request VDOT to conduct a traffic study on Atlantic Road in Atlantic

**Summary Financial Report for the 3<sup>rd</sup> Quarter**

Finance Director Michael Mason presented the Summary Financial Report for the 3<sup>rd</sup> Quarter of Fiscal Year 2011, and responded to questions.

### **Alcade & Fay, LTD – Contract for Services**

Mr. Miner briefly updated the Board on the contractual services which the Board had entered into with Alcade and Fay, LTD for lobbying services in November for a 6-month period, and stated the Board did not have funds for the services in the upcoming budget. Mr. Miner relinquished the floor to Mr. Rob Catron for a presentation.

Mr. Catron gave a brief presentation and updated members on several lobbying issues the firm was presently involved with, and responded to questions.

A lengthy discussion ensued.

Miss Major made a motion to postpone the issue until the regular June meeting to allow full Board participation. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Gray absent.

### **Publication of the Board's Agenda**

Mr. Miner referred to and discussed the mock agendas for the Board's review and the estimates given by the Eastern Shore News and the Eastern Shore Post for advertising of the Board's Agenda.

A discussion took place regarding other possible options for making the agenda available for the public.

Mrs. Mears made a motion to postpone the issue until the regular June meeting. Mr. Crockett seconded the motion. The motion passed unanimously with Mr. Gray absent.

### **Capital Improvement Plan (CIP)**

Mr. Michael Mason informed members that the Planning Commission had held a Public Hearing on the FY 12-16 Capital Improvement Plan and explained the next step the Board would have to take.

Mr. Mason referred to the information provided members and briefly discussed same and responded to questions.

A brief discussion continued.

### **National Safe Boating Week**

Mr. Hart recognized guests who had arrived and invited them to speak on behalf of the National Safe Boating Week.

John Kerry, Platoon Commander gave a brief overview the mission of the Coast Guard and introduced several persons who had accompanied him and thanked the Board for Proclaiming May 21 through May 27, 2011 as National Safe Boating Week.

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

Mr. Miner gave a brief update on several matters concerning the fire tax issue and the changes resultant from the proposed new district lines. A discussion ensued with the County Attorney responding to questions.

#### **Recess**

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

#### **Call to Order**

The Chair called the meeting back to order.

#### **Public Hearings**

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

#### **Atlantic, Craddockville, Leemont, Painter, Scarboroughs Neck, and Shields Agricultural & Forestal Districts**

Mr. Rob Testerman, Land Use Planner, gave a brief presentation regarding the Atlantic, Craddockville, Leemont, Painter, Scarborough Neck and Shields Agricultural & Forestal District and recommended the continuation of the Atlantic, Craddockville, Leemont, Painter, Scarborough Neck, and Shields Agricultural and Forestal Districts, with modifications.

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Atlantic, Craddockville, Leemont, Painter, Scarboroughs Neck, and Shields Agricultural & Forestal Districts.

No public comments were offered.

Mrs. Mears stated that because she was a property owner in the Leemont Ag & Forestal District, she was disqualifying herself from taking action on the matter and had submitted Conflict of Interests Disclosure.

The Chair closed the Public Hearing.

## **Atlantic Agriculture & Forestal District**

Mr. Wolff made a motion to adopt the following Resolution approving the Atlantic Agricultural & Forestal District. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Gray absent.

### **RESOLUTION OF ADOPTION**

#### **ATLANTIC 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 Atlantic Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Atlantic 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 Atlantic 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 Atlantic Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on April 13, 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 May 4, 2011, and May 11, 2011, and a Public Hearing was held by the Board of Supervisors on May 18, 2011; and

**WHEREAS**, the landowners in the Atlantic Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the April 13, 2011, Planning Commission Public Meeting and the May 18, 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 Atlantic 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 Atlantic 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.

**Craddockville, Painter, Scarboroughs Neck and Shields Agricultural and Forestal Districts**

Miss Major made a motion to adopt the following Resolutions approving the Craddockville, Painter, Scarboroughs Neck and Shields Agricultural and Forestal Districts. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Gray absent.

**RESOLUTION OF ADOPTION**

**CRADDOCKVILLE 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 Craddockville Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Craddockville 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 Craddockville 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 Craddockville Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on April 13, 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 May 4, 2011, and May 11, 2011, and a Public Hearing was held by the Board of Supervisors on May 18, 2011; and

**WHEREAS**, the landowners in the Craddockville Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the April 13, 2011, Planning Commission Public Meeting and the May 18, 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 Craddockville 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 Craddockville 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.

#### **RESOLUTION OF ADOPTION**

#### **PAINTER 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 Painter Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Painter 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 Painter 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 Painter Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on April 13, 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 May 4, 2011, and May 11, 2011, and a Public Hearing was held by the Board of Supervisors on May 18, 2011; and

**WHEREAS**, the landowners in the Painter Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the April 13, 2011, Planning Commission Public Meeting and the May 18, 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 Painter 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 Painter 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.

#### **RESOLUTION OF ADOPTION**

#### **SCARBOROUGH'S NECK 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 Scarboroughs Neck Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Scarboroughs Neck 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 Scarboroughs Neck 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 Scarboroughs Neck Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on April 13, 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 May 4, 2011, and May 11, 2011, and a Public Hearing was held by the Board of Supervisors on May 18, 2011; and

**WHEREAS**, the landowners in the Scarboroughs Neck Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the April 13, 2011, Planning Commission Public Meeting and the May 18, 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 Scarboroughs Neck 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 Scarboroughs Neck 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.

## RESOLUTION OF ADOPTION

### SHIELDS 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 Shields Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Shields 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 Shields 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 Shields Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on April 13, 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 May 4, 2011, and May 11, 2011, and a Public Hearing was held by the Board of Supervisors on May 18, 2011; and

**WHEREAS**, the landowners in the Shields Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the April 13, 2011, Planning Commission Public Meeting and the May 18, 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 Shields 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 Shields 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.

**Leemont Agricultural and Forestal District**

Mr. Wolff made a motion to adopt the following Resolution approving the Leemont Agricultural and Forestal District. Mr. Crockett seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Crockett, Mrs. Gordy, Mr. Hart, Miss Major. Nays: None. Abstentions: Mrs. Mears. Absent: Mr. Gray absent.

**RESOLUTION OF ADOPTION**

**LEEMONT 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 Leemont Agricultural and Forestal District for a period of four years beginning June 1, 1983; and

**WHEREAS**, the Leemont 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 Leemont 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 Leemont Agricultural and Forestal District and the Public Meeting was held by the Planning Commission on April 13, 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 May 4, 2011, and May 11, 2011, and a Public Hearing was held by the Board of Supervisors on May 18, 2011; and

**WHEREAS**, the landowners in the Leemont Agricultural and Forestal District were notified, by First Class Mail postage pre-paid, regarding the April 13, 2011, Planning Commission Public Meeting and the May 18, 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 Leemont 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 Leemont 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.

#### **Proposed Amendment to Fiscal 2010-2011 Budget**

County Administrator Steve Miner briefed Board members on the proposed Amendment to Fiscal 2010-2011 Budget.

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 2010-2011 Budget to acknowledge receipt of Transportation Partnership Opportunity grant funds.

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

Mr. Wolff made a motion to budget and appropriate \$3,427,412 to Economic Development to recognize receipt of Transportation Opportunity Grant award to develop an unrestricted height corridor along public roadways utilized by the Mid-Atlantic Spaceport (MARS). Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Gray absent.

#### **Disposal of Real Property at Johnson's Landing**

County Attorney Mark Taylor briefed the Board regarding the Johnson Landing matter and the Quitclaim deed given to the County from the Allens. He advised that an ongoing survey was being worked out with the Allen's Attorney.

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the disposal of real property at Johnson's Landing deeded from the Allens.

No public comments were offered.

The Chair closed the Public Hearing.

Mrs. Mears made a motion to adopt the following Resolution, to authorize the County Administrator to execute the Quitclaim Deed, authorize the author giving a Quitclaim to Marguerite Hopkins the same rights less and except an easement giving the County the right to the continued use and maintenance of Johnson's Landing. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Gray absent.

**Proposed Amendment to Chapter 82, Taxation, Article IV, Transient Occupancy Tax, Sec. 82-167, Tax Levy and Rate, of the Code of Accomack County, Virginia**

The Chair read the rules governing conduct during Public Hearing.

County Attorney Mark Taylor gave an overview related to the proposed amendment.

A discussion ensued.

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 Chapter 82, Taxation, Article IV, Transient Occupancy Tax, Sec. 82-167, Tax Levy and Rate, of the Code of Accomack County, Virginia

Comments of support were offered by:

Lisa LaMontange, Chair, E. S. Virginia Tourism Commission  
Steve Potts, Vice Chair, E. S. of Virginia Tourism Commission  
Sandra Fox, representing the E. S. Bed and Breakfast Association  
Robert Lentz  
Lois Cooper  
Donna Bozza – Director of E. S. Tourism Commission  
Lynn Lochen - Chesapeake, VA – representing the Virginia Tourism Cooperation , State Tourism Agency in Richmond

The Chair closed the Public Hearing.

Mrs. Thornton made a motion to adopt effective July 1, 2011, the proposed amendment to Chapter 82-167. Tax Levy and Rate Article IV, Transient Occupancy Tax, Sec. 82-167, and Rate, of the Code of Accomack County, VA.

There is levied and imposed, in addition to all other taxes and fees of every kind now imposed by law, on each and every transient a tax equivalent to two percent of the total

amount paid for room rental by or for any such transient to any hotel or travel campground, not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism and travel. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Gray absent.

Mrs. Thornton made a motion to adopt the 5% Transient Occupancy Tax with the excess 3% to go to Tourism effective July 1, 2011. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Gray absent.

**AN ORDINANCE TO AMEND CHAPTER 82, TAXATION, ARTICLE IV,  
TRANSIENT OCCUPANCY TAX, SEC. 82-167, TAX LEVY AND RATE,  
OF THE ACCOMACK COUNTY CODE**

**WHEREAS**, the Board of Supervisors of Accomack County finds that §58.1-3819 of the Code of Virginia, 1950, as amended, enables localities including Accomack County to provide, by Ordinance, the ability to a transient occupancy tax not to exceed five percent (5%), with any excess over two percent (2%) to be designated and spent solely for tourism, as defined in said Code Section; and

**WHEREAS**, the Board of Supervisors finds that the Accomack County Code is in need of updating to conform to the updated version of said Virginia Code.

**WHEREAS**, the Board of Supervisors of Accomack County is, therefore, desirous of amending Accomack County Code, Chapter 82, Taxation, Article IV, Transient Occupancy Tax, Sec. 82-167, Tax Levy and Rate, in accordance with Virginia Code §58.1-3819.

**NOW, THEREFORE, BE IT ORDAINED** by the Accomack County Board of Supervisors this 18th day of May, 2011, that Accomack County Code, Chapter 82, Taxation, Article IV, Transient Occupancy Tax, Sec. 82-167, Tax Levy and Rate, of the Accomack County is hereby enacted as follows: **Chapter 82**

**TAXATION**

**ARTICLE IV. TRANSIENT OCCUPANCY TAX**

**Sec. 82-167. Tax Levy and Rate.**

There is levied and imposed, in addition to all other taxes and fees of every kind now imposed by law, on each and every transient a tax not to exceed five percent of the total amount paid for room rental by or for any such transient to any hotel or travel campground and any excess over two percent shall be designated and spent solely for tourism and travel.

(Ord. of 8-21-1996(1) – 2003; 2011)

State law references: Similar provisions, Code of Virginia, §58.1-3819.  
This Ordinance is effective July 1, 2011.

Mr. Hart informed members of his visit to the Welcome Center and expressed compliments to staff as to how hospitable and knowledgeable they were.

He offered comments to Ms. Lynn Lochen concerning how productive the meeting was with staff and State representatives and requested to be invited should another meeting be held while he was Chair.

**Proposed Amendment to Chapter 82, Article III, Real Property Taxes, Division 5. Exemption for Disabled Veterans**

County Attorney Mark Taylor briefed Board members regarding the proposed amendment and staff's recommendation to consider the ordinance.

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a Proposed amendment Chapter 82, Article III, Real Property Taxes, Division, Exemption for Disabled Veterans.

Comments were offered by Betty Reed of Onley, VA, – Surviving spouse of a veteran questioned the date of January 1, 2011 for spouses to qualify for the tax exempt status.

Mr. Hart recommended that Mrs. Reed contact her State representatives.

The Chair closed the Public Hearing.

Mr. Crockett made a motion to adopt the following Ordinance amendment. Mrs. Mears seconded the motion. The motion passed unanimously with Mr. Gray absent.

Mr. Hart made a motion that the County Administrator and County Attorney write to Delegate Lynwood Lewis and Senator Ralph Northam to discuss the January 1, 2011 date for spouses qualifying for tax exempt status. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Gray absent.

**AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE III,  
REAL PROPERTY TAXES,  
DIVISION 5. EXEMPTION FOR DISABLED VETERANS  
SEC. 82-160 AND SEC. 82-161,  
OF THE ACCOMACK COUNTY CODE**

**WHEREAS**, the Board of Supervisors of Accomack County finds that the Accomack County Code needs to be amended to update said Ordinance pursuant to legislation passed in the 2011 session of the Virginia Legislature to add an exemption for disabled veterans, pursuant to Virginia Code §§ 58.1-3219.5 and 58.1-3219.6, 1950, as amended; and

**WHEREAS**, the Board of Supervisors is of the opinion that the Accomack County Code governing Real Property Taxes should be amended so as to keep updated with said Virginia Code §§ 58.1-3219.5 and 58.1-3219.6, 1950, as amended.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Accomack County Board of Supervisors this 18th day of May, 2011, that Chapter 82, Article III, Real Property Taxes, Division 5. Exemption for Disabled Veterans, of the Accomack County Code is hereby amended as follows:



**ARTICLE III. REAL PROPERTY TAXES**  
**Division 5. Exemption for Disabled Veterans**

**Sec. 82-160. Exemption from Taxes on Property for Disabled Veterans.**

Pursuant to Article X, Section 6-A of the Constitution of Virginia, the General Assembly has exempted from taxation the real property, including the joint real property of husband and wife, occupied as the principal place of residence of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected permanent and total disability.

(b) The surviving spouse of a veteran eligible for the exemption set forth in this Article shall also qualify for such exemption, so long as the death of the eligible veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property occupied as the qualifying veteran's principal place of residence as the spouse's principal place of residence.

(c) This exemption from real property taxes shall apply to the qualifying dwelling pursuant to this section, and shall provide for the exemption from real property taxes the land, not exceeding one acre, upon which it is situated.

**Sec. 82-161. Application for Exemption.**

The veteran or surviving spouse claiming the exemption under this article shall file with the Commissioner of the Revenue of Accomack County, or such other officer as may be designated by the governing body in which the real property is located, on forms to be supplied by the County, an affidavit or written statement (i) setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property, (ii) indicating whether the real property is jointly owned by a husband and wife, and (iii) certifying that the real property is occupied as the veteran's principal place of residence. The veteran shall also provide documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent service-connected, permanent, and total disability. The veteran shall be required to refile the information required by this section only if the veteran's principal place of residence changes. In the event of a surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide documentation that the veteran's death occurred on or after January 1, 2011.

That an emergency exists and this act is in force from its passage.

This Ordinance is effective immediately.

**County Administrator's Report**

Mr. Miner informed members that staff was continuing to work on the document for the Fire and Rescue Accountability Report.

He told members about an article in the "Washington Post" on the Eastern Shore clams.

**Board of Supervisors Comment Period**

Mr. Chesser told members that he had received a call from one of his constituents to tell him that while passing through Accomac on Sunday observed County Attorney Mark Taylor at work.

Mrs. Mears made a motion that the rules be suspended to vote on the NACo Dental Program. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Gray absent.

Mrs. Mears made a motion to have the County Administrator apply to participate in the NACo Dental Program. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Gray absent.

Mrs. Thornton advised members about complaints she had received regarding the number of Economic Development Authority meeting Mr. Robert Watson had missed.

It was the consensus of the members to have the County Administrator write a letter to Mr. Robert Watson regarding missed EDA meetings.

Mrs. Thornton recommended that the Board include the appointment of Board liaisons to the Constitutional offices with the June appointments. It was the consensus of the Board to include appointments of Board liaisons on the June appointments.

Mrs. Thornton made a motion to suspend the rules to vote on the matter of computers for Board members. Miss Major seconded the motion. The motion was unanimously approved with Mr. Gray absent.

Mrs. Thornton made a motion that computers be furnished to those Board members that desired to have them for the Board agenda materials and those members that chose to have paper copies can still request paper. Also, that the County pick up the cost of Internet services for those members that do not have it. Miss Major seconded the motion. The motion passed unanimously with Mr. Gray absent.

**Budget and Appropriation Items**

Mrs. Gordy made a motion to approve the following budget and appropriation items. Mr. Wolff seconded the motion. The motion passed unanimously with Mr. Gray absent.

***FISCAL YEAR 2011***

**From Contingencies (As of 05/01/11: \$375,321)**

<b>Decrease Contingency</b>	
Contingency	\$ 3,500
<b>Increase Expenditures</b>	
Animal Control	\$ 3,500

Additional cost of vehicle fuel

<b>Grants</b>
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**Decrease Revenues**

From the Commonwealth \$ 8,602

**Decrease Expenditures**

Commonwealth's Attorney \$ 8,602  
Compensation Board reimbursement increase

**Increase Revenues**

From the Federal Government \$ 2,350

**Increase Expenditures**

Law Enforcement \$ 2,350  
Bulletproof vest grant award

**Payables**

Mr. Wolff made a motion to approve the Payables as presented. Ms. Major seconded the motion. The motion passed unanimously with Mr. Gray absent.

**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. Miss Major seconded the motion. The motion passed unanimously with Mr. Gray absent.

a. Pursuant to subsection (A) (7) for consultation with legal counsel 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 Miss Major, 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.

Aye: Mrs. Thornton Mrs. Mears Mrs. Gordy  
Mr. Wolff Mr. Hart Mr. Chesser  
Mr. Crockett Miss Major

Nays: None

Absent: Mr. Gray

## **Adjournment**

Mrs. Wolff made a motion to adjourn the meeting. Mrs. Mears seconded the motion. The motion passed unanimously. The meeting adjourned at 9:50PM.

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Chair