

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board of Supervisors Chamber in Accomac, Virginia on the 18th day of April, A.D., 2018 at 5:00 p.m.

Members Present: Robert D. Crockett, Chair  
Donald L. Hart, Jr., Vice Chair  
William J. "Billy" Tarr  
Ron S. Wolff  
Grayson C. Chesser  
Harrison W. Phillips, III  
Paul E. J. Muhly  
Laura Belle Gordy  
C. Reneta Major

Others Present: Michael Mason, County Administrator  
Cela J. Burge, County Attorney  
Shelia West, Administrative Assistant

### **Call to Order**

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

### **Adoption of the Agenda**

Chairman Crockett recognized County Administrator Michael Mason.

Mr. Mason apprised members of the following change were being made to the Agenda. Item 5.2 – the Draft Library Memorandum of Understanding (MOU). He stated that the Library Board of Trustees had accepted, by way of polling its members, the current version of the County's version of the MOU with no changes to the original provisions regarding the steering committee and the disposition of the existing library. He informed members that the trustees would ratify their support of the MOU at their next meeting on May 8, 2018. He stated that based upon those events there was no need to discuss the MOU and that at the Board's next meeting in May, he expected to bring forward the MOU signed by the Library's Board of

Trustees and upon the Board of Supervisors' approval, the first steps would be initiated to the County's planned bond issue that would be provided for the construction of the facility in Parksley.

He stated that as in the original provision, the existing library would be turned over to the County.

Mrs. Gordy made a motion to adopt the amended Agenda with the removal of 5.2. Mr. Muhly seconded the motion. The motion to adopt the amended Agenda was unanimously approved.

### **Public Comment**

County Attorney Cela Burge read the rules governing conduct during the public comment period.

The following person spoke during the Public Comment period:

Mr. Ken Duffy – 6182 Wardtown Road - Exmore, VA – offered comments regarding groundwater issues on the Eastern Shore. He distributed a handout to members containing 1) a news article from the “Atlantic” regarding saltwater intrusion, and 2) a letter received from David Paylor, Director of the Department of Environmental Quality.

### **Minutes**

Mr. Hart made a motion to approve the minutes of the February 7, 2018 and March 21, 2018 meetings. Ms. Major seconded the motion. The motion was unanimously approved.

### **Recognitions**

Ms. Kathy Carmody, Chief Human Resources Officer, recognized Public Safety Director C. Ray Pruitt as the recipient of one of the 2017 Governor's Fire Services Award. She informed members that the awards were presented to recipients in eight categories during the Virginia Fire

and Rescue Conference ceremonies on Saturday, February 24, 2018 at the Virginia Beach Convention Center and Director Pruitt had received the award for excellence in Fire Service Training. Ms. Carmody read the following excerpt from the Award's ceremony.

“Charles Pruitt demonstrates year after year his commitment and dedication to educating the next generation of firefighters on Virginia's Eastern Shore. Mr. Pruitt is the current Director of Public Safety for Accomack County. Mr. Pruitt first became involved with the Eastern Shore Regional Fire Academy in 1999. Without the drive and determination of Mr. Pruitt, this facility would not offer the high-level of professional training it does today. Hundreds of firefighters have received their training under Mr. Pruitt's leadership and the residents of the Eastern Shore are safer because of his unwavering commitment to training.”

Mr. Pruitt offered comments of gratitude to the County for the recognition and to his family for their support.

Board members and County Administrator Michael Mason offered expressions of gratitude to Mr. Pruitt on receiving the award and for his commitment and years of service to the County.

### **Consent Agenda**

Mr. Phillips made a motion to approve the following items on the Consent Agenda with the exception of Item 5.2. Ms. Major seconded the motion. The motion was unanimously approved.

5.1 - Approved the new priority based approach to County-wide drainage and ditch projects.

5.3 - Approved the third amendment to the AT&T/New Cingular Wireless PCS, LLC lease agreement and authorized the County Administrator to execute the lease amendment.

5.4 - Authorized the County Administrator to accept two grants from the Virginia Department of Aviation. 1) for Runway 21 Turnaround Environmental Services (\$25,600) , and 2) for Easement Acquisition Services for Obstruction Removal (\$54,400).

5.5 – Approved scheduling a Public Hearing on May 16, 2018 at 6:30 p.m. to receive comments on a proposed \$6.4M amendment to the School Division’s Budget to recognize Federal and State grants and entitlements for FY18.

**Report from Public Officials**

**Proposed Regional Household Hazardous Waste Collection Site**

Ms. Shannon Alexander, Coastal Resources Program Manager, Accomack-Northampton Planning District Commission (A-NPDC), provided a fact sheet which summarized the annual Household Hazardous Waste Collection event that A-NPDC had hosted for over 15 years which was offered the first weekend in May and would be held on May 5, 2018.

She stated that they had hoped to offer a better service to the residents for their convenience and as a protective measure for the groundwater resources in order to eliminate hazardous household materials.

She requested a letter of support from the Accomack County Board of Supervisors to apply to the Virginia Department of Health for a Wellhead Protection Implementation Grant that would establish a permanent Household Hazardous Waste Collection site for the region. She stated that the collection site would be located at the County’s Painter Convenience Center, and if approved, would require a Memorandum of Agreement between Accomack and Northampton Counties. She noted that only a letter of support was being requested at this time.

Ms. Major informed members that she had spoken with a member of the Painter Town Council to ascertain if the town had any concerns about the proposed project and was told that the meeting that had been held went fine.

In response to Ms. Major’s request, Ms. Alexander gave a brief summary of the meeting that was held with the town and advised members that the main concerns were:

- 1) Increase in traffic (noting that upon explaining the low number of participants, the town felt comfortable with amount of traffic)
- 2) Felt that grant application should include some educational aspect for the residents and include money for community outreach. (Ms. Alexander noted that the grant would be altered to include same).

Mr. Muhly offered comments regarding the worthiness of the project and noted successful results in working with Ms. Alexander through the Waste Watchers program.

Mr. Hart made a motion that a letter of support be written for the Wellhead Protection Implementation Grant, as requested. Ms. Major seconded the motion. The motion was unanimously approved.

#### **Proposed Formation of the Eastern Shore Public Access Authority**

Ms. Shannon Alexander, A-N PDC Coastal Resource Program Manager, gave a PowerPoint presentation detailing the request for the adoption of a joint resolution of the Accomack and Northampton County Board of Supervisors that would establish the Eastern Shore Water Access Authority. She stated that the objective of the presentation was to give members a background of what the Access Authority is, how it can be managed, and its purpose on the Shore. She stated that upon the Board's review with the County Attorney and staff of the material provided; she hoped to be invited back for the Board's consideration of the request and action taken to move forward.

Ms. Alexander informed members that in 2014, Senator Lewis introduced the legislation and it had been adopted by the General Assembly.

The presentation titled "Eastern Shore Water Access Authority" included a detailed summary of the following:

- Presentation Purpose
- Potential Benefits & Uses
- Commercial Access – Working Waterfronts
- Current Public Access Levels
- Dredging & Beneficial Use Project Management
- Virginia Waterway Maintenance Fund Grant Program & other new options
- Hazard Mitigation & Resilience
- WAA Potential Objectives of the Authority
- Potential Members
- Authority Funding Options

Ms. Alexander discussed the next steps that would be needed for the proposed formation of the Eastern Shore Public Access Authority:

- Finalizing and presenting a Joint Resolution to both Counties and any interested incorporate town
- Request Director(s) appointment to the Authority
- Hold initial meeting
- Each locality appoints a director, either a member of the appointing governing body or the chief operating officer. (2 directors each if only 2 participating political subdivisions)
- PDC & WAA develop and Agreement (MOU)

Chairman Crockett thanked Ms. Alexander for the presentation and stated that the Board would receive it as information without taking any action at this time.

**FY17 Audit Report and Associated Management Letter**

Mr. David Foley of Robinson, Farmer and Cox Associates appeared before the Board to give a report on the results of the County’s external financial audit, the Fiscal Year 2017 Comprehensive Annual Financial Report (CAFR), and the management letter which had been distributed to the Board at its meeting on March 21, 2018.

Mr. Foley informed members that there were three (3) main pieces to the audit performed for the County;

- 1) The financial statements are reviewed to make sure they are prepared in accordance with general accepted accounting principles.
- 2) Review of the internal controls that the County has over expenditure reporting
- 3) Federal compliance audit to make sure County is in compliance

He referenced several of the reports that had been provided and briefly discussed same.

He stated that an unqualified opinion had been issued on the County's financial statements which is the "cleanest" opinion an auditor can give on a set of financial statements and that all three (3) of the reports included in the CAFR were also clean.

Mr. Foley informed members that there was one recommendation that was included in the management letter related to unclaimed property.

He commended the County's Finance Department and staff for the quality of work that was produced in submitting the CAFR.

Chairman Crockett also commended the Finance Department for its quality of work.

### **Appointments**

Chairman Crockett informed members that another item was being added to the appointments.

### **Eastern Shore Broadband Authority**

Mr. Hart made a motion to affirm Northampton County's appointment of Mr. J. Scott Webb to the E. S. Virginia Broadband Authority to succeed Mr. John Reiter and also confirmed Accomack County's appointment of Mr. Pete Lalor and Ms. Elaine Meil as affirmed by Northampton County. Mr. Tarr seconded the motion. The motion was unanimously approved.

### **Harborton Public Facilities Committee**

Mr. Hart made a motion to appoint Ms. Mary Bradshaw to the Harborton Public Facilities Committee to fill the unexpired term of Ms. Lori Ridington, who has resigned. This term will commence immediately and expire on December 31, 2019. Mr. Phillips seconded the motion. The motion was unanimously approved.

## **Conditions Assessment and Recommendations for Circuit Courthouse and Debtor's Prison**

Mr. Stewart Hall, Deputy Administrator, Public Works & Facilities introduced Mr. Greg Jacobs, Managing Partner of Landmark Preservation, LLC. He advised members that Landmark had performed a conditions assessment for the County on both the Circuit Courthouse and the Debtor's Prison. He briefed members regarding the qualifications of Mr. Jacobs.

Mr. Greg Jacobs gave a PowerPoint presentation regarding the findings of the conditions assessment for the Circuit Courthouse and the Debtor's Prison.

He stated that both buildings required extensive maintenance and emphasized the importance of understanding what the Board was dealing with so that they could act proactively rather than reactively when major repairs become needed.

### **Accomack County Debtor's Prison**

Mr. Jacobs presented and discussed the following on the "Conditions Assessment and Recommendations on the Accomack County Debtor's Prison:

- Introduction
- Investigation, Conditions Assessment, Means & Methods
- Prioritization Schedule
- Budget
- Exterior Mortar Deterioration & Inappropriate Mortar Graphics
- Existing Conditions Photographs

Mr. Jacobs noted that the specific concern was the cracking that was found on the east elevation near the chimney of the building and discussed matters relating to same.

He stated that the recommendation for Phase I was to do investigative removals to get a better understanding of what was happening behind the plastered walls and the second part was to alleviate any water intrusion dealing with the slate roof, flashing, deficiencies, etc., that was contributing to rising dampness within the masonry walls, cracking, etc. He continued to discuss other phases of prioritization schedule and the budget. A discussion continued.

Mr. Jacobs responded to an inquiry regarding any avenues being available for grant funding for the restoration of historical buildings and explained the process for applying for same.

### **Accomack County Circuit Courthouse**

Mr. Jacobs stated that both of the buildings were historic and all the recommendations were based on the Secretary of Interior's standards. He stated that the Debtor's Prison was more of a museum type building and the Courthouse was a living building that lives and works and it works hard.

He gave a PowerPoint presentation and discussed the following on the "Accomack County Circuit Courthouse Conditions Assessment and Recommendations:

- Introduction
- Investigation, Conditions Assessment, Means & Methods
- Prioritization Schedule
- Budget
- Attic Framing Conditions Drawing
- Existing Conditions Photographs

He advised members of the mortar and structural deterioration that was occurring within the Courthouse and the attic. He continued discussion regarding various findings during the assessment.

Mr. Jacobs stated that the assessment of the Courthouse had been summarized into a prioritization schedule and noted those items for Phase 1 which included the electrical deficiencies into the attic because it was a present fire hazard. He discussed the plans for Phase 2 and other related matters.

There was a brief discussion regarding the availability of funding noting the significant cost savings if there was a possibility of the phases being completed at the same time.

Mr. Jacobs emphasized the importance of keeping the water out of the buildings because

the water intrusion accelerates deterioration of the buildings over time.

He responded to questions regarding various matters.

In response to an inquiry regarding the expertise of local contractors, Mr. Jacobs recommended that during the restoration process, staff should go through a qualification process to make sure that the contractors that perform the work have a depth of experience dealing with historic materials and historic buildings. He continued to discuss same. He stated that he felt one of the crucial aspects of the restoration was to deal with a water proving consultant and he strongly dissuaded doing a low bid process and explained why.

County Administrator Michael Mason reminded members that they had already appropriated funds and would not be starting from ground zero.

A discussion continued regarding the phases of the restoration.

Chairman Crockett offered comments and thanked Mr. Jacobs for the presentation.

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

County Administrator Michael Mason gave a report on the following items:

#### **VDOT School Bus Stop Study Results – Pettit Road**

Mr. Mason informed members that based on the study done by VDOT on the area at 30602 Pettit Road to determine if it warranted additional signage for a school bus stop was determined that it did not recommend additional signage. He briefed members regarding the basis for the determination under VDOT's standards.

Mr. Hart inquired as to whether any results had been received from VDOT regarding the Warrior Road speed study. Mr. Mason replied that the report had not been received yet.

Mr. Mason informed Mr. Hart that the meeting with VDOT and staff regarding various matters would be held on April 30, 2018 at 10 a.m.

Mr. Mason responded to an inquiry from Mr. Chesser regarding the bridge repair in Jenkins Bridge.

### **Planning Commission Time Sensitive Issues**

Mr. Mason advised members about the two (2) items which were time sensitive regarding the Planning Commission:

- 1) The request for an extension from the Planning Commission to complete a review of a conditional rezoning application on the property located directly south of the State Police Barracks in Melfa in order to have additional time to have a VDOT study in hand.

Mr. Hart made a motion to approve the request for the extension and to include a request for a traffic study to determine if a traffic signal is warranted on Dogwood Drive (Rt. 639)/Lankford Highway (Rt. 13). Ms. Major seconded the motion. The motion was unanimously approved.

- 2) Mr. Mason informed members that a request was received from the Town of Chincoteague for a conditional use permit for the proposed location of its new drinking wells. He stated that in order to expedite the process the Board can hold a joint public hearing with the Planning Commission at the May meeting.

Mr. Tarr made a motion to approve a joint public hearing on May 16, 2018 at 6:30 p.m. as requested by the Town of Chincoteague for a conditional use permit to install/drill up to four (4) wells and a 100 feet equipment shelter/pump house pursuant to Accomack County Code 106-54 (6) Public water and sewer facilities. Mr. Wolff seconded the motion. The motion was unanimously approved.

### **VDOT Secondary 6-Year Plan Public Hearing**

Upon request from Mr. Mason, Mr. Wolff made a motion to approve a Public Hearing on the Proposed Secondary Road Six Year Plan 2017-2023 and Improvement Priorities for Fiscal

Year 2017-2018 for Accomack County to be held on May 16, 2018 at 6:30 p.m. Ms. Major seconded the motion. The motion was unanimously approved.

As a side note, Mr. Mason informed members that in reviewing the Resolution for the Six Year Plan, the same verbiage would be repeated as last year to include Redwood Road.

### **Arcadia Playground Equipment**

Mr. Mason informed members that the Arcadia playground equipment had been installed and the facility should be opened in a matter of days, following inspection. He also stated that there would be some tree cutting where they were large and hanging over the playground. He said that the trees would be replaced.

### **Sawmill Park Grand Opening**

Mr. Mason informed members that the Grand Opening ceremony for Sawmill Park was being planned for Saturday, June 30<sup>th</sup>. He stated that a future announcement would be forthcoming.

### **Atlantic Fury Hurricane Exercise**

Mr. Mason informed members that the Atlantic Fury Hurricane Exercise was slated for May 7, 2018 and that Public Safety Director C. Ray Pruitt was the main leader on the event as well as Supervisor Donald L. Hart, Jr. He stated that it would take place at the Fire Training Center.

### **County Annual Security Awareness Training**

Mr. Mason informed members that the online security awareness training for County employees was underway and the deadline was May 31, 2018. He encouraged Board members to take it as well to help the County recognize phishing and other dubious techniques that

hackers use in attempting to take confidential information. A brief discussion transpired regarding same.

### **Upcoming Events**

Mr. Mason informed members of the following upcoming events on May 5, 2018:

- 1) Eastern Shore Household Hazardous Waste Clean Collection and Clean-Up at Chincoteague, Grangeville, and Eastville Convenience Centers. Citizens will be able to bring household waste from 10 am to 2 pm.
- 2) He stated that the Accomac Spring Clean-up was also on the same day when the tipping fee is waived for residential waste and recyclables.

In response to a request, Mr. Mason stated that he would contact the Planning Commission to make certain the hazardous waste clean-up was being marketed.

Mr. Tarr noted that May 5<sup>th</sup> was also the Seafood Festival day on Chincoteague.

Mr. Phillips noted that May 5<sup>th</sup> was the Accomac Elks event as well.

Mr. Stewart Hall stated that the two (2) County events being held at the same time was purposeful and explained same.

### **Virginia Freedom of Information Act**

Mr. Mason advised members about the new edition of the Virginia Freedom of Information Act (FOIA) handbook and provided copies of same to members.

### **2018 Annual Poultry Report**

Mr. Mason informed members that the 2018 Annual Poultry Report was available on the County website and was also attached to the Board's agenda. He recognized the Planning staff and the Planning Commission for putting the information together.

### **County Attorney's Report**

County Attorney Cela Burge informed members that she had three items to report:

- 1) Briefed members regarding specific areas of the FOIA Booklets that were distributed by County Administrator Michael Mason.

She encouraged members to read the section about meetings, noting that it was an excellent resource and quick desk reference.

- 2) She received from the Alcohol Beverage Control Authority a request for a retail application for the Garden and Sea Inn B&B at 4188 Nelson Road, New Church. She stated that the Board had 30 days to comment on it but, to date, had not chosen to comment on any.
- 3) She provided members a document that she described as being an “excellent document” that had been assembled by her assistant Shirley Fauber containing a list of bills that were tracked during the General Assembly session.

She informed members that this year she had looked for bills that may have been of particular interest to the Constitutional Officers and had provided updates to them as well.

She referenced HB1095 and Senate Bill 693 and discussed same.

### **Board of Supervisors Comment Period**

#### **Supervisor Hart**

Mr. Hart advised members that he had a meeting in Fredericksburg with VACo during the Board’s August meeting and asked the Board to consider changing its August meeting time and date in order for him to be able to attend.

Chairman Crockett stated that he would discuss the matter with Mr. Tarr because Chincoteague may be considered as being a location for having a meeting.

#### **Supervisor Major**

Ms. Major informed members that she had been contacted by the Department of Agriculture and they had been looking for a location in the southern part of Accomack County to hold an informational meeting regarding grant funding and very low interest loans for housing. Ms. Major stated the meeting would be held at Shiloh Baptist Church in Pungoteague, VA on April 26, 2018 at 6:00 p.m.

### **Supervisor Gordy**

Mrs. Gordy informed members that the month of April was “Preventive Child Abuse Month.”

### **Supervisor Wolff**

Mr. Wolff briefed members about his regular constituent meeting that was held and the guest speaker was Mr. Kevin Taylor, Tyson Foods Plant Manager, with several of his staff.

He briefed members about a firsthand experience that he had in assisting someone with trying to obtain a business license from the Commissioner of Revenue’s office with a credit card.

County Administrator Michael Mason offered clarification regarding the matter and stated that the matter had been addressed and resolved.

### **Supervisor Muhly**

Mr. Muhly advised members about the request from Mr. Jim West of Chincoteague for a letter of support from the Groundwater Committee to drill the new wells.

### **Supervisor Chesser**

Mr. Chesser referenced the report given by Mr. Britt McMillian at a previous meeting, noting that it was extremely good news that the water usage was stable which was contradictory to other reports.

He also referenced an article from the “Atlantic” that had been distributed to members by Mr. Ken Duffy regarding the sea level rising.

### **Supervisor Crockett**

Mr. Crockett offered comments commending Mr. Greg Jacobs, Managing Partner of Landmark Preservation, LLC., for the in depth presentation assessing the condition Debtor’s Prison and the County Circuit Courthouse. Mr. Crockett also offered expressions of

commendation to staff for being proactive and having funding in place in order to be able to begin addressing some of the conditions as provided in the assessment.

**Budget and Appropriation Items**

Mr. Hart made a motion to approve the following Resolution that contains Fiscal Year 2018 budget amendments. Mr. Tarr seconded the motion. The motion was unanimously approved.

**RESOLUTION TO AMEND THE FISCAL YEAR 2018 ACCOMACK COUNTY GOVERNMENT 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 5, 2017, the Board of Supervisors finalized the Accomack County Fiscal Year 2018 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 requested 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 2018 County budget be amended by the amounts listed below and the amounts appropriated for the purposes indicated.

Fiscal Year	Requesting Department	Fund/ Function	Purpose	Funding Source	Total
FY18	911 Commission	911 Fund/Public Safety	To provide 80/20 matching for an RSAF Grant awarded to the 911 Commission to improve radio communications on the EMS operations channel at the Northern end of the County.	Contingencies	\$ 14,500
FY18	Parks and Recreation	Co. Capital Pre-Fund/Parks Rec. & Cultural	To recognize DCR grant award for Sawmill Park playground equipment.	State Funds	35,000
FY18	Public Works	General Fund/ Docks & Ramps	There are currently 3 county boating facilities that have completed Phase 1 improvements but are unable to proceed with Phase 2 due to lack of funding. Two of these facilities are basically unusable at this time (Old NASA Dock and Hammocks). This budget amendment would allow these 2 projects to move forward.	Increase in FY18 revenue estimate for PSC Real Estates Taxes	205,000

FY18	Parks and Recreation	Co. Capital Prj Fund/Parks Rec. & Cultural	To provide funding to outfit Sawmill Park concession stand with basic appliances, bleachers, foul poles and other ball field equipment.	Increase in FY18 revenue estimate for PSC Real Estates Taxes	\$ 62,000
FY18	Finance	General Fund/Contributions	To appropriate funds received from the sale of animal friendly automobile license plates to the SPCA.	State Funds	\$ 367
FY18	EMS	General Fund/EMS	To recognize funding received by EMS for 2018 Radiological Emergency Preparedness Program (REPP).	State Funds	\$ 3,500
FY18	Social Services	Welfare Fund	To recognize various State-initiated budget adjustments. Approval of these adjustments is needed to bring the local Social Services' department budget in line with the State's approved budget.	State Aid Federal Aid	\$ 2,511
<b>Total</b>					<b>\$ 322,878</b>

**Payables**

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

**Closed Meeting**

Mr. Tarr made a motion that the Board go into closed meeting pursuant to Section 2.2-3711. (A.19), (A.3), and (A.7) of the Code of Virginia of 1950, as amended, for the following purposes. Mr. Phillips seconded the motion. The motion was unanimously approved.

1. For the purpose of receiving an update on the status of the Information Security Program.
2. For the purpose of discussion regarding acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
3. For the purpose of discussion of the disposition of real property and consultation with legal counsel pertaining to probable litigation both of which are related to properties in Wallops Research Park.

**Open Session**

The Chair declared the meeting open to the public.

**Certification of Closed Meeting**

Mr. Hart made a motion, seconded by Mr. Phillips 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: Mr. Tarr                      Mr. Wolff                      Mr. Chesser    Nays: None  
      Mr. Muhly                     Mr. Phillips                Mr. Crockett   Absent: None  
      Ms. Major                    Mrs. Gordy                Mr. Hart

**Recess**

Chairman Crockett declared the meeting in recess.

**Open Session**

Chairman Crockett declared the meeting open to the public.

**Public Hearings**

County Attorney Cela Burge read the rules governing conduct during Public Hearings.

Chairman Crockett opened the Public Hearings and stated that the rules would apply to both of the following Public Hearings:

**Public Hearing on the Conditional Rezoning Application from General Business to Industrial for Tax Map Parcel 66B-A-16, located at 24227 Greenbush Road, Tasley, VA**

Mr. Rich Morrison, Deputy Administrator, Planning & Economic Development briefed members regarding the request from Mr. Fred Janci/East Coast Dismantling, tenant, and Heidi Ontiveros, property owner.

No public comments were received.

The Chairman closed the Public Hearing.

Mr. Hart made a motion to approve and conditionally rezone Tax Map #86B-A-16 from

General Business to Industrial as contained in the application filed by Mr. Fred Janci/East Coast Dismantling, tenant, and Heidi Ontiveros, property owner, with the following conditions and the findings of fact. Mr. Wolff seconded the motion. The motion was unanimously approved.

- 1) The revised proffers for Rezoning and Conditional Use Permit Applications, signed by Fred Janci, Lessee, on February 1, 2018 and Heidi Ontiveros, Property Owner, on January 31, 2018, are part of said approval and are part of the application (copy attached).
- 2) All landscape screening will satisfy ordinance requirements.
- 3) Site plan engineered by George E. Young, submitted on January 3, 2018; however, fencing heights are governed by the proffers, including the revised timeline for installation of the fence provided by the applicant.
- 4) In regards to Conditions #4 & 5 from the Planning Commission recommendation and based upon the staff report dated April 5, 2018 which indicates the site clean-up is in compliance with the conditions of the Planning Commission recommendation, the Board finds that Conditions #4 and 5 from the Planning Commission recommendation have been met.
- 5) The use of the trailer as a rental housing unit will cease no later than 90 days following the issuance of the rezoning permit and removal of the driveway and installation of the fence associated with the trailer, as stated in the revised proffers.

The Board of Supervisors deems the following findings of fact and rationale provided by the Planning Commission to support its recommendation to be appropriate and supports the Board's vote:

- 1) The current use (and likely continued use) of the property is more Industrial than General Business.
- 2) The mixed use nature of the Tasley area (including the approval of the Sun-Tec solar project) requires case by case analysis. As such, a well-designed and landscaped Industrial site and compatible use is appropriate for the area.
- 3) While the Comprehensive Plan Future Land Use Plan designation for the property is Village Development Area, based on the proximity to other Industrial type uses, from property in the future, the Planning Commission finds that the proposal does not necessarily conflict with the Comprehensive Plan.

**Public Hearing on the Conditional Use Permit application for Tax Map Parcel 86B-A-16, located at Greenbush Road, Tasley, VA**

Mr. Morrison briefed members regarding the request for the conditional use permit application for Tax Map Parcel 86B-A-16, located at 24227 Greenbush Road, Tasley, VA. He informed members that a site visit had been made and staff had determined that the applicant had cleaned up the site and was in compliance with the conditions that were contained in the

Planning Commission vote.

Mr. Hart made a motion to approve the Conditional Use Permit requested by East Coast Dismantling under Article 106-404.12 of the Accomack County Code of Ordinances to operate their dismantling and recycling business at Tax Map Parcel 86B-A-16, located at located at Greenbush Road, Tasley, VA, including areas of outdoor storage, with the following conditions and the findings of fact. Mr. Wolff seconded the motion. The motion was unanimously approved.

### **Conditions**

- 1) Compliance with the site clean-up terms of the rezoning application and further detailed in the revised proffer statement which state that “All materials and vehicles currently on site and not stored undercover will be removed prior to April 4, 2018.” (which has been completed)
- 2) Storage of Materials:
  - a. Loose material piles: no higher than 5½ feet, no closer than 10 feet.
  - b. Hand stacked/palletized/containerized material: 5½ feet placed as to not touch the fence. Storage/piles to be placed on site as to not block driveway marked on site plan and access to buildings.
  - c. Maximum amount of material to be stored outside onsite at any given time: 2000 cubic yards.
- 3) Hours of operation: 7:00 a.m. to 5:00 p.m. Monday thru Saturday. No night work. No Sunday work.
- 4) No acceptance nor purchase of any junk automobiles, trucks, trailers, busses, campers, RV’s, mobile homes, etc. at this site.
- 5) Fire Extinguishers to be placed at the recommendation of the Fire Department.
- 6) Recovery of chemicals done to OSHA and EPA standards and further detailed in the submitted HazOp Plan.
- 7) Provide a structural analysis to the Building Department for the 1,718 square foot building located on the northeast side of the site plan, adjacent to the property owned by Margaret Justice, based upon the proposed use and any improvements of the structure proposed by East Coast Dismantling. Obtain all necessary permits and approvals from the Building Department for improvements and use of existing building as well as the proposed new addition.
- 8) The use of the trailer as a rental housing unit will cease no later than 90 days following the issuance of the rezoning permit for Tax Map #86B-A-16 and removal of the driveway and installation of the fence associated with the trailer, as stated in the revised proffers.

The Board of Supervisors deems the following findings of fact and rationale provided by the Planning Commission to support its recommendation to be appropriate and supports the Board's vote:

- 1) The use is a listed use through a conditional use permit in the Industrial District.
- 2) The use will not adversely affect the health or safety of persons residing or working in the neighborhood.
- 3) The use will not change the character of or the established pattern of development in this neighborhood.
- 4) The use is in conformance with all other provisions of the zoning code & comprehensive plan.
- 5) There is adequate access and appropriate utilities servicing this site.
- 6) There is appropriate ingress and egress to this site for the use intended as a dismantling and recycling business.

The following updated schedule of improvements to the fencing from the applicant is part of the consideration and approval of the request:

- 30 days - Replace/repair gate  
Replace approximately 50' of 6' fence on Rt. 316 side with new 8' fence  
Install new 8' fence from NE corner along Vankesteren property approx. 100'.
- 60 days - Replace/repair as needed existing 6' fence along Vankesteren property/Wills Property line to rear corner.
- 90 days - Install new 6' fence along Justice property line from rear corner to approx. 100' from Rt. 316.
- 120 days – Remove/replace existing metal fence with new 8' fence along remaining Justice property line to Rt. 316 and then to existing building.
- 150 days - Complete balance of 6' fence along rear property line (along Colona property).

### **Adjournment**

Mr. Wolff made a motion to adjourn the meeting. Mr. Phillips seconded the motion.

The motion was unanimously approved. The meeting adjourned at 8:12 p.m.