

At a regular monthly meeting of the Accomack County Board of Supervisors, held on the 19th day of July 2023, in the Accomack County Board of Supervisors Chambers, Room 104, located at 23296 Courthouse Avenue - Accomac, Virginia at 5:00 p.m.

1. Opening of Meeting

MEMBERS PRESENT AND ABSENT

Board of Supervisors Present:

William J. "Billy" Tarr

Robert D. Crockett, Chair

Ron S. Wolff

Donald L. Hart, Jr.

Vanessa Kay Johnson

H. Jackie Phillips (J. Phillips)

Paul E. J. Muhly

Harrison W. Phillips, III (H. Phillips), Vice-Chair

C. Reneta Major

Board of Supervisors Absent:

None

Others Present:

Mr. Michael T. Mason, County Administrator

Ms. Jan Proctor, County Attorney

Mrs. Jessica Taylor Hargis, Executive Assistant

1.1 Invocation

1.2 Pledge of Allegiance

1.3 Adoption of Agenda

On a motion made by Mr. J. Phillips and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to adopt the Agenda as it was presented.

1.4 Consider Allowing Remote Participation of Board Member(s) (if warranted)

All members were present.

2. Public Comment

2.1 Public Comment Rules

No one signed up or wished to speak.

3. Consent Agenda

3.1 Approval of Consent Agenda

On a motion made by Mr. J. Phillips and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to approve the Consent Agenda with the following items, as it was presented:

3.2 Consider the Appointment of Mr. Leander Pambid, Deputy County Administrator – Building, Planning and Economic Development as Zoning Administrator, in accordance with County Ordinance Section 106-326.

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3.3 Consider the Appointment of Mr. Leander Pambid, Deputy County Administrator – Building, Planning and Economic Development as Subdivision Agent, in accordance with County Ordinance Section 78-4.a

3.4 Consider award to Magic City Motor Group for the purchase of three vehicles for the Sheriff's department

3.5 Consider the purchase of Sheriff NIBIN Cartridge Cases Acquisition and Triage Package Placeholder

3.6 Consider accepting the Hazard Mitigation Plan Progress Report

4. No items were removed from the Consent Agenda

5. Appointments

5.1 Appointments

Eastern Shore Navigable Waterways Committee:

The vacancy created by the resignation of Mr. John Joeckel was continued until the Board's next meeting.

Local Finance Board:

On a motion made by Mr. Wolff and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to reappoint Ms. Beth Onley to the Local Finance Board for an additional two-year term to commence on August 1, 2023, and expire on July 31, 2025.

Accomack County Wetlands Board:

On a motion made by Mr. H. Phillips and seconded by Mr. Muhly, the Accomack County Board of Supervisors voted to reappoint Mr. David Montgomery as an alternate member of the Accomack County Wetlands Board for an additional five-year term to begin on September 1, 2023, and expire on August 31, 2028.

5.2 Attendance Reports were included in the Board's packet.

6. Public Hearing (6:30 PM)

6.1 Public Hearing Rules

6.2 Public Hearing Advertisements were attached to the Board's agenda.

6.3 Public Hearing for the Sale of Certain County Properties located on Dunns Swamp Road, New Church, VA, and Bradfords Neck Road, Wachapreague, VA

Mr. Hall reviewed the request, informing the Board that both of these parcels are believed to have been used as unofficial "country dumps" in the 1950s. Staff recommends that both parcels be surplus, as no future uses are anticipated. If these properties are ultimately sold, the successful buyers must sign indemnification agreements regarding environmental conditions.

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1. Tax Parcel # 11-A-6 is located at the corner of Dunns Swamp and Holland Roads near the state line in New Church. It borders Wagram Creek and consists of approximately 6.4 acres. It is assessed at \$6,900, Please see attached aerial photo.
2. Tax Parcel # 113-2-D3 is located off Bradfords Neck Road south of Wachapreague. It consists of approximately 9.4 acres and is assessed at \$15,000. Please see attached aerial photo.

Chairman Crockett opened and closed the public hearing as no one signed up or wished to speak.

On a motion made by Ms. Major and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to authorize the sale of the two parcels to the high bidders: Dean Ennis (11-A-6 on Dunns Swamp Rd.) in the amount of \$7,077; FHA Hunt Club (113-2-D3 on Bradfords Neck Rd.) in the amount of \$25,000.

6.4 Public Hearing on proposed EMS boundary line revisions between Greenbackville and Oak Hall Rescue, as the Accomack County Fire and Rescue Commission recommended at its meeting on May 18, 2023, to ensure the dispatch of the closest EMS units and to improve the 20-minute benchmark established by the Board of Supervisors.

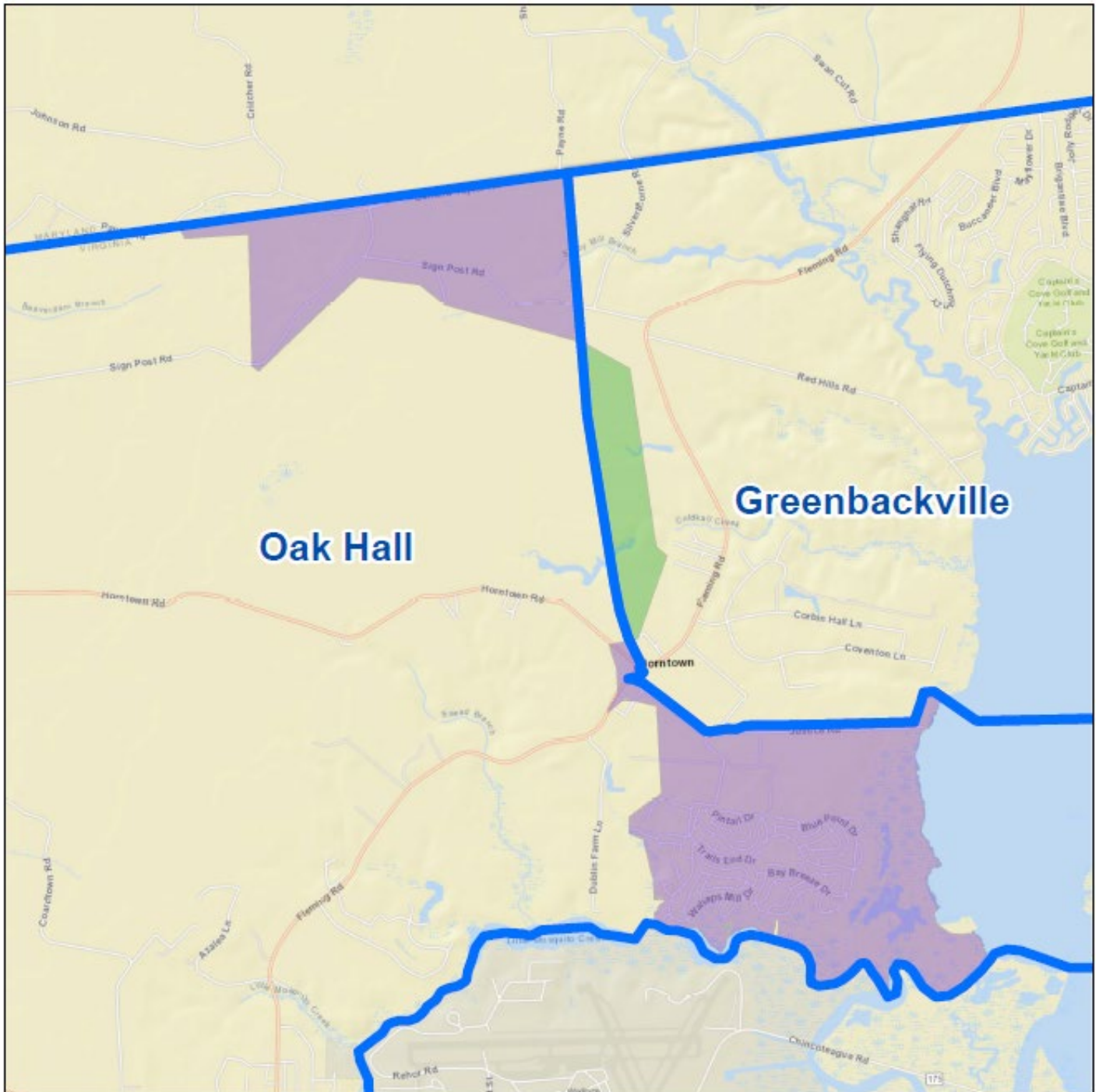
Director Pruitt spoke supporting the EMS boundary line revisions between Greenbackville and Oak Hall Rescue

Chairman Crockett opened and closed the public hearing as no one signed up or wished to speak.




On a motion made by Mr. Wolff and seconded by Ms. Johnson, the Accomack County Board of Supervisors voted to approve the proposed EMS boundary line revisions between Greenbackville and Oak Hall Rescue, as recommended by the Accomack County Fire and Rescue Commission.

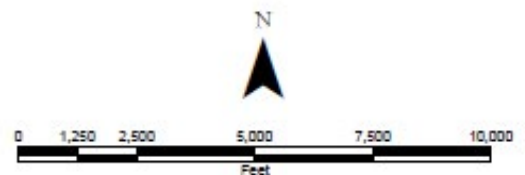
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Proposed Greenbackville/Oak Hall EMS Service Area Changes



LEGEND

-  Rescue District Boundaries
-  Shift from Oak Hall to Greenbackville
-  Shift from Greenbackville to Oak Hall



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6.5 Public hearing on the proposed amendments to Chapter 78 of the Accomack County Code entitled "Subdivisions," by amending Section 78-1 thereof, and adding Section 78-13 thereto, to authorize the administrative approval of nonconforming lots created by unapproved divisions of land occurring between May 1, 1973, and December 31, 2022, provided stated criteria are met

Mr. Lee Pambid reviewed the request.

Chairman Crockett opened and closed the public hearing as no one signed up or wished to speak.

On a motion made by Mr. Wolff and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to approve the proposed amendments, as recommended by the Planning Commission, to Chapter 78 of the Accomack County Code, entitled "Subdivisions", adding Section 78-13 thereto, to authorize the administrative approval of nonconforming lots created by unapproved divisions of land occurring between May 1, 1973, and December 31, 2022, provided stated criteria are met, as detailed below:

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AN ORDINANCE AMENDING CHAPTER 78 "SUBDIVISIONS," OF THE ACCOMACK COUNTY CODE, TO AUTHORIZE THE ADMINISTRATIVE APPROVAL OF NONCONFORMING LOTS CREATED BY UNAPPROVED DIVISIONS OF LAND OCCURRING BETWEEN MAY 1, 1973 THROUGH DECEMBER 31, 2022, PROVIDED STATED CRITERIA ARE MET.

CHAPTER 78. SUBDIVISIONS.

Sec. 78-1. – Adoption and Application.

(a) In accordance with Code of Virginia, § 15.2-2240 et seq., the board of supervisors hereby adopts this chapter for the subdivision of all land except the territory of the incorporated towns within the jurisdiction of the county. This chapter shall not apply to either de facto or de jure subdivisions recorded prior to May 1, 1973.

(b) The provisions of this ordinance requiring the recordation of an approved subdivision plat to create or alter lots shall not apply to unapproved divisions of land occurring between May 1, 1973 through December 31, 2022, provided (i) application is made to, and approved by, the county administrator, or designee, for validation of the unapproved division of land, and (ii) the criteria in Section 78-13 below are fully satisfied.

Sec. 78-13. – Validation of Unapproved Divisions of Land.

Any unapproved division of land made by plat, plan, survey, deed, or similar instrument, which was recorded in the Clerk's Office of the Accomack County Circuit Court from May 1, 1973 through December 31, 2022, may be deemed a lawful nonconforming lot for which a building permit or zoning permit may be issued, regardless of whether the lot meets minimum

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lot area, width and frontage regulations contained in this Chapter or Chapter 106 of the Accomack County Code, subject to satisfying each of the following criteria:

- (1) A complete application for validation of the unapproved division of land is made by all property owners to the County Administrator or designee;
- (2) Applicant pays the review fee assessed by the County;
- (3) Applicant presents evidence that the lot at issue has permanent access to a public road;
- (4) Applicant presents evidence that the lot at issue is accessible by emergency vehicles to the satisfaction of the Department of Public Safety;
- (5) Applicant presents evidence that the lot at issue will have adequate drainage and stormwater management;
- (6) Applicant presents evidence that the lot at issue will be served by water and sewer;
- (7) Applicant prepares and submits for County approval a subdivision plat certified by a licensed surveyor or professional engineer showing the boundaries of the lot at issue; and
- (8) Applicant records the subdivision plat in the Clerk's Office of the Accomack County Circuit Court after approval by the County Administrator or designee.

Validation under this section is not an entitlement and lies within the discretion of the County Administrator or designee. Validation of an unapproved division of land shall not constitute a waiver of required improvements, design standards, use restrictions, environmental regulations, building standards, setbacks, or any other requirement of the Accomack County Code, other than minimum lot area, width and frontage. Lack of minimum lot area, width or frontage shall not constitute a hardship for purposes of obtaining a variance as to setbacks or other requirements of Chapter 106 of this Code.

6.6 Public hearing on adopting a \$250 fee for administrative review of unlawful nonconforming lots associated with the proposed amendments explained in the preceding agenda item/public hearing

Mr. Mason reviewed the request

Chairman Crockett opened and closed the public hearing as no one signed up or wished to speak.

On a motion made by Mr. J. Phillips and seconded by Mr. Tarr, the Accomack County Board of Supervisors voted to approve a \$250.00 fee for administrative review of unlawful

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nonconforming lots associated with the proposed amendments explained in the preceding agenda item/public hearing to amend Section 78-1.

6.7 Public Hearing (CONTINUED FROM JUNE 21, 2023) on proposed Ordinance Amendments to Chapter 102 of the Accomack County Code, Waterways allowing issuance of up to six transferable boating facility parking permits to licensed Charter Boat Captains and Amendment to only require vehicles towing boat trailers to have Boat Facility Parking Permit

Chairman Crockett opened and closed the public hearing as no one signed up or wished to speak.

On a motion made by Mr. Wolff and seconded by Mr. Tarr, the Accomack County Board of Supervisors voted to adopt the Modified Alternative Amendment, requiring only vehicles with boat trailers in tow to display a parking permit while parked at a County boating facility.

7. New Business

7.1 Discuss Possible Amendments to Chapter 6 of the Accomack County Code Amusements and Entertainments

Mr. Mason reviewed the need for amendments to the Accomack County Code of Ordinances Chapter 6 Article III – Musical or Entertainment Festivals.

Ms. Proctor briefed the Board on the inclusion of churches. The current and proposed version of the amendment are both in line with the First Amendment and therefore, churches can be included in requiring a permit, just as anyone else would. However, the County Attorney's opinion was to exclude churches from the permit application fee.

The consensus of the Board was to continue the matter to its August meeting for further discussion and the consideration of scheduling a public hearing if needed.

7.2 Consider Accepting Service Proposal from Shore Waste Needed to Continue the County's Single-Stream Recycling Program (commingled paper, plastic, aluminum, etc.)

Mr. Stewart Hall reviewed the request and a discussion ensued related to the cost savings of recycling compared to the expense of having the items put in the landfill.

On a motion made by Mr. Wolff and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to accept the staff-recommended month-to-month service proposal from Shore Waste, LLC for recycling services at the rate of \$130 per ton. Further, move to cover the budget gap (estimated at \$3,200 per month) with FY24 Contingency Funds.

8. County Administrator's Report

8.1 Reminder Strategic Plan Meeting Set for September 23rd

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8.2 Strategic Plan Initiatives Status Report

8.3 MNSCEC CDBG Planning Grant Activities Update

8.4 Makemie Park Urgent Needs Grant Activities Update

8.5 Other: An update from the ESPL Director was added as an informational item.

9. County Attorney's Report

No report for public session.

10. Board of Supervisors Comment Period

- ❖ **Mr. Hart** Good to be back
- ❖ **Mr. H. Phillips** Central Accomack Little League Girls in State Tournament – won .. traveling for Regionals this weekend. Hopes to do another resolution in their honor in the future.
- ❖ **Mr. Wolff** – The final Antares launch, with the final Ukrainian engine until the new American-made engines are installed, is scheduled for August 1st.
Mr. Wolff thanked Mr. Pambid for attending his constituent meeting, stating that citizens recognized how well-versed he was in his presentation.
- ❖ **Mr. Crockett** – Requested that the Board, in August, with or without General Assembly. Consider discussing an additional .5%, moving the staff salary increase to 7%, including the portion for 911 employees.

11. Budget and Appropriation Items

On a motion made by Mr. Hart and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to approve both Budget amendments, to:

- 11.1 Consider an additional FY24 funding request from the ES 911 Commission to increase 9-1-1 staff compensation from the previously approved 5% to 6.5% (same as County employees) and cover budget gaps for employee health insurance and retirement costs.**
- 11.2 Consider Approving Resolution to Amend the FY24 Budget**

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July 19, 2023 BOS Meeting

RESOLUTION TO AMEND THE FISCAL YEAR 2024 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 March 23, 2023, the Board of Supervisors finalized the Accomack County Fiscal Year 2024 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 it be approved; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2024 County budget be amended by the amounts listed below and the amounts appropriated for the purpose indicated.

Fiscal Year	Requesting Department	Fund/Function	Purpose	Funding Source	Total
FY24	Public Works	General Fund/Public Works	To allocate funds needed for recycling contract change in FY24.	Contingency	\$ 19,000
Total					\$ 19,000



Robert D. Crockett
Chairman, Board of Supervisors

ATTEST:



Michael T. Mason, CPA
County Administrator

Adopted by the Board of Supervisors of Accomack County, Virginia, this 19th day of July 2023.

12. Payables

12.1 Consider Payables

Mr. Mason certified the July payables.

On a motion made by Mr. J. Phillips and seconded by Mr. Wolff, the Accomack County Board of Supervisors authorized payment of the July payables.

13. Closed Meeting

13.1 Closed Meeting

On a motion made by Mr. J. Phillips and seconded by Mr. Wolff, the Accomack County Board of Supervisors voted to enter into a Closed Session:

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Mr. H. Phillips requested that the motion include an amendment to the Agenda to include a discussion of the Economic Development Authority.

13.2 Pursuant to Virginia Code Section 2.2-3711(A)(1) - Discussion and consideration of personnel matters pertaining to the performance of members of the Eastern Shore Public Library Trustees appointed by Accomack County *and the Economic Development Authority (EDA)*.

13.3 AMENDED-- Pursuant to Virginia Code Section 2.2-3711(A)(1) - Discussion and consideration of personnel matters pertaining to the assignment of employees of the Department of Public Safety

13.4 Certification of Closed Meeting

On a motion made by Mr. J. Phillips and seconded by Mr. H. Phillips, the Accomack County Board of Supervisors voted to certify that to the best of each Board Member's knowledge (1) only public business lawfully exempted from open meeting requirements was discussed and (2) only matters identified in the convening motion were discussed, by a unanimous roll call vote:

Aye: H. Phillips, Johnson, Muhly, Wolff, Tarr, J. Phillips, Crockett, Major, Hart

Nay: None.

Abstain: None.

Absent: None.

The Board agreed to take a break at 6:25 returned at 6:29 for the Public Hearing.

14. Adjournment

On a motion made by Mr. Wolff and seconded by Mr. J. Phillips, the Accomack County Board of Supervisors voted to adjourn at 7:01 p.m.