Wednesday, November 20, 2024
Board of Supervisors Regular Meeting 5:00 p.m.
Regular Meetings will be held in the Board Chambers (Room 104) located within the County Administration building located at 23296 Courthouse Avenue - Accomac, VA 23301.
To listen to the live audio, please visit: https://www.co.accomack.va.us/how-do-i/listen-to-meeting-audio

1. Opening of Meeting

Subject :	1.1 Invocation
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	1. Opening of Meeting
Type :	
Subject :	1.2 Pledge of Allegiance
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	1. Opening of Meeting
Type :	Procedural

Public Content

Subject :	1.3 Adoption of Agenda
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	1. Opening of Meeting
Type :	
Subject :	1.4 Consider Allowing Remote Participation of Board Member(s) (if warranted)
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	1. Opening of Meeting
Type :	Procedural

Public Content

COUNTY REMOTE MEETING PARTICIPATION POLICY LINK (Section 3.06/Page 6):

https://go.boarddocs.com/va/coa/Board.nsf/files/DA5RW96FE4B7/$file/2024%20Adopted%20Rules%20of%20Procedure%20Amended%202024.10.16.pdf

Chairman Script for Remote Participation

- Supervisor _____ notified me earlier today that he would like to participate in this evenings meeting remotely because he is _____.

- Our adopted Remote Participation Policy requires that all requests from Board members to remotely participate in a public meeting must be received by the Chair in writing on or before the day of the meeting and subject to approval by the Board.
    - I can attest that the request to participate remotely was received by me in writing on __/__/__
- It is my understanding thatSupervisor _____is currently connected via Zoom to this meeting.
    - Supervisor _____ can you hear me?
- For the record, Supervisor _____ would you state the reason you wish to participate remotely and the exact location from where you are participating from?
- Members of the Board, since we have a quorum physically assembled here tonight, would someone like to make a motion to allow Supervisor _____ to remotely participate in tonights meeting in accordance with our Board-adopted remote participation policy?

2. Public Comment

Subject :	2.1 Public Comment Rules
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	2. Public Comment
Type :	Information

Public Content

The Board shall set aside a citizens comment period. During the citizens comment period, speakers wishing to address the Board must abide by the rules of conduct outlined herein and shall clearly state their name and address, and shall be subject to such time limitations as the Chairman and these rules may impose. The following rules shall apply:

i. Public comments shall be limited to items on the current meetings agenda but shall not address matters on the public hearing calendar for the day.

ii. No individual speaker shall be permitted to address the Board for more than four (4) minutes.

iii. The Chair shall allocate the time among the speakers in an equitable manner.

iv. Individuals who have previously spoken on a subject at a public hearing shall not be allowed to re-address the Board on the same subject during the public comment period.

v. Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff member.

vi. Anyone who would like to present a PowerPoint presentation for a public meeting must have to present the presentation 24 hours in advance for review by staff for appropriateness.

vii. Questions shall be directed to the Chair, who will, at his/her discretion, solicit the response from the appropriate person.

viii. Persons addressing the Board shall not use inappropriate or threatening language or verbally attack any Board member or any member of the public.

ix. The Chair shall direct any person whose behavior is violent or disruptive to leave the meeting room.

3. Consideration of Minutes

Subject :	3.1 October 16, 2024 Regular BOS Meeting Minutes
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	3. Consideration of Minutes
Type :	Action
Recommended Action :	Approve the October 16, 2024 board meeting minutes

Public Content

Key Points: DRAFT Minutes for the meeting held on October 16, 2024 attached.

Staff Contact: Mike Mason, CPA, County Administrator

File Attachments

10_16_24 BOS MINUTES_edited.docx (6,123 KB)

4. Recognitions

5. Consent Agenda

Subject :	5.1 Approval of Consent Agenda
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	5. Consent Agenda
Type :	Action (Consent)
Recommended Action :	Motion to approve Consent Agenda Items

Public Content

Consent

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Subject :	5.2 Consider abandonment of Route 9640 leading to former Bloxom Primary School
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	5. Consent Agenda
Type :	Action (Consent)
Preferred Date :	Nov 20, 2024

Fiscal Impact :	No
Budget Source :	N/A
Recommended Action :	Direct staff to post and publish Public Notice of the Board's intent to abandon Secondary Highway Route 9640 from Route 684 Mitchell Road to parking area / dead end for a distance of approximately 0.06 miles. Further direct staff to schedule a Public Hearing on the matter, such hearing to be held on January 15, 2025 at the Regular Meeting of the Board of Supervisors.

Public Content

Key Points: County staff was contacted by VDOT regarding route 9640, which once served the former Bloxom Primary School. In 2008, the property was sold to Iglesia Cristiana El Redentor Church. As this road is in private ownership and no longer serves a necessity to the public, staff is recommending that the Board consider beginning the abandonment process. This process includes the posting and publishing of formal Public Notice followed by a Public Hearing. The property owner has already been notified via certified mail.

Staff Contact: Stewart Hall, Deputy County Administrator - Public Works & Facilities

Number of Attachments & Description: (3)

1. Map

2. Resolution of Intent

3. Public Notice

File Attachments

Map.pdf (938 KB)
Public Notice.pdf (154 KB)
Notice of Intent.pdf (98 KB)

Consent

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Subject :	5.3 Consider Scheduling a Public Hearing for Comprehensive Amendments to the Erosion and Stormwater Management Ordinances
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5: 00 p.m.
Category :	5. Consent Agenda
Type :	Action (Consent)
Preferred Date :	Dec 18, 2024
Recommended Action :	Approve scheduling a public hearing on 12

Public Content

Key Points: Schedule a Public Hearing for Comprehensive Amendments to the Erosion and Stormwater Management Ordinances needed to align with state law.

Staff Contact: Mike Mason

Number of Attachments & Description: (1) VESMP Ordinance

File Attachments

Erosion and SWM Ordinance Final Draft 11-7-24.pdf (340 KB)

Consent

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Subject :	5.4 Consideration of FY25 Local Government Agreement for the Health Department
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	5. Consent Agenda
Type :	Action (Consent)
Fiscal Impact :	Yes
Budgeted :	Yes
Recommended Action :	Approve the FY25 Local Government Agreement between the Virginia Department of Health and the County with the staff-recommended edits.

Public Content

Key Points: The draft FY25 local government agreement (LGA) between Accomack County and the Virginia Department of Health is attached. This agreement defines the services the Department will offer and the local match required to pay for them. The amount of local financial support specified in the agreement equals the amount of local funds budgeted and appropriated by the Board of Supervisors for the Health Department for FY25.

Staff Contact: Michael T. Mason, County Administrator & Jon Richardson, Eastern Shore Health Department

Number of Attachments & Description: (1) Draft LGA

File Attachments

Accomack County Health Department LGA FY25.pdf (604 KB)

Consent

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Subject :	5.5 Consider Approving FY 26 Budget Call Memo and Budget Calendar
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	5. Consent Agenda
Type :	Action (Consent)
Preferred Date :	Nov 20, 2024
Absolute Date :	Nov 20, 2024
Recommended Action :	Approve release of the annual Budget Call Memo and Budget Calendar for FY 26

Public Content

Key Points: Each year, the Budget Call Memo opens the next fiscal year work for the County's Annual Fiscal Plan, or Budget. The Finance Department requests of each department, agency, commission and others requesting consideration by the Board of Supervisors and staff for inclusion in the FY 26 plan to begin their preparations, materials and work with staff to submit timely the requests.

Staff Contact: Director of Finance, Leslie Lewis, CPA

Number of Attachments & Description: Two - Budget Call Memo and Budget Calendar

File Attachments

Budget memo.pdf (253 KB)
Budget Calendar FY 26.pdf (117 KB)

Consent

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Subject :	5.6 Affirm November 7, 2024 Suspension on Open Burning in the County
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	5. Consent Agenda
Type :	Action (Consent)

Recommended Action :	Affirm the suspension on open burning in the County ordered by the County Administrator on November 7, 2024.

Public Content

Key Points:

On November 7, 2024, the County Administrator, in consultation with the County Emergency Services Director, County Public Safety Director and representative of the Virginia Department of Forestry, imposed a ban on open burning in the County.The ban applies to all outdoor ignition sources except for the following exclusions:

1. proper use of gas and charcoal grills,
2. campfires at the Countys commercial, State, and Federal campgrounds,
3. private property recreational campfires that are limited to a fire area of two feet with a height of three feet,
4. public fireworks displays,
5. volunteer fire company training exercises, and
6. activities in support of farm operations

The County Administer now seeks ratification of this action as specified in Accomack Code Section 42-49 which is provided in its entirety below.

Accomack County Code of Ordinances Sec. 42-49 - Suspension of burning.

When it is deemed necessary by the Accomack County Board of Supervisors or by the Accomack County Administrator ratified by the Accomack County Board of Supervisors at the next regularly scheduled meeting, an open burning ban may be imposed on the entire county or sections of the county when conditions exist that would make open burning a threat to life or property, or nuisance as provided for in the Virginia Statewide Fire Prevention Code, F-301.10; or Code of Virginia § 15.2-1200, at anytime during the year.

Upon declaration of an alert, warning or emergency stage of an air pollution episode as described in Part VII of the regulations for the control and abatement of air pollution or when deemed advisable by the state air pollution control board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner or other person shall cause or permit open burning or use of a special incineration device; and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.

Staff Contact: Mike Mason, CPA, County Administrator

Number of Attachments & Description:(1) - Open Burn Ban Notice

File Attachments

Burn Ban 2024 Notice November 2024.pdf (235 KB)

Consent

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

6. Items Removed from Consent Agenda

7. Report of Public Officials

8. Committee Reports

9. Old Business

Subject :	9.1 Receive final report/presentation on MNS Cultural Enrichment Center DHCD Planning Grant - Receive Feasibility Report on Developing the School into a community cultural enrichment center
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	9. Old Business
Type :	Information, Presentation

Public Content

Key Points: On March 17, 2023, the County entered into a planning grant agreement with the Virginia Department of Housing and Community Development to conduct a study to determine the feasibility renovating the Mary N. Smith building for a community service facility. The scope of this agreement included holding community outreach meetings to determine the public's vision for this building. This public engagement, along with the desires of the MNS Alumni Association, the owner of the property, were all taken into account in the crafting of the building's feasibility study which is attached to this agenda item. As of today, all material activities required by the planning grant agreement have been accomplished. The County will begin closeout of the grant in the coming days in order to comply with the terms of the grant which requires all contract activities to be completed by December 31, 2024.

Tonight, the Board will receive the final planning grant update which includes review of the recently completed feasibility study.

Staff Contact: Mike Mason, CPA to introduce Leslie West, Ph.D, who served as the County's consultant of this project

Number of Attachments & Description: (3) MNSCEC Feasibility Study-Final, MNSCEC Planning Grant BOS Update presentation, & original planning grant agreement between the County and DHCD

File Attachments

MNSCEC PMT CDBG Planning Grant BOS Update 112024rev.pdf (2,722 KB)
24-0927 Mary N Smith_Study Final (summarized).pdf (14,365 KB)
22-PG-01 Accomack Co. MNS PG - SP signed.pdf (2,296 KB)

Subject :	9.2 Consider approving contract vehicles (MOU and addendum) allowing volunteer EMS agencies to participate in the County's Pharmacy Drug Box Exchange Program and

	authorizing the County Administrator to execute these documents with volunteer agencies who desire to be part of the program
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p. m.
Category :	9. Old Business
Type :	Action
Preferred Date :	Oct 16, 2024
Recommended Action :	Authorize the County Administrator to execute the appropriate attached draft Memorandum of Understanding (MOU), prepared by County Attorney, with those volunteer transport agencies that wish to voluntarily participate in the County Drug Box Exchange Program

Public Content

Key Points from October 16, 2024 Board of Supervisors Meeting:

- At the Board of Supervisors June 20, 2024meeting, the Board was briefed on new federal regulationsthat force major changes to the current medication exchange kit (aka drug boxes) process which is managed by Riverside Shore Memorial Hospital andutilized by the County Department of Public Safety (DPS) and allof the County's volunteer EMS agencies.
  - The newregulationswill no longer allow the hospitals to supply stocked drug box kits to EMS agencies and essentially mandate the County create its own program.
  - Volunteer EMS agencies have the option of creating their own program or participating in the County's program.
  - The deadline for transition to the new program is November 27, 2024.
- At the June 20th meeting, the Board requested that DPSmeet with EMS volunteer agencies to determine if they intended to take part in theCounty's Drug Box Exchange Program.
- A meeting was held at the EOC with EMSrepresentatives from these agencies on June 25, 2024.
- A special meeting was held with the Accomack County Fire-Rescue Commission on August 15, 2024,at which time they agreed to recommend that Accomack County manage the EMS Drug Box Exchange Program.
- MOUs that outlinethe responsibilities of each agency who voluntarily desires to participate in the County program havebeen drafted, distributed to volunteer EMS agencies and areattached to this agenda item

Key Points (New):

- **At the Board of Supervisors October 16, 2024meeting, the Board was updated on the County's progress establishing theCounty's Drug Box Exchange Program and developing MOUs for those volunteer agencies who desire to participate in it. At that time, the process for performing daily drug inventory checks at stations not staffed by County DPS was still being fine-tuned so the Board took no action on the draft MOUs presented by staff and directed staff to place this topic on its November 20, 2024, regular meeting agenda for consideration.**
- **As of November 20, 2024, all concerns over the aforementioned daily drug inventory checks have been addressed,found satisfactory by the County's Medical Director, and incorporated into the attached MOUs. Multiple MOUs have been developed because there are provisions that are unique to certain volunteer organizations however, for the most part, the terms and conditions in the MOUs are very similar among all participating volunteer agencies.**
- **The County Administrator seeks the Board's authorization to execute the appropriate attached MOU with each volunteer agency who desiresto participate in the County's Drug Box Exchange Program.**

Staff Contact: Charles Pruitt, Director

Number of Attachments & Description:(5)

-STANDARD DRAFT MOU for County & Volunteer Agencies wishing to participate in County Program

-Draft MOU for Saxis VFD

-Draft MOU for Painter VFD

-Draft MOU for Melfa VFD

-Draft MOU for Bloxom VFD

File Attachments

Drug Box MOU MODEL 11.14.2024.pdf (182 KB)
Saxis Controlled Drug Box MOU 11.14.2024.pdf (183 KB)
Melfa Controlled Drug Box MOU 11.14.2024.pdf (183 KB)
Bloxom Controlled Drug Box MOU 11.14.2024.pdf (183 KB)
Painter Controlled Drug Box MOU - 11.14.2024.pdf (184 KB)

10. Appointments

Subject :	10.1 Appointments
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	10. Appointments
Type :	Action, Information

Public Content

Key Points: There is vacancy that needs to be filled on theParks & Recreation Advisory Board- (ED3).

Ms. Fosque has relinquished her position which was due to term on 6/30/2025.

There are several other appointments that will be needed to be filled by January 1, 2025.

The composition of these appointments, provided for information only, is as follows:

- Community Criminal Justice Board (2)
- ES Community Services Board (1)
    - Ms.Turner has indicated she would not like to be reappointed
- Greenbackville Boat Harbor Committee (2)
- HarbortonBoat Harbor Committee (3)
- Planning Commission (3)
    - Mr. Onley (ED 5) has indicated he would not liketo be reappointed.
    - Mr. Hickman (ED 3) has indicated he would not liketo be reappointed
    - Mr. Roberts (ED 8) has indicated he wouldnot liketo be reappointed

File Attachments

2024 November Appointments.xlsx (14 KB)

Subject :	10.2 Attendance Reports
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	10. Appointments
Type :	Information

Public Content

2024 Social Services Board Attendance Report

2024 ESVA 9-1-1 Commission Meeting Attendance Report

ESCPMT Sign in Sheet November 2024

2024 Solid Waste Committee Attendance Report

File Attachments

2024 Board Attendance Report.xls (26 KB)
ESVA911Comm-Updated-110224.xlsx (19 KB)
ESCPMT Sign In Sheet November 2024.pdf (778 KB)
2024 Solid Waste Committee Attendance Report Form.xlsx (14 KB)

11. Public Hearing (6:00 PM)

Subject :	11.1 Public Hearing Rules
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	11. Public Hearing (6:00 PM)
Type :	Information

Public Content

Speakers are requested to leave written statements and/or comments with the County Administrator.

A. **All persons wishing to speak should sign the register.**

B. **Persons addressing the Board should stand behind the lectern.**

C. **Persons addressing the Board shall be limited to four (4) minutes.**

D. **Persons addressing the Board shall not use inappropriate language or verbally attack any Board member or any member of the public.**

E. **Signs and placards are not allowed inside the meeting room.**

F. **Any person whose behavior is disruptive shall be asked to leave the meeting room.**

G. **Persons may not question individual supervisors or staff members without the unanimous consent of the Board.**

H. **Persons addressing the Board shall limit their comments to the issue of the Public Hearing.**

I. **A speaker may reserve their time, but shall not delegate their time to another speaker.**

J. **Attorneys representing clients will be limited to ten (10) minutes, and if any attorney speaks under this provision, a representative holding an opposing view shall be provided ten (10) minutes to present their view.**

The Chair has the right and duty to maintain proper order in accordance with these rules.

Subject :	11.2 Public Hearing on David M. Jordan Guard Shore Wetlands Mitigation Bank Conditional Use Permit Application CUSE-000665-2024
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5: 00 p.m.
Category :	11. Public Hearing (6:00 PM)
Type :	Action, Hearing
Recommended Action :	Approval of CUSE-000665-2024, a conditional use permit for a wetlands off-site compensatory mitigation site, as presented, with the following 7 conditions recommended by Staff: 1.A fully engineered site plan stamped by a professional engineer licensed in the Commonwealth of Virginia shall be submitted to the County Staff for review and approval prior to any construction or land disturbance activity. 2.The applicant shall provide evidence of approval of a US Army Corps of Engineers permit prior to site plan approval. 3. No additional wetland mitigation banks or expansion of existing banks will be allowed on the subject parcels unless a conditional use permit is granted. 4. The applicants shall provide the County with the Phase I Archeological Survey prior to site plan approval. 5. A Joint Permit Application (JPA) permit shall be obtained from the Accomack County Wetlands Board with review by the Virginia Marine Resources Commission (VMRC) prior to site plan approval. 6. The applicant or manager shall provide the County with a copy of all monitoring and maintenance agreements, including the Long-Term Management Plan (LTMP). 7. A County site inspection shall take place annually to ensure all facilities are being maintained as outlined on the site plan and perpetual care documents.

Public Content

Key Points:

At its regular meeting on Wednesday, September 11 at 7 pm, the Planning Commission acted as detailed below on**one**public hearing:

Public Hearing #1:CUSE-000665-2024: David Jordan- 23519 Guards Shore Road, Bloxom

(PC recommends approval with 8 conditions)

1. On a motion by**Commissioner Pettit**, seconded by**Commissioner Gayle**, the Planning Commission voted**unanimously**to recommendthat the Board of Supervisors**approve**CUSE-000665-2024, a Conditional Use Permit to construct an approximately 2.89-acre wetlands offsite compensatory mitigation site pursuant to Accomack County Code section 106-54(11) for Tax Map # 53-A-149A & 53-A-149A1 with the 8 conditions recommended by the Staff.
2. The applicant was present and spoke.
3. No written or verbal public comment was received.

See the attachedreport.

The applicant requests a Conditional Use Permit under Section 106-54(11) of the Accomack County Code for the construction of a wetlands off-site compensatory mitigation site. The applicant wishes to create a wetlands mitigation bank on an approximately 3-acre portion of two adjoining parcels. The approximately 24.8-acre site is located on the north line of Guards Shore Road (Route 684) approximately 5,200 feet west of its intersection with Winterville Road on Tax Map #s 53-A-149A and 149A1.

The parcel is zoned Agriculture and is located partially within the Chesapeake/ Atlantic Preservation Area Resource Protection Area and wholly within the 9BFE Special Flood Hazard Area. The recommended future land use designation is Conservation Area.

Identification and Location Information

Applicants	David Jordan, PE
Applicant Contact	Phone: 571-233-5830 Email: david@dmjordan.com
Property Owner	Magdeline Colburn (53-A-149A) and Brian Roberts (53-A-149A1)
Location	53-A-149A & 53-A-149A1
Magisterial District	4 - Supervisor J. Parks Sr./ Commissioner K. Pettit
Total Land Area	24 Acres
Site Area Acreage	10 Acres (2.89 acres to be restored & 6 acres to be preserved)
Zoning	Agricultural
Future Land Use Recommendation	Conservation Area
Request	Conditional Use Permit for wetlands offsite compensatory mitigation site
Overlays	CAPA (partially) & 9BFE Special Flood Hazard Area
Adjacent Zoning	Agricultural

Adjacent Uses	Single Family Residential, Vacant Agricultural, Agricultural Undeveloped
Staff Contact	Chontese M. Ridley, County Planner I Phone: 757-787-5728 | Email:cridley@co.accomack.va.us

Staff Recommendation:
The Staff recommended**approval**of CUSE-000665-2024, a conditional use permit for a wetlands off-site compensatory mitigation site, as presented, pursuant to Accomack County Code Section 106-54(11), with the 8 conditions recommended by Staff.
Staff also recommends the following conditions:

1. A fully engineered site plan stamped by a professional engineer licensed in the Commonwealth of Virginia shall be submitted to the County Staff for review and approval prior to any construction or land disturbance activity.
2. The applicant shall provide evidence of approval of a US Army Corps of Engineers permit prior to site plan approval.
3. No additional wetland mitigation banks or expansion of existing banks will be allowed on the subject parcels unless a conditional use permit is granted.
4. The applicants shall provide the County with the Phase I Archeological Survey prior to site plan approval.
5. A Joint Permit Application (JPA) permit shall be obtained from the Accomack County Wetlands Board with review by the Virginia Marine Resources Commission (VMRC) prior to site plan approval.
6. The applicant or manager shall provide the County with a copy of all monitoring and maintenance agreements, including the Long-Term Management Plan (LTMP).
7. A County site inspection shall take place annually to ensure all facilities are being maintained as outlined on the site plan and perpetual care documents.
8. *The applicant shall apply for a subdivision to consolidate the two (2) parcels into one (1) parcel.*

Please note: Staff has no objection to deleting Condition #8 as written above. The applicant, Mr. Jordan, has provided additional information that would make Condition #8 above obsolete. The property owner of one of the other parcels consents to the application and the use, as well as a portion of the use on his property, but wishes to retain ownership at this time. This does not negatively impact the application, as he has provided an owners' consent form and the portion of the use on the adjacent property can be placed under easement.
Staff Contact: Leander N. "Lee" Pambid, Deputy County Administrator, Community and Economic Development
Number of Attachments & Description: (4) Staff report for CUSE-000665-2024, MEMO PC Actions, Conditional Use Permit Application, Public Hearing Advertisement

File Attachments

MEMO PC Actions from 2024-09-11.pdf (155 KB)
Conditional Use Permit Application.pdf (184 KB)
FULL STAFF REPORT CUSE-000665-2024 Jordan Mitigation.pdf (6,254 KB)
13897_AC_BOS_PH_Nov20.pdf (119 KB)

12. New Business

Subject :	12.1 Receive mission update from Rocket Lab including an overview of its activities in Accomack County
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5: 00 p.m.
Category :	12. New Business
Type :	Discussion, Information

Public Content

Key Points: Rocket Lab officials will present the attached slide deck.

Staff Contact: Rocket LabWallops Site Director, Aaron Kuipers, is scheduled to present however if the November 19th "HASTE A La Vista" mission launch is delayed, Rachel Harley, the Rocket Lab Site Operations Manager will present instead.

Number of Attachments & Description: (1) Presentation

File Attachments

VA Nov 2024 City County.pdf (9,348 KB)

Subject :	12.2 Consider changes to the County's Procurement Policy
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	12. New Business
Type :	Action
Preferred Date :	Nov 20, 2024
Fiscal Impact :	Yes
Recommended Action :	Approve the amendments to the County Procurement Policy as presented by staff.

Public Content

Key Points:

SUMMARY OF PROPOSED 2024 AMENDMENT TO PROCUREMENT POLICIES AND PROCEDURES

In addition to minor clerical and technical revisions, the proposed 2024 amendments to the Countys Procurement Policies and Procedures are as follows:

- Article V adds basic requirements for cooperative procurement, e.g., the products and prices listed in the original contract must match those that the vendor has quoted to the County.
- Article IX in accordance with changes to state law (optional):
  - Requires competitive sealed bids for the purchase of or lease of goods or for the purchase of nonprofessional services or insurance that are expected to exceed $200,000.
  - Requires competitive sealed bids for construction contracts for non-transportation projects that are expected to exceed $300,000.
  - Requires competitive sealed bids for construction contracts for transportation projects that are expected to exceed $25,000.
  - Requires competitive negotiation for professional services expected to exceed $80,000.

- Allows the use of small purchase procurement (without competitive sealed bids or competitive negotiation) for contracts for the purchase or lease of goods or for the purchase of nonprofessional services that are not expected to exceed $200,000.

- Allows the use of small purchase procurement (without competitive sealed bids or competitive negotiation) for construction contracts for non-transportation projects that are not expected to exceed $300,000.

- Allows the use of small purchase procurement (without competitive sealed bids or competitive negotiation) for construction contracts for transportation projects that are not expected to exceed $25,000.

- Allows the use of small purchase procurement (without competitive sealed bids or competitive negotiation) for the purchase of professional services that are not expected to exceed $80,000.

- Article XI in accordance with state law, provides that bidders are not restricted to a brand name and may offer brands that are equal in quality, workmanship, economy of operation and suitability of purpose.

- Article XII in accordance with state law:

  - Prohibits a Request for Proposals from asking the offeror to furnish estimates of man-hours or cost for services.

  - Requires offerors, other than those for architectural or engineering services, to state exceptions to terms or conditions in writing at the beginning of negotiations. Such stated exceptions cannot be used as a basis for evaluating the offerors selected for consideration.

  - Authorizes competitive negotiations for architectural or professional engineering services to result in awards to more than one offeror provided the Request for Proposals so states and sets out procedures for distributing projects among the selected contractors.

- Article XIII in accordance with state law (optional), changes the maximum amount for a job order contract from $6 Million to $10 Million. Also, changes the maximum amount per job from $500,000 to $1 Million.

- Article XIV restates the Small Purchase thresholds in Article IX.

- Article XVI in accordance with state law, sets out preferences for County goods and services and provides for descending preferences if County goods and services are not available.

- Article XIX added to limit the modification of fixed-price contracts to 25% of the amount of the contract or $50,000, whichever is greater, unless approved in advance by the Board of Supervisors. This is in accordance with state law.

- Article XX added to incorporate by reference the Countys General Terms and Conditions, including newly developed terms and conditions for information technology goods and services, into all contracts for goods and services, unless waived in part by the Purchasing Agent. Those provisions required by state or federal law cannot be waived.

Staff Contact: Leslie Lewis, CPA

Number of Attachments & Description:(1) Redline version of Proposed Procurement Policy Amendments

File Attachments

Procurement Policy 2024 Amendments 11.12.2024.pdf (296 KB)

Subject :	12.3 Consider authorizing a Personal Property Tax Refund to Norfolk Southern Railroad Company in the amount of $158,712.50
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	12. New Business
Type :	Action
Dollar Amount :	$158,712.50
Budgeted :	No
Budget Source :	The County's FY25 personal property tax revenue estimate is not capable of absorbing this refund and still meeting the budget estimate for FY25; however, the County's investment income revenue estimate can be increased to cover the refund amount
Recommended Action :	Approve a personal property tax refund for personal property taxes assessed by the Commission of Revenue on rolling stock owned by Norfolk Southern. Decrease the County's FY25 personal property tax budget by $158,712 and increase the FY25 investment income budget by the same amount.

Public Content

Key Points: Beginning in 2020, Norfolk Southern Railroad Company was assessed and paid Accomack County personal property taxes on 48 trucks and SUVs listed in DMV records as being garaged in Accomack County. Norfolk Southern contends and the County has verified that these vehicles were taxed as rolling stock by the Commonwealth Department of Taxation. Rolling stock is exempt from personal property taxes therefore a tax refund is required.

The refund encompasses taxes paid by the Company for the current year and three prior years plus interest since the Code of Virginia dictates that erroneously assessed taxes which have been paid be refunded with interest.

A tax refund this large requires an adjustment to the County's budgeted personal property tax revenue for the current fiscal year. The recommended action for the Board is to reduce the FY25 personal property taxes by the amount of the refund and increase FY25 County's investment income budget by the same amount. The County's investment earnings for FY25 are well ahead of budget allowing it to serve as the revenue offset for the tax refund.

Staff Contact: Kim Satterwhite, Commissioner of Revenue and Mike Mason, CPA, County Administrator

Number of Attachments & Description:(2) Refund Request from the Commissioner of Revenue, Treasurer's Letter to Norfolk Southern

File Attachments

Refund Request - Norfolk Southern Railway.pdf (171 KB)
Treasurer's Letter Norfolk Southern.pdf (25 KB)

13. County Administrator's Report

Subject :	13.1 Other
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	13. County Administrator's Report
Type :	Action

Public Content

14. Board of Supervisors Comment Period

15. Budget and Appropriation Items

Subject :	15.1 Consider Approving Resolution to Amend the FY25 Budget
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	15. Budget and Appropriation Items
Type :	Action
Fiscal Impact :	Yes
Dollar Amount :	$58,538.00
Budgeted :	No
Budget Source :	Other governmental agencies, insurance proceeds, interdepartmental transfers and State funds
Recommended Action :	Consider Approving Resolution to Amend the FY25 Budget.

Public Content

Key Points: Theattached resolution contains FY2025 budget amendments totaling $58,538, which will recognize additional State funding, an insurance recovery, departmental transfers and funds from another governmental agency.

FY25 Budget Contingency Balance as of 7/1/2024: $311,685

FY25 Budget Contingency Balance as of 11/12/2024:$272,574

Staff Contact: Amy Ford, Deputy Director of Finance

Number of Attachments & Description: (1) Resolution to Amend FY25 Budget

File Attachments

Resolution to Amend the FY25 Budget 20241120 Nov.pdf (166 KB)

Subject :	15.2 Consider conditionally approving an additional FTE for the Clerk of Circuit Court's Office and budgeting /appropriating related funds
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5: 00 p.m.
Category :	15. Budget and Appropriation Items
Type :	Action
Preferred Date :	Nov 20, 2024
Fiscal Impact :	Yes
Dollar Amount :	$40,965.00
Budgeted :	No
Budget Source :	Clerk Technology Trust Funds $22,567 and other Clerk revenue sources $18,398
Recommended Action :	Conditionally approve one additional FTE for the Clerk's Office in FY25 subject to the availability of Clerk Technology Trust Funds and other Clerk supplemental funding pledged to cover the cost of the FTE/Appropriating $40,965 for this purpose.

Public Content

Key Points:

- The Clerk of Circuit Court has requested an additional full-time equivalent (FTE) be approved for her office for the remainder of the current fiscal year and for an additional FY25 appropriation to cover the associated costs.
- The rationale behind this request is the Office of the Executive Secretary for the Supreme Court recommended, in the attachedletter dated October 8, 2024, hiring an additional FTE devoted to "bookkeeping" tasks.
- The additional funding required to pay for this request, if granted, will be derived from funds the Clerk solely has access to namely Clerk Technology Trust Funds (TTF), similar to a grant, and other funding the Clerk has identified.
- No additional local funds are needed to implement this request for FY25however TTF and other pledged funds must be appropriated by the Board of Supervisors for this purpose if it is to more forward. Note that these two funding sources are considered variable at best for FY26 and into the future.
- For FY25, a total of sevenFTEs were previously approved for the Clerk's Office by the Board of Supervisors.
    - Six of these FTEs are state supported local positions largely funded by the Virginia Compensation Board.
    - The remaining FTE is a local Deputy Clerk position previously approved by the Board of Supervisors and entirely funded by local revenues. Two part-time employees are currently employed and, in total, make up this one FTE.
    - If this request is approved, a total of eight FTEs will be authorized for the remainder of the fiscal year.
- Due tothe variable nature of the funding sources that are proposed to pay for this initiative,staff recommends the Board's approval be conditioned on the availability of TTF and other dedicated funding.

- **Should TTF and other funds dedicated for this purposenot become available ornot be sufficient to cover the cost of the additional FTE, the Clerk will have to take action to reduce the total FTE count authorized for her office accordingly.**

Staff Contact: Mike Mason, CPA, County Administrator

Number of Attachments & Description:(1) Letter from the Office of the Executive Secretary of the Supreme Court dated 10/8/24

File Attachments

Accomack - CMA Visit Preliminary Letter.pdf (193 KB)

16. Payables

Subject :	16.1 Consider Payables
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	16. Payables
Type :	Action
Fiscal Impact :	Yes
Budgeted :	Yes

Public Content

Key Points:

Pursuant to Code of Virginia§ 15.2-1243 (A), approval of the attached listing ofbills payable to be paid from the County Treasury is requested. Note that all payables have been reviewed by the County Administrator.

A listing of bills payable for the Board's review and approval are attached.

File Attachments

Accounts Payable Payment for Publication October 16 2024 Special Batch.pdf (10 KB)
Accounts Payable Payment for Publication October 24 2024.pdf (49 KB)
Northampton CSA GFS Final Report 10-24-24.pdf (16 KB)
Refund Extract_10-10-2024 Final GFS Report.pdf (8 KB)
Accounts Payable Payment for Publication November 07 2024 (002).pdf (53 KB)
Accomack CSA GL Final Report 11-07-24.pdf (51 KB)
Refund Extract Week Ending 11-07-24 Final GFS Report (002).pdf (8 KB)

17. Closed Meeting

Subject :	17.1 Closed Meeting
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	17. Closed Meeting

Type :	Action
Subject :	17.2 Closed Session pursuant to Va. Code Section 2.2-3711.A.7 - for consultation with legal counsel
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	17. Closed Meeting
Type :	

Public Content

Key Points: Closed Session pursuant to Virginia Code Section 2.2-3711.A.7 - for consultation with legal counsel pertaining to actual or probable litigation concerning the Water Street appeal, where such consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the public body.

Staff Contact: Jan Proctor

Number of Attachments & Description: None.

Subject :	17.3 Certification of Closed Meeting
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	17. Closed Meeting
Type :	Action
Recommended Action :	Motion to certify closed meeting.

18. Adjournment

19. Informational Items

Subject :	19.1 Regional Library and Heritage Center Report to the Board of Supervisors (November)
Meeting :	Nov 20, 2024 - Board of Supervisors Regular Meeting 5:00 p.m.
Category :	19. Informational Items
Type :	Information

Public Content

Key Point: Monthly report from Christopher Pote attached

File Attachments

202411 Accomack BoS Ltr.pdf (160 KB)