

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION
MINUTES OF THE
November 16, 2009 MEETING
HELD AT THE ENTERPRISE BUILDING
ACCOMAC, VIRGINIA

COMMISSIONERS PRESENT:

John C. Gray	Accomack County
Donald L. Hart, Jr.	Accomack County
Thomas E. Rienarth	Accomack County
Gwendolyn F. Turner	Accomack County
Roland Bailey	Northampton County
William A. Hughes	Northampton County
Rev. Charles J. Kellam	Northampton County
H. Spencer Murray	Northampton County
Richard B. Tankard	Northampton County
John H. Tarr	Town of Chincoteague

COMMISSIONERS ABSENT:

Grayson Chesser	Accomack County
Laura Belle Gordy	Accomack County
E. Philip McCaleb	Accomack County

OTHERS PRESENT:

Elaine Meil	Kat Edwards
Susan Haycox	David Annis
Melissa Matthews	Jane Corson Lassiter
Ray Rosenberger	Nancy Rosenberger

1. Call to Order

Chairman Turner called the meeting to order at 7:08 p.m.

2. Invocation

Commissioner Kellam offered the Invocation.

3. Minutes of October 19, 2009 Meeting

The minutes of October 19, 2009 Meeting were presented.

Commissioner Hart moved to approve the Minutes of October 19, 2009 Meeting as presented. Seconded by Commissioner Kellam, the motion carried by unanimous vote.

4. Bills Payable/Financial Statement

The November Bills Payable was presented. The current Financial Statement was also presented.

Commission approval of the Bills Payable and current Financial Statement was requested.

Commissioner Hart moved to approve the Bills Payable and current Financial Statement as presented. Seconded by Commissioner Kellam, the motion carried by unanimous vote.

5. October Financial Status Report

The attached report indicates that 30.51 percent of the FY 2010 Budget has been expended while 33.33 percent of the fiscal year has passed. If professional services are deleted, 32.61 percent has been expended.

Commission acceptance of this report was requested.

Commissioner Hart moved to accept the Financial Status Report. Seconded by Commissioner Riennerth, the motion carried by unanimous vote.

Please note that budget amendments will be presented at the next meeting reflecting any additional grant revenues awarded for the first six months of FY 2009.

New Checking Account

DHCD has awarded a total of \$363,631 to the A-NPDC for the Homelessness Prevention/Rapid Re-Housing Program (HPRP). An advance of \$40,000 has already been received for direct client services.

Authority to open a checking account to separately account and track the funds for the HPRP program is requested. Similar to the general operating account, the checks will require two of either officer's signature.

Commissioner Hart moved to authorize staff to open a separate checking account for the HPRP grant. Seconded by Commissioner Riennerth, the motion carried by unanimous vote.

6. FY09 Audit

Dunham & Aukamp, PLC advised staff that the draft FY 2009 Audit will be completed by the November 16 Commission Meeting. A copy was provided at the meeting.

The Budget Committee is scheduled to meet prior to the Commission Meeting to review the FY 2009 Audit. In addition, a conference call is scheduled with the auditor. Any Commissioners who would like to attend are welcome.

Pending Budget Committee recommendations, acceptance of the FY 2009 Audit as prepared by Dunham & Aukamp, PLC is requested.

Commissioner Kellam moved to accept the FY 2009 Audit. Seconded by Commissioner Hart, the motion carried by unanimous vote.

7. FY 2011 Budget Requests

In the past few years, Accomack County has required that Budget Requests be submitted by December 31. Staff contacted Central Accounting and was advised that the anticipated due date is December 16. County staff also advised that FY 2011 Budget Requests submitted will require supplemental information including performance evaluation. Additional information will be provided at November 16 Commission meeting.

Taking into consideration the budget strain on the localities, staff recommends requesting level funding from Accomack County (\$63,123), Northampton County (\$33,281) and the Town of Chincoteague (\$7,000) for FY 2011.

Commission guidance concerning FY 2011 budget requests to the localities was requested.

Commissioner Hart made a motion to ask Accomack County to increase its funding to meet the 2:1 ratio. Seconded by Commissioner Gray, the motion carried by unanimous vote.

8. Personnel Policies Amendments

Discussion was requested concerning the following policy:

1. The current Travel Expense Policy reads as follows:

Commission employees who must use their personal vehicles during the performance of official duties shall be reimbursed at the rate established by the Commission. Bridge tolls, parking fees, and similar expenses shall be fully reimbursed upon presentation of receipts by an employee.

Travel outside of the planning district must be approved in advance by the Executive Director. Cost of meals (up to \$30.00 per day) and lodging on overnight trips will be paid by the Commission. Cost of meals during one-day trips is eligible for reimbursement. With prior approval of the Executive Director, cost of meals exceeding \$30.00 per day may be reimbursed if the location of travel or the number of persons in the traveling party so warrants.

We currently do not have a policy for Commissioners. Options include:

1. The same policy as staff (add “and officials” following employee designation)
2. To avoid issues related to separate receipts when traveling with family members, the policy could simply state a “per diem” rate of \$30 (with half rates on travel days) similar to the State policy.
3. Adopt a separate policy of Commission choosing.

Commissioner Murray moved to adopt option 2 - To avoid issues related to separate receipts when traveling with family members, the policy could simply state a “per diem” rate of \$30 (with half rates on travel days) similar to the State policy. Seconded by Commissioner Tankard, the motion carried by unanimous vote.

9. Contracts

2010 Ford Ranger Compact Pickup
State Contract (manual transmission, 4 cylinder, extended cab) \$12,810.00

The utility van was sold in May 2009 leaving staff with two company vehicles. There continues to be a need for a third vehicle, primarily for hauling and inspections.

Funds to pay for the vehicle would come from the A-NDC with a rental fee paid each month from the A-NPDC.

Authority for the Executive Director to execute the state contract to purchase the compact pickup described on the attached spreadsheet was requested.

Commissioner Tankard moved to authorize Executive Director Meil to execute the state contract, but to change the transmission to automatic before purchasing. This increases the sales price to \$13,640. Seconded by Commissioner Murray, the motion carried by unanimous vote.

10. Projects

General Fund Expenditures

<u>Project Element#</u>	<u>Project Description</u>
9970	<i>Capital Expenditures</i>
Project Manager:	Elaine Meil, ext 116

No activity.

3002	<i>Special Administrative Cost</i>
Project Manager:	Elaine Meil, ext. 116

No activity.

3003	<i>Intergovernmental Coordination and Information</i>
Project Manager:	Leslie Mason, ext. 100

One application was completed: Accomack County applied for a STAG grant for construction of spray irrigation facilities for the land application of treated leachate located at the waste water treatment plant near the north landfill.

3010	<i>Planning Assistance Activities</i>
Project Manager:	Elaine Meil, ext. 116

No activity.

3016	<i>Management Assistance Activities</i>
Project Manager:	Elaine Meil, ext. 116

No activity.

Community Development Projects

3061	<i>Asset Management</i>
Project Manager:	Melissa Matthews, ext 110

All Asset Management files are kept current. Deeds of Trust are recorded as received, and expired Deeds of Trust are released approximately twice a year. Staff works diligently to assure all properties have and maintain homeowner's insurance.

3201 *Rural Development-Parksley Sewer*
Project Manager: Barbara Schwenk, ext 115

No change since last report.

3320 *EDA-Economic Development Planning*
Project Manager: Barbara Schwenk, ext. 115

The Comprehensive Economic Development Strategy (CEDs) public meetings were held on October 28 and 29 from 6:00 to 9:00 pm in two locations, one in each county. Attendance was good at both, and ideas for new projects or goals for existing projects were offered. Staff is revising the CEDs into a 2009 Update. It was hoped that a draft would be prepared in time for review at the November Commissioners' meeting. However, that was not possible due to time constraints imposed by another project, and delays in receiving additional information from outside sources to build meaningful goals and measurements for particular projects, especially education.

3330 *EDA-Broadband Grant for ESVBA*
Project Manager: Barbara Schwenk, ext 115

This project consists of administrative tasks associated with the EDA award of \$2.3 million to the Eastern Shore of Virginia Broadband Authority. It will be ongoing until the fiber optic backbone is constructed and the grant is closed out. In the past month, staff has been working with ESVBA to prepare a semi-annual financial report, preparation of the first drawdown request, and getting additional documents needed by EDA before the drawdown can be processed.

3333 *Town of Cape Charles-VCDBG*
Broadband Admin.
Project Manager: Barbara Schwenk, ext. 115

The Management Team gave authority to Tom Bonadeo, Town Planner, to finalize the network design with ESVBA. Engineering drawings are being prepared, and a contract for construction has been executed with Lucas Underground. However, Lucas's services may be used for the Parksley project first. This was a line item bid and contract, making it very flexible where the work will occur. It makes it possible for the ESVBA to direct the contractor anywhere on the Eastern Shore. The next meeting of the team will be on November 17.

3334 *Town of Parksley-VCDBG Broadband
Admin.*

Project Manager: Kat Edwards, ext. 120

The construction of the Parksley community network is part of the contract awarded to Lucas Underground, Inc. by ESVBA on October 14th. It is estimated that work on the network will begin early in December.

3335 *Town of Onancock-VCDBG Broadband*

Project Manager: Kat Edwards, ext 120

Onancock held contract negotiations with DHCD on November 6th. The major issues to be resolved before a contract can be signed are the agreement with ESVBA and the amount and type of security the Town will be required to provide to meet grant obligations.

3336 *Town of Chincoteague-VCDBG
Broadband*

Project Manager: Kat Edwards, ext 120

Chincoteague held contract negotiations with DHCD on November 6th. The major issues to be resolved before a contract can be signed are the agreement with ESVBA and the amount and type of security the Town will be required to provide to meet grant obligations.

3335 *Town of Tangier-VCDBG Health Clinic
Project*

Project Manager: David Annis, ext. 126

Southern Builders has submitted the second pay request for construction of the Tangier Health Clinic. As of last week, the footings and foundation is complete, and all wood framing material is stored on-site. Staff will be conducting on-site wage interviews for compliance with Davis-Bacon Labor Standards next week.

3401 *VDOT Rural Transportation Planning-
HPR*

Project Manager: Barbara Schwenk, ext 115

Data, graphics, and editing were provided to VDOT's consultant for the new Rural Long Range Plan that will be presented to the Transportation Committee in November. Staff attended the VTRANS 2035 forum in Glen Ellen on October 16 in which VDOT presented an update of progress with the long range plan.

3521 *Town of Chincoteague T-21 Admin. –2nd phase*
Project Manager: Kat Edwards, ext. 120

Construction drawings are 90% complete and will be submitted to VDOT after Town review is complete.

3523 *Town of Exmore, T-21 Enhancement*
 Phase IV & V
Project Manager: Kat Edwards, ext. 120

Exmore's acting town manager and staff attended the program management workshop for Enhancement projects that was held in Suffolk in early November.

3524 *County of Northampton T-21-*
 Enhancement #2
Project Manager: Barbara Schwenk, ext. 115

A letter has been sent to Baxley Tankard requesting his permission to place the sign on another of his parcels where the tree line ends and the field begins. He has not responded to date. No change since last report. We are now considering going back to the previous location and installing the sign at the edge of the trees east of the railroad. A follow-up letter will be sent to Mr. Tankard first.

Research into VDOT's requirements for a median sign was completed. A new median sign was designed and a cost estimate was obtained. Another estimate was requested for a smaller sign made of aluminum. Parksley Sign Company has not been able to source the specified aluminum. VDOT was contacted for and supplied a source; however, the distributor only sells bulk quantities. More research would be needed to source the material. VDOT has been asked if using sign foam instead of aluminum can now be accepted. No response to date.

3525 *County of Northampton T-21-Bicycle*
 Trail
Project Manager: Barbara Schwenk, ext. 115

An environmental review response from the Department of Game and Inland Fisheries was received on October 14. This was the letter we believed would be sufficient to complete all environmental requirements for the VDOT grant. However, VDOT's environmental engineer requested that we re-contact Fish and Wildlife Services, the Department of Conservation and Recreation and the Department of Agriculture and Consumer Services in order to confirm DGIF's recommendations. Letters were re-sent to those agencies in October. So far, FWS has responded and follow-up work is continuing.

Planning Projects

3531 *VDEM Flood Hazard Mitigation*

Project Manager: Curtis Smith, ext 114

Staff has contacted towns interested in updating their Hazard Mitigation Plan and reported these localities to VDEM. Staff will be coordinating with participating towns and VDEM to update each locality's Hazard Mitigation Plan.

3541 & 3551 *A-N CRMP Technical Assistance, FY 09—*

1st Qtr, FY10 2nd – 4th Qtr

Project Manager: Curtis Smith

Staff held a Ground Water Committee meeting in October. Staff held a Coastal Committee meeting in October, which included the Virginia Chesapeake Bay TMDL Webinar, discussion of TMDL matters, and updates on Virginia Offshore Wind Energy Project Updates. Staff has begun work on arranging a Certified Planning Commissioner Training on the Eastern Shore in January 2010.

3571 *A-N Groundwater Committee Projects*

Project Manager: Curtis Smith, ext 114

No activity.

3573 *Household Hazardous Waste Collection*

Project Manager: Curtis Smith

No activity.

3591 *Town of Wachapreague-DCR Project-*

Park Develop.

Project Manager: Kat Edwards, ext. 120

The Town's steering committee continues to make progress. They are working towards a master plan drawing, getting price estimates for park components, resolving site issues and identifying additional funds.

3592 *DEQ-Accomack County Water Supply
Plan*
Project Manager: Curtis Smith

Staff is working with DEQ on completing this activity. The Ground Water Committee Consultant has prepared an estimate and scope of work. The next step is to take this to the Ground Water Committee for approval.

3593 *DEQ-Northampton County Water Supply
Plan*
Project Manager: Curtis Smith

Same as Project Element 3592.

3598 *DEQ Signs Project*
Project Manager: John Aigner, ext 118

The remaining signs for Oyster and the Wildlife Refuge have been installed. Staff has sent photos and the GPS co-ordinates for the signs to DCR. This project is now complete.

3599 *General Assembly-Northampton Southern
Rivers*
Project Manager: Curtis Smith

No activity.

A-NPDC Housing Projects

3621 *Virginia Lead Safe Homes Program*
Project Manager: John Simpkins, ext. 119

Lead hazard interim control measures and clearance testing are complete for four single family dwelling projects in Accomack and Northampton Counties; and notifications to re-occupy were issued. Completion of lead controls in these last four dwellings fulfils the eight unit total described in VLSHP Contract Amendment #2 of Contract #05-VLSH-03. Final Completion documentation is being prepared for submittal to DHCD for grant close-out. Virginia's application to HUD for a new lead grant was not funded. Therefore, we are no longer accepting applications for assistance through this program.

3701 *Northampton, VCDBG, West Fairview
Admin.*
Project Manager: David Annis, ext. 126

Negotiations were completed week before last between a homeowner and contractor for the construction of a replacement house. Contracts were signed last week, and construction should start soon. Attorneys working on ownership issues for 2 families who are scheduled to receive replacement houses have obtained all but one signature on the conveyance deed. Contracts will be signed for the two houses as soon as the legal work is complete.

3702 *Northampton, VCDBG, West Fairview
Inspect.*
Project Manager: David Annis, ext. 126

Regular inspections for all-going construction projects.

3703 *Northampton, VCDBG, West Fairview
Housing Spec.*
Project Manager: David Annis, ext. 1260

Work write ups and specification are complete for the first bid group of 5 houses.

3771 *Accomack-Metompkin VCDBG
Administration*
Project Manager: John Simpkins, ext. 119

Staff met with a second owner of property needed to widen the streets in Metompkin who had offered to donate the strip of yard required to comply with the VDOT requirements. The owner is now requesting to be compensated for the land. Staff is working with members of the management team to resolve the problem.

3772 *Accomack-Metompkin VCDBG Inspection*
Project Manager: John Simpkins, ext. 119

Staff continues its efforts to identify eligible households and owners who would like to participate in the Project.

3773 *Accomack-Metompkin VCDBG Housing
Spec.*
Project Manager: John Simpkins, ext. 119

See above.

3781 *Northampton-East Fairview VCDBG
Administration*
Project Manager: David Annis, ext. 126

The low bidding contractor is currently reviewing his bid to try to identify areas that could be cut to try and make-up for the additional \$9,300.00 to complete the erosion and sediment control measures required by the land disturbance permit. Staff has offered to explore the possibility of not requiring the payment bond in exchange for the price adjustment.

All utilities have been removed from the right-of-ways on Honeysuckle Lane. VDOT has indicated that they should begin removing trees and brush from the right-of-ways soon.

4501 *Northampton-East Fairview VCDBG
Inspection*
Project Manager: David Annis, ext. 126

Responding to call-backs and request for warranty inspections from families who have received housing assistance.

4510 *Northampton-East Fairview VCDBG
Housing Spec.*
Project Manager: David Annis, ext. 126

Responding to call-backs and request for warranty work from families who have received housing assistance.

Culls Planning Grant
Project Manager: John Aigner, ext. 118

See the Executive Director's Report.

3821 *Town of Tangier-FEMA Elevation Project*
Project Manager: John Aigner, ext. 118

Staff has sent all outstanding paperwork and certificates to VDEM and FEMA.

3822 *Northampton County-FEMA Elevation Project*
Project Manager: John Aigner, ext. 118

The three houses in Oyster that were re-bid, are in the final planning stages, getting ready for construction. Staff has contacted the owners to set up a meeting before Thanksgiving, to review over the specifications with the owners and the contractor.

3823 *Accomack County-FEMA Elevation Project*
Project Manager: John Aigner, ext. 118

Two houses are ready to start on Saxis. One has been started this week. The other will start in about two weeks. The Crystal Beach project is still in negotiation with the owner to resolve the reduction in scope of work. Two jobs in Wachapreague have been started in the last two weeks. The last house on Tangier will not be able to be elevated due to extensive soil problems at the site. There are talks underway to possibly acquire the house and demolish the structure. Snyder House Moving has completed the three outstanding Tangier jobs. The final house in the Accomack Project was re-bid and the costs were reduced by about \$30,000.00. The bids and specs have been sent to VDEM for review and hopefully, approval to move forward.

11. Next Meetings

December Meeting

December's regular meeting is scheduled for December 21. However December's meeting has typically been cancelled. Last year's meeting was cancelled, but Commissioner's Fees were paid.

January and February Meetings

As usual, January and February regularly scheduled meetings will fall on Holidays. In the last few years, the Commission has chosen an alternative date to meet in January and cancelled February's meeting.

Commission guidance was requested.

Commissioner Tankard moved for the A-NPDC to have its December & February meetings and to cancel the January meeting. Seconded by Commissioner Rienrth, the motion carried by unanimous vote.

12. Executive Director's Report

Grants Awarded:

Culls Planning Grant – Northampton County

The Culls Planning Grant from the Department of Housing and Community Development has been awarded. A new item has been added to the projects memo for future updates on progress.

CDBG-R Broadband Buildout Phase IV (Nassawadox, Exmore, Belle Haven, Willis Wharf) – Northampton County

One of the original funded projects had to drop out and the CDBG-R application for the Broadband Buildout Phase IV was funded for \$1,000,000.

A-NTDC Loan Request

The Loan Fund Committee will meet prior to the A-NPDC meeting to finalize their recommendation on this loan to the Commission. All Commissioners have received a copy of the Loan Fund Committee packet with the A-NPDC packet. This packet has the minutes of the October 30, 2009 Special Loan Fund Committee meeting as well as the finalized credit memo for the A-NTDC loan request. Loan Fund Committee members will share the final recommendation. Commission action was requested.

Commissioner Murray summarized the loan details, as well as the recommendation of the Loan Fund Committee. On October 30, 2009, the Loan Fund Committee met and agreed by consensus to offer a recommendation of a line of credit not to exceed \$300,000 to the A-NTDC. This LOC would refinance into a simple interest loan after repairs were complete. The line of credit and loan would have an interest rate of 3.25% and be over a term of 10 years with a single annual payment paid during the first quarter of the calendar year. A 1% origination fee would be assessed for legal fees. The following security would be required: a promissory note, a deed of trust on the Cape Charles parcel, security on the admiralty title of the car float barge and a moral obligation agreement from Accomack and Northampton Counties.

Following discussions, Committee Member Tankard requested the committee consider adding a no prepayment penalty to the terms.

Commissioner Murray moved to approve the loan request as long as the above listed conditions were met. Seconded by Commissioner Kellam, the motion carried by unanimous vote.

RC&D Appointment

Ms. Corson-Lassiter has submitted two candidates who have agreed to serve if they are nominated to fill the vacant A-NPDC slots on the RC&D Council. The current term ends December 31, 2010. Mr. P.G. Ross lives in Northampton County and works for VIMS. Mr. Ted Shockley lives in Accomack County and works for the Eastern Shore News.

Commission action was requested.

Commissioner Murray moved to appoint P.G. Ross and Ted Shockley to the RC&D Council on behalf of the A-NPDC. Seconded by Commissioner Bailey, the motion carried by unanimous vote.

Requests for Assistance

No requests have been received.

Recovery Zone Bonds - Business Loan Program

Northampton County sent a request asking the A-NPDC Loan Fund Committee to work with them to participate in the Recovery Zone Facility Bonds Program. Northampton County has so far agreed to participate in the program which provides an allocation of \$146,000. County Administrator, Katherine Nunez, provided a resolution at the November 12, 2009 Board meeting to designate the entire County as a recovery zone area which will enable any business operating in Northampton County to qualify for this program. They would like to work with ANPDC Loan Fund Committee and policy.

Commissioner Murray moved to assist Northampton County with the Recovery Zone Facility Bonds Program. Seconded by Commissioner Kellam, the motion carried by unanimous vote.

13. Public Participation

No public participation took place at this time.

14. Other Matters

A letter from Minerals Management Service (MMS) Virginia Task Force was provided. They invited the A-NPDC to participate in a MMS-sponsored Virginia Task Force to facilitate coordination and consultation among Federal, state, local, and tribal governments on renewable energy activities on the Outer Continental Shelf (OCS) offshore Virginia.

Commission action to participate in the MMS Virginia Task Force was requested.

Commissioner Murray moved to allow the A-NPDC staff to attend the meeting and report back to the Board. Seconded by Commissioner Kellam, the motion carried by unanimous vote.

12. Adjournment

There being no further business brought before the Commission, Commissioner Rienarth moved to adjourn the meeting. Seconded by Commissioner Tankard, the motion carried by unanimous vote. Chairman Turner adjourned the meeting.

Copy Teste:

Gwendolyn F. Turner
Chairman

Elaine K. N. Meil
Executive Director