

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION
MINUTES OF THE
December 21, 2009 MEETING
HELD AT THE ENTERPRISE BUILDING
ACCOMAC, VIRGINIA

COMMISSIONERS PRESENT:

Laura Belle Gordy	Accomack County
John C. Gray	Accomack County
Donald L. Hart, Jr.	Accomack County
E. Philip McCaleb	Accomack County
Thomas E. Riennerth	Accomack 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
Gwendolyn F. Turner	Accomack County
Roland Bailey	Northampton County

OTHERS PRESENT:

Elaine Meil	Kat Edwards
Susan Haycox	David Annis
Melissa Matthews	Barbara Schwenk

1. Call to Order

Vice-Chairman Tankard called the meeting to order at 7:00 p.m.

2. Invocation

Commissioner Kellam offered the Invocation.

3. Minutes of November 16, 2009 Meeting

The minutes of November 16, 2009 Meeting were presented.

Commissioner Hart moved to approve the Minutes of November 16, 2009 Meeting as presented. Seconded by Commissioner Rienrth, the motion carried by majority vote with Commissioner Gordy abstaining due to her absence at the prior meeting.

4. Bills Payable/Financial Statement

The December 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. November Financial Status Report

The attached report indicates that 45.82 percent of the FY 2010 Budget has been expended while 41.67 percent of the fiscal year has passed. If professional services are deleted, 40.89 percent has been expended.

Commission acceptance of this report was requested.

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

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

6. FY 2011 Budget Requests

Staff attended the FY 2011 Budget Request training session provided by Accomack County on November 20. All departments and agencies requesting funding are required to submit the request electronically in a format provided by the County.

Traditionally, Accomack County has funded 2/3 and Northampton County 1/3 reflecting generally the division of population. Over the previous two fiscal years, the funding breakdown has drifted from this formula. At November's meeting, the Commission voted to request that the traditional split be restored creating a small budget increase for Accomack County.

Funding requests for FY 2011 will be submitted on behalf of the A-NPDC as follows:

- Accomack County, increase of \$3,439 (from \$63,123 to \$66,562)
- Northampton County, level funding of \$33,281
- Town of Chincoteague, level funding of \$7,000

7. Projects

General Fund Expenditures

Project Element# Project Description
9970 *Capital Expenditures*
Project Manager: Elaine Meil, ext 116

No activity.

3002 *Special Administrative Cost*
Project Manager: Elaine Meil, ext. 116

No activity.

3003 *Intergovernmental Coordination and
Information*
Project Manager: Leslie Mason, ext. 100

One application was submitted: Town of Tangier applied for grant funding for development of a Preliminary Engineering Report for improvements to the incinerator and wastewater treatment facilities.

3010 *Planning Assistance Activities*
Project Manager: Elaine Meil, ext. 116

Northampton County has asked the A-NPDC to facilitate a planning process for the County and its jurisdictions relative to their local wastewater efforts. The letter from the County requesting assistance was attached.

Board action was requested.

Commissioner Murray moved to allow the A-NPDC to facilitate a planning process for Northampton County and its jurisdictions relative to their local wastewater efforts. Seconded by Commissioner McCaleb, the motion carried by unanimous vote.

3016 *Management Assistance Activities*
Project Manager: Elaine Meil, ext. 116

No activity.

Community Development Projects

Project Element# Project Description
3061 *Asset Management*
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

Parksley is working with USDA Rural Development to close out the grant. They are awaiting approval for use of the contingency funds. One use listed is to pay the PDC for administration of the grant. This was a line-item in the original budget, and approval is expected.

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

The CEDS public meetings were held in October and have now been updated. The draft document was included.

Staff requested adoption.

Commissioner Hart moved to adopt the Comprehensive Economic Development Strategy as presented. Seconded by Commissioner Hughes, the motion carried by unanimous vote.

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. These tasks were not accomplished in November as expected because EDA would not accept the way in which the ESVBA advertised for its electronics and electrical components. ESVBA was instructed to go back to the three vendors that responded to the original Invitation for Bid and obtain further information. ESVBA must get prices broken out by components to be used for the fiber-optic backbone and those components used in other non-EDA projects on the Shore. The PDC was not consulted prior to preparation of the original invitation for bid. However, staff communicated to EDA that ESVBA adhered to the Virginia Public Procurement Act, which EDA's regulations allow, and only the modification described above was required for EDA's acceptance of the bids.

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 team did not meet in November or December because ESVBA does not yet have all the information it needs to complete the engineering drawings. Staff requested that the Town planner provide ESVBA with a list of easements needed for the project and revised drawings from Southport LLC showing the new easements they have put into place. The next meeting of the team is scheduled for January 19.

3334 *Town of Parksley-VCDBG Broadband*
Admin.
Project Manager: Kat Edwards, ext. 120

ESVBA originally thought they would be able to begin construction of the Parksley broadband network in early December. However, it has taken longer than anticipated to secure necessary agreements with VDOT, ANEC and Verizon. There is no estimate of a start date yet.

3335 *Town of Onancock-VCDBG Broadband*
Project Manager: Kat Edwards, ext 120

Onancock is working to complete its pre-contract activities before February. The most complex of these are the agreement with ESVBA, the amount and method of security the Town will provide against project activities and the solicitation of buy-in from the business community.

3336 *Town of Chincoteague-VCDBG
Broadband*

Project Manager: Kat Edwards, ext 120

Chincoteague is also working through its pre-contract obligations which are similar to those mentioned above.

3535 *Town of Tangier-VCDBG Health Clinic
Project*

Project Manager: David Annis, ext. 126

Southern Builders has submitted the third pay request for construction of the Tangier Health Clinic. As of last week, the footings and foundation is complete, and all wood framing is at 40% completion. A Management Team Meeting will be scheduled for sometime before the end of the year.

3401 *VDOT Rural Transportation Planning-
SPR*

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 Allen on October 16 in which VDOT presented an update of progress with the long range plan. The Transportation Technical Advisory Committee met on December 10 to review new by-laws (the previous ones have not been located) in an effort to get better participation from committee members. The committee also reviewed the draft VTRANS 2035, the Commonwealth's long-range transportation strategy and the draft Eastern Shore Corridor of Statewide Significance (Route 13). Changes suggested by the TTAC will be forwarded to the state's consultants. The next meeting of the TTAC is scheduled for January 21. Staff also prepared two VDOT Enhancement Grant applications for the Town of Chincoteague continuation of the streetscape project as well as continuation of the Assateague Lighthouse restoration project.

An application for FY2011 Rural Transportation Planning Assistance will be prepared in January. A resolution authorizing staff to proceed with the application is needed.

Staff requested Board adoption of the FY2011 Rural Transportation Planning Funds Resolution.

Commissioner McCaleb moved to adopt the FY 2011 Rural Transportation Planning Funds Resolution. Seconded by Commissioner Hart, the motion carried by unanimous vote.

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

Staff prepared and submitted a VDOT Enhancement Grant application December 1st for funding for a second phase of streetscape improvements on behalf of the Town. The application requested \$738,315 in Enhancement funds for relocation of utilities along Main Street in the historic commercial district.

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

The Town is still trying to acquire the easements necessary to begin the parking lot.

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

The mayor of Nassawadox, Estelle Murphy, was able to convince VDOT to allow the town to put its southern sign in the same place as the previous one, if the town got permission from the railroad (it is RR ROW). The railroad agreed. We are currently awaiting the permit from VDOT, and an acceptable way of reinforcing the mounting of the signs also needs to be worked out with VDOT after three signs came down and broke up in the recent northeaster. Discussions with the sign company, VDOT, and Northampton County Public Works Department are underway to solve the installation problem so that the signs hold up in wind.

Three signs were destroyed in the storm: one Cheriton, one Eastville (southern), and one Exmore (southern). The County has asked staff to get information on the feasibility of using unexpended grant funds for the replacements. Calls have been made, but no definitive answer has yet been received.

Use of sign foam for the median sign in front of the Best Western Exmore has still not been approved by VDOT. Follow-up calls will be placed.

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. These agencies have responded again that the project will have no impact on threatened or endangered species. VDOT enhancement grant staff also informed us that a DCR Certified Planner must be used to review the Erosion and Sediment Control plans, even though all the plan were already approved by VDOT. Northampton County does not have such a planner on staff and uses an independent consultant. Katie Nunez has approved the use of the consultant for the review, and it is expected to be complete by December 18. Bob Leffel at the ESNWR is also facilitating development of the Memorandum of Understanding between FWS and VDOT so that the project can be transferred from Northampton County to FWS. He expects that to be completed by January.

Planning Projects

3531 *VDEM Flood Hazard Mitigation*

Project Manager: Curtis Smith, ext 114

Staff is reforming the Hazard Mitigation Committee, which will include representatives from participating towns and VDEM. The Committee will begin the process of updating the 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 November. The next meeting is planned for January. Staff has scheduled Certified Planning Commissioner Training to be held at the Eastern Shore Community College beginning January 28, 2010.

3571 *A-N Groundwater Committee Projects*
Project Manager: Curtis Smith, ext 114

The Ground Water Committee has decided to hold public meetings and training sessions at least two times each year in the future. This decision was based on past successful public forums. Staff will begin coordinating the next public forum at the next meeting.

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 met with Bill Spivey of Land Studio last month to discuss the value and cost of creating a master plan for the park and related improvements. They did not take action on master planning but decided to meet with County officials to see what requirements they would need to meet in order to proceed with doing minimal improvements to the park.

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

The Ground Water Committee approved the use of their consultant to complete this plan. He has been contacting the participating towns for details to complete the information requirements of the plan.

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

Closed.

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

The first phase of Final Completion documentation has been submitted to DHCD for grant close-out.

3622 *Virginia Lead Safe Homes PASS-
THROUGH*
Project Manager: John Simpkins, ext. 119

See above.

3625 *USDA Lead Clearance-Inspection*
Project Manager: John Simpkins, ext. 119

Closed.

3630 *Management Services for Regional Home
Maintenance*
Project Manager: Kat Edwards, ext. 120

No activity.

3661 *HUD-Housing Counseling Services*
Project Manager: Bobbie Jo Wert, ext. 125

Staff continues to counsel families needing assistance with those seeking help with resolving or preventing mortgage delinquency; seeking help in locating, securing, or maintaining residence in rental housing; and seeking shelter or services for the homeless or on the verge of homelessness. In most cases, families will obtain counseling in financial management that includes matters such as predatory lending and budget counseling issues.

Staff attended training held by NeighborWorks in November. The training was HO250: Homeownership Counseling Certification: Principles, Practices and Techniques.

3763 *Dept of Mines, Minerals & Energy-
EECBG*

Project Manager: John Aigner, ext. 118

Energy Efficiency Block Grant applications were submitted by the following localities; Accomack County, two applications; the Town of Onancock, three applications; and Northampton County, one application. These have all been forwarded to the Department of Mines, Minerals and Energy for consideration and ranking. There were more than 170 applications submitted for the \$9 million in funding.

3771 *Accomack-Metompkin VCDBG
Administration*

Project Manager: John Simpkins, ext. 119

The project attorney continues to work on the deeds needed to transfer the right-of-ways for Savage Drive and Finney Drive. All owners have now agreed to convey the properties.

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

DHCD has approved a plan that would allow staff to go forward with the improvements to Jackson Lane. The plan would require the A-NPDC to be reimbursed the last draw of administration funds from the CDBG grant from the project's program income account over time, as funds accrued. This would free-up all remaining undrawn CDBG funds for construction of the street. Moore & Sons have promised to provide a start date for the work by the end of the week, and the project engineer stands ready to draft the construction contracts.

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

The first community meeting was held on November 23 at Sunnyside Village. The first Management Team meeting was held on December 9, 2009, and the second Management Team meeting was held on December 14, 2009 at Sunnyside Village. Staff is compiling data from the housing surveys for submittal on December 18 to DHCD.

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. A closeout letter was received by VDEM from FEMA on November 16, 2009. A letter will be coming from VDEM shortly, confirming the closeout.

3822 *Northampton County-FEMA Elevation
Project*

Project Manager: John Aigner, ext. 118

The three houses in Oyster are ready to begin construction. John Aigner met with the owners and the general contractor two weeks ago to review the specifications. Contracts have been signed and returned by the owners. Two of the projects are with Snyder House Moving. Snyder has not signed the contracts yet and has indicated he may not be willing to sign them. If Snyder refuses to honor his bids, the next contractor will be awarded the bids. These jobs are supposed to be finished by April 30, 2010 and need to be started immediately, in order to be completed by the deadline.

Project Element# Project Description
3823 *Accomack County-FEMA Elevation
Project*

Project Manager: John Aigner, ext. 118

Two houses have started on Saxis. The Crystal Beach project is still in negotiation with the owner to resolve the reduction in scope of work. Two jobs in Wachapreague are 50% complete. The last house on Tangier will not be able to be elevated due to extensive soil problems at the site. One of the Tangier homeowners has complained about several problems on her job that she believes Mr. Snyder is responsible for. Staff will assess the problems and try to make a determination on what action is to be taken.

8. Executive Director's Report

CDBG-R Broadband Buildout Phase IV – Northampton County

Staff wrote the application intending to administer the project, however, after it was announced that this project was not funded staff wrote other applications and committed to other projects. Since the application was subsequently awarded after the previous applicant dropped out, staff has been in discussions with Northampton County and ESVBA on their handling all administrative tasks. Staff will be providing assistance to Northampton County with compliance with Davis Bacon Labor Standards and will be paid an hourly rate of \$50, based on staff personnel costs, for this assistance. A formal contract will be presented at the next meeting.

A-NTDC Loan Request

Executive Director Meil met with railroad representatives, Oral Lambert, Larry Lemond and JT Holland as well as Accomack County Administrator Steve Miner, Northampton County Administrator Katie Nunez and Accomack County Director of Economic Development Larry Forbes regarding the A-NTDC loan request. The railroad agreed to pay the \$100,000 to the counties over 10 years regardless of railroad traffic. Unfortunately, it appears that the Virginia Resource Authority may already hold a first deed of trust on all railroad land and equipment. I have asked David Rowan to go ahead and finish the title search on the Cape Charles parcel. A full report will be presented at the meeting when all facts are known.

The Loan Fund Committee requested permission from the Board to authorize the loan subject to completion of loan documents and a search for additional collateral. The A-NPDC would also require a promissory note from the A-NTDC as well as a Moral Obligation and Resolution from each county.

Commissioner McCaleb moved to grant the Loan Fund Committee permission to authorize the loan to the A-NTDC. Seconded by Commissioner Kellam, the motion carried with nine votes in favor, and one opposition. Commissioner Gordy voted against the motion.

Virginia Wind Task Force Meeting – Mineral Management Service

The Virginia Wind Task Force meeting was held December 8, 2009 in Virginia Beach. Several localities as well as federal and state organizations were in attendance. Virginia studies have shown that there are Class 6 and 7 winds, 12 miles off Virginia's coast. One wind farm located in this area could provide power for 300,000 people. Ms. Maureen Bornholdt, Program Manager, explained that there are wind and possibly water resources there and that her agency, Minerals Management Service, could lease areas on the Outer Continental Shelf (OCS) off Virginia for alternative energy development purposes. Virginia Beach currently has the only substation on the coast, from Savannah, Georgia to Long Island that could carry this power onshore at Fentress.

Depending on whether there is competition or not, obtaining the lease could take 1 and ½ years to 2 years. With a non-competitive leasing, there could be one or two ongoing NEPA-environmental reviews. A competitive leasing would result in two or three. Further reviews would be required for construction activities. The NEPA requirements will consider at least these impacts: visual, vessel traffic, air emissions, bottom disturbance, discharges, infrastructure, noise, and lighting. Other considerations will include: Endangered Species Act, Magnusson-Stevens fishery, Executive Order 13186 Protection of Migratory Birds (treaty), E.O. 12898 Environmental Justice, the Federal Water Pollution Control Act, the Clean Air Act, Virginia's Coastal Zone Management Program, Marine Mammal Protection Act, National Historic Resources Preservation, Federal Aviation Act, USCG Ports and Waterways Safety Act, Maritime Transportation Act, USCOE permitting Section 404 Clean Water as well as Section 10 Rivers and Harbors, the EPA NPDES permitting and many additional items.

The EPA spoke and stated that since vessels would be traveling to them and they would be located over 3 miles off the coast they may need an air quality permit from the EPA. The FAA representative explained that before advertising the leasing the Mineral Management Service needs to determine whether the block already has a FAA Determination as no air space could be used if one exists for that area. The Department of Defense is coordinating their comments to the Minerals Management Service and will indicate to them whether any block has sensitive defense activities.

George Hagermann, Virginia Tech, showed a map he made eliminating the Wallops Flight Facility overlay for flights and also other defense and known conflicts. He also eliminated all blocks west of 12 miles out to avoid some visual and noise impacts. He indicated that the largest transmission line on the Eastern Shore is a 69kV line that was almost just a distribution line. Since the meeting, an environmental review has been requested for a 110kV line to northern Accomack. Mr. Hagerman said Hampton Roads has 110, 230 as well as Fentress' 530kV transmission line. He also reviewed existing projects in the U.S. as well as around the world and believes no wind farm would be put into service until at least 2017.

The draft Request for Interest will be sent to the task force members in mid-January. No new meeting has been scheduled yet.

Requests for Assistance

No requests have been received.

9. Public Participation

No public participation took place at this time.

10. Other Matters

Vice-Chairman Tankard requested a report from the Transportation Committee to identify what roads in Accomack and Northampton Counties are Federal roads so as to potentially get Federal money for their repairs and maintenance.

Vice-Chairman thanked Commissioner Hughes for his two years of dedicated service to the Northampton County Board of Supervisors as well as the A-NPDC.

It was decided the next A-NPDC Board Meeting will be held at 7pm on February 8, 2010.

11. Adjournment

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

Gwendolyn F. Turner
Chairman

Copy Teste:

Elaine K. N. Meil
Executive Director