

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION
MINUTES OF THE
June 22, 2022 Meeting
ENTERPRISE BUILDING
ACCOMAC, VIRGINIA

COMMISSIONERS PRESENT:

Harrison Phillips	Accomack County
C. Reneta Major	Accomack County
Rev. Charles J. Kellam	Northampton County
Betsy Mapp	Northampton County
Arthur Leonard	Town of Chincoteague
Vanessa Johnson	Accomack County
Gwendolyn F. Turner	Accomack County
L. Dixon Leatherbury	Northampton County
Donald L. Hart, Jr.	Accomack County

COMMISSIONERS ABSENT:

Rickie Ross	Accomack County
Robert Crockett	Accomack County
John Coker	Northampton County
Vacant	Northampton County

OTHERS PRESENT:

Elaine Meil	Sandy Taylor
Leanna Bowden	Anne Doyle
Eric Luchansky	Russ Williams
Myra Riley-Taylor	

1. Call to Order

The June 22, 2022 meeting of the Accomack-Northampton Planning District Commission (ANPDC) was called to order by Chairman Phillips at 7:00 p.m.

2. Invocation

Commissioner Kellam offered the Invocation.

3. Minutes of the May 16, 2022 Meeting

The Minutes of the May meeting were presented. Commissioner Hart moved to approve the minutes as presented. Seconded by Commissioner Johnson, the motion was carried by unanimous vote.

4. Public Participation

Myra Riley-Taylor, a citizen from the Bayside Community in Onancock, Virginia attended.

5. Financial Status Report

The report indicated that 80.73 percent of the Fiscal Year 2022 Budget was expended while 92 percent of the fiscal year has passed. Commission acceptance of this report was requested.

Commissioner Leonard moved to approve the financial report. Seconded by Commissioner Major, the motion was carried by unanimous vote.

6. Financial Statement / Bills Payable

The Financial Statement, including the current Bills Payable were presented. Commission approval of the Financial Statement was requested.

Commissioner Leonard moved to approve the Financial Statement and Bills Payable. Seconded by Commissioner Major, the motion was carried by unanimous vote.

7. Fiscal Year 23 Draft of Budget / Annual Work Program

The most recent FY 2023 Budget Draft and Annual Work Program was attached for review. The major highlights and items for discussion were as follows:

PROJECTED REVENUES:

- ✓ Level State and level funding from the Localities are included.
- ✓ Onancock NE Neighborhood CDBG, Holland Lane CDBG, East Horntown CDBG, VRA Ag Study, VA Housing Barrier Reduction Grant and Mary N Smith Planning Grant have not been officially offered, but we have received positive feedback from the funding agencies for each of these projects.
- ✓ New applications awarded include the Virginia Housing Front Door Project (Occohannock Neck) and the VRA Ag Study.

PROJECTED EXPENDITURES:

- ✓ As directed by A-NPDC Commissioners to follow Accomack County guidelines established in their budget and Personnel Policies, a 5% salary increase for all employees effective July 1.
- ✓ The VRS benefit of Health Insurance Credit remains the same at 1.01%
- ✓ Health Insurance Premium rates decreased by 6%. Vision and dental rates remained the same.
- ✓ Fringe Rate is decreased for full-time staff from 28.49% to 26%.
- ✓ The fringe rate has decreased primarily due to the Health Insurance Premium decrease.

- ✓ Operating expenses have been reviewed and adjusted accordingly as compared to current estimates and year-to-date expenses for May 2022.

OTHER NOTES:

- ✓ **Excess revenues over expenditures are projected to be \$16,399.00**
- ✓ The FY2023 projected indirect cost rate is projected at 37.62%. The Indirect Cost Rate Agreement was submitted to HUD on 12/30/2021. The U.S. The Department of Health and Human Services is waiting for HUD approval. When approval is received the review process will begin.
- ✓ All programs managed by the A-NPDC are detailed along with the program goals, FY 2023 objectives, budgeted revenues and expenditures.

PERSONNEL POLICY AMENDMENT:

- ✓ We requested that the upper limit for all job description salary ranges be increased by \$5,000.

Commission approval for the salary range increase was requested. Commissioner Leonard moved to approve the Personnel Policy Amendment. Seconded by Commissioner Kellam, the motion was carried by unanimous vote.

The Budget Committee met at 6:30 PM prior to the June Commission meeting to review the proposed FY 2023 Draft Budget/Annual Work Program. Commissioners were welcomed to attend.

Commission approval of the FY 2023 Budget/Annual Work Plan was requested. Commissioner Betsy moved to approve the FY 2023 Budget/Annual Work Plan. Seconded by Commissioner Kellam, the motion was carried by unanimous vote.

8. Contracts

FEMA DR4401-VA-016 Accomack One Elevation, Two Acquisitions

- Staff requested support to execute the *FEMA DR4401-VA-016 Accomack One Elevation, Two Acquisitions Contract*. Commissioner Mapp moved to approve the FEMA Contract. Seconded by Commissioner Kellam, the motion was carried by unanimous vote.

FY22 VDOT Letter of Authorization

- The FY2022 VDOT Letter of Authorization has been received. It provides funds for technical assistance and planning funds. It is a recurring grant. Commission approval of the FY2022 VDOT Letter of Authorization was requested. Commissioner Leatherbury moved to approve the FY22 VDOT Letter of Authorization. Seconded by Director Leonard, the motion was carried by unanimous vote.

9. Projects

Informational Items

Director of Planning Report

Below is a comprehensive list of Planning Department projects, should you wish to contact the project manager for more information.

3220 - EDA-Economic Development Planning	A. Doyle
3325 - EDA-Disaster Economic Recovery Response,Planning & Implementation	A. Doyle
3589 - VDEM Hazard Mitigation Plan 2022	A. Mills
3590 - VDEQ 319 TMDL Implementation (Septic)	S. Matthews
3008 - USDA Wachapreague Hotel and Sewer Study	A. Mills
3401 - VDOT Rural Transportation Planning - SPR	A. Mills
3585 - VDEQ Chesapeake Bay Phase III WIP Technical Assistance	J. Steelman
3568 - VDEQ VCZMP 306 Ecotourism Resiliency	J. Steelman
3526 - VCZMP Technical Assistance & Resiliency Planning	J. Steelman
3571 - A-N Ground Water Committee Projects	K. Singleton
3583 - GreenWorks Committee	K. Singleton
3587 - Navigable Waterways Committee	J. Steelman
3764 - Town of Parksley Downtown Revitalization	A. Doyle
3556 - FY20 VA Port Authority Dredging Project: Quinby	J. Steelman
3557 - FY20 VA Port Authority Dredging Project: Kings Creek	J. Steelman
3576 - FY21 VA Port Authority Dredging Project: Wachapreague	J. Steelman
3578 - FY21 VA Port Authority Dredging Project: Folly Creek	J. Steelman
3577 - FY21 VA Port Authority Dredging Project: Red Bank Creek	J. Steelman
3559 - FY21 VA Port Authority Dredging Project: Hungars Creek	J. Steelman
3579 - FY21 VA Port Authority Dredging Project: Nassawadox Creek	J. Steelman
3351 - FY22 VA Port Authority Dredging Project: Kings Creek Phase 2	J. Steelman
3352 - FY22 VA Port Authority Dredging Project: Folly Creek Phase 1B	J. Steelman
3355 - FY22 VA Port Authority Dredging Project: Red Bank Creek Phase 1B	J. Steelman
3353 - FY22 VA Port Authority Dredging Project: Nassawadox Creek Phase 1B	J. Steelman

3320

Economic Development - Workforce Development

Anne Doyle
ext. 115

The Commission's Economic Development Committee met on June 9th and elected Dr. Patrick Tompkins, Eastern Shore Community College, as its new chair. Robie March, previous-chair, will stay on the committee for the remainder of his term. Coordination continues with the Chambers of Commerce and the Eastern Shore Community College to develop workforce strategies. Staff also met with the Virginia Development Labor and Industry. This state agency has dedicated a consultant to represent the Eastern Shore exclusively. She has begun work by meeting with key employers and stakeholders. Also from Richmond, the Virginia Economic Development Partnership contacted the PDC to plan an itinerary for the Secretary of Commerce and Trade, who will visit the Eastern Shore on September 26-27, 2022.

3589

VDEM - Hazard Mitigation Plan 2022

Ashley Mills
Ext. 127

Staff is waiting to receive Adoption Resolutions from several participating localities. FEMA has begun distributing Formal Approval letters for jurisdictions that have submitted their resolutions.

3401

VDOT - Rural Transportation Planning

Ashley Mills
Ext. 127

Staff received notice from VDOT that all four SMART SCALE pre-applications for the Eastern Shore Rail Trail have been approved to move forward. The PDC Quarterly Transportation Newsletter was released in mid-June.

30081

Wachapreague - USDA

Ashley Mills
Ext. 127

Elaine Luria's office notified staff that its *Community Projects Fund* application to bring public sewer service to the Town of Wachapreague was successful and has been advanced to the Appropriations Committees of the House of Representatives for action. Town representatives have asked HRSD for an engineer's cost estimate to construct the project. The project allows the Town to meet current and future waste water management needs to avert health risks, create flood resiliency, protect the fragile ecosystem, and pave the way for economic resurgence. This infrastructure project also responds to FEMA floodplain preparedness and resource management through the installation of equipment above the base flood elevation and would be designed to withstand major flooding events associated with storms.

3764

Town of Parksley Downtown Revitalization

Anne Doyle
Ext. 115

Construction of the Town Center/Bandshell and Alleyway phase of the project will be completed next month with the final inspection scheduled for Friday, July 1st. The ground disturbance permit with the County and in compliance with DEQ was extended to August 12th. Various business owners have completed some of the facade improvements and their storefronts look great

3585

VDEQ Chesapeake Bay Phase III WIP Technical Assistance

Jessica Steelman
Ext. 114

June 6th - 10th was Bay Awareness Week; to spread the word and provide outreach to the region, social media posts were shared on a variety of ways to help protect and clean the Bay. Staff are also working with the Eastern Shore Resource Conservation & Development Council (ESRCD) to identify areas in need of septic program assistance. Additionally, staff have been providing technical assistance to the Bayside Community Organization (non-profit) for developing a Community Flood Preparedness Fund grant application for the replacement and repair of culverts that are no longer functioning properly.

3568

VDEQ VCZMP 306 Ecotourism Resiliency

Jessica Steelman
Ext. 114

As part of the initiative to enhance public access launch sites along the Eastern Shore's Virginia Water Trails, staff has conducted an assessment of the sites. The assessment includes identification of any upcoming or needed infrastructure improvements, vulnerabilities to sea level rise, and preferred shoreline best management practices. Also assessed were: interpretive signage, facilities, and amount of parking. This assessment will be used in the development of the regional resilience plan.

3571

A-N Ground Water Committee Projects

Kellen Singleton
Ext. 129

Staff continues to finalize its comprehensive well program. Staff and advisors continue to collect additional information on groundwater supply and its potential use including reaching out to the residents of Captain's Cove to assess concerns made during public comment at the March 15, 2022 ESVA Ground Water Committee meeting as well as assessing groundwater monitoring drilling and supplemental monitoring techniques.

3583

GreenWorks Committee

Kellen Singleton
Ext. 129

Potential projects are being assessed including a cleaning and outreach event at Kiptopeake State Park as well as the development of a clearinghouse to facilitate and develop litter abatement efforts on Virginia's Eastern Shore.

Director of Housing Services Report

Below is a comprehensive list of Housing Service Department projects, should you wish to contact the project manager for more information. Details about the featured projects follow the list.

3661 - HUD-Housing Counseling Services	A. Wert
3662 - VHDA HCE Foreclosure/Housing Counseling	A. Wert
366250 - Homeless Solutions COC Activities	J. Hope
3360 - Regional Housing Plan	R. Williams

366250

Continuum of Care (CoC)

Russ Williams
Ext. 119

The revision to the Community Partners of the Eastern Shore bylaws has been completed and the process of making appointments to the new Advisory Board has begun. The new bylaws will take effect on July 1, 2022. The recurring two-year Continuum of Care grant has been awarded with level funding. The

contract has not yet been made available for signing. 2022 Point-in-Time Count numbers have been received. 35 households and 62 people were counted during January's count. This represents the highest number in both HH and persons in the last 5 years.

3661
3668

***HUD Housing Counseling Services &
Virginia Housing HCE Foreclosure***

Andrea Wert
Ext. 124

Four clients are receiving homeownership counseling. One client is at the prequalification stage. There are seven clients working to repair their credit and increase their savings. One new client is receiving counseling to prevent foreclosure. The application has been submitted for the recurring Federal FY22 HUD Housing Counseling grant with the expectation that the recurring funding will be awarded at a slightly higher budget than last year. The Housing Counseling and Education Foreclosure grant is expiring on July 31st. This grant was offered by Virginia Housing during the pandemic as a one-time relief grant. All goals were met for this grant and the entire award will be paid out with the closing.

3662

Virginia Housing Counseling & Education

Andrea Wert
Ext. 124

Staff continues to conduct Financial Literacy, Rental Topics, and Fair Housing classes for new HCV recipients during intake briefings. These briefings are currently being conducted twice monthly with an average of 8 to 10 attendees each time. The application has been submitted for the recurring FY23 Housing Counseling and Education grant with the expectation that the recurring funding will be awarded at a slightly higher budget than FY22.

3660

Virginia Housing Regional Housing Study

Russ Williams
Ext. 119

The completed study has been presented to the Boards of Supervisors in both counties. The study is posted at A-NPDC's website, and has been distributed digitally to the counties and all of the towns. Staff is in the process of closing out this project.

Director of Housing Development Report

Below please find a list of A-NPDC related Housing Development Department projects, should you wish to contact the project manager for more information. Details about featured projects follow the list.

300640 - Town of Onancock-Northeast Neighborhood
3665 - DEQ Septic Pump-Out Project
3335 - Accomack County CDBG Planning Grant

E. Luchansky
S. Matthews
E. Luchansky

3760 - Gospel Temple/Adams Crossing CDBG	E. Luchansky
300660 - Makemie Park Urgent Need Project	K. Singleton
300702 - Metompkin CDBG - Program Income	B. Herbert
3690 - Occhannock Neck Road Project	B. Herbert
3680 - Accomack County COVID CDBG Urgent Needs	E. Meil
- HMGP - DR-4001 & DR-4411	E. Luchansky
3823 - HMGP - DR-4291	E. Luchansky

300640	<i>Town of Onancock - Northeast Neighborhood</i>	Eric Luchansky Ext. 118
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Staff was completing the pre-contract activities. Project is projected to begin July 1st.

3760	<i>Gospel Temple/Adams Crossing Neighborhood Revitalization CDBG</i>	Eric Luchansky Ext. 118
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The project is complete. Staff has worked on closing out the grant.

300660	<i>Makemie Park Urgent Need Project</i>	Kellen Singleton Ext. 129
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Staff had designed and commissioned project signage. All wells and planned disposal areas had been identified and located. Five properties require funding to decommission and replace property wells. SERCAP has been contacted to secure additional funding. Pending a bid packet review by DHCD, the project will be ready to bid for ready properties.

30070	<i>Metompkin CDBG - Program Income</i>	Bruce Herbert Ext. 128
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Staff continued to work with VDOT to make progress towards the final inspection. Right of ways had been established.

3690	<i>Occhannock Neck Road Project</i>	Bruce Herbert Ext. 128
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The project has been delayed by the Town of Exmore, their engineer, and the Health Department. Exmore has been unable to get their sewer expansion plans approved by the Health Department. This has delayed the project at least six months. Sewer connections were guaranteed by January 1, 2022. Construction on the first two units will begin as soon as Health Department Permits are approved.

The first home is near completion. The next two homes are in the process of being lifted as of the week of June 13th.

10. Executive Director's Memo

Virginia Secretary of Commerce and Trade Visit

- Secretary Caren Merrick is tentatively scheduled to tour the Eastern Shore on September 26-27. A-NPDC has been asked to assist her staff with development of the itinerary of site visits, industry tours, and roundtables. Based on the guidance received, fewer stops and greater time at each stop will be planned since the last tour. Director of Planning Doyle is working on various options.

Organizational Chart Amendment

- It appears that some public bodies will be allowed to have all-virtual public meetings subject to several requirements as of September 1, 2022. The Governor signed HB444 on April 11, 2022 after it passed both the House and Senate. The Planning District Commission appears to be a public body that may adopt a policy allowing all-virtual public meetings with certain limitations.
- In developing a potential policy, the three most pressing questions appear to be 1) should Commissioners be allowed remote participation to Planning District Commission meetings held in person, 2) should up to three meetings of the Planning District Commission be all-virtual for all Commissioners, and 3) should the Planning District Commission adopt a policy that allows all or some of its delegated committees and subcommittees to meet virtually.
- Commissioner Mapp suggested that virtual meetings could be held in the case of inclement weather. Also, Commissioner Mapp asked the limit on the amount of virtual meetings a commissioner may participate in.
- Commissioner Leatherbury suggested that delegated committees and subcommittees meet virtually on occasion.
- It is noted that the new policy does not go into effect until September 1, 2022. Executive Director, Elaine Meil, is proposing a drafted policy that will be discussed during the next meetings.

§ 2.2-3708.3. *Meetings held through electronic communication means; situations other than declared states of emergency.*

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

- 1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;*
- 2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;*
- 3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or*
- 4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.*

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and

*:1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of **2.2-3707**;*

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

*8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of **§ 2.2-3712**;*

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

*10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by **§ 2.2-3707** and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.*

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

Executive Director Contract

- The Executive Director Employment Agreement's latest three-year term expires June 30, 2022. The evaluation was presented. Consideration of a renewed 3 year term was requested. Commissioners approved of a three month term. Commissioner Mapp moved to approve the three month term. Seconded by Commissioner Hart, the motion was carried by unanimous vote.

11. Closed Session

It is requested that the Commission move to enter Closed Session according to Section 2.2-3711 of the Code of Virginia of 1950, as amended, for the purpose of:

Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body;

PURPOSE: Personnel Performance

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

PURPOSE: Consultation & Agreement

Made by Commissioner Mapp, seconded by Commissioner Leonard the motion carried unanimously.

The following board members were present: Commissioner Phillips, Commissioner Major, Commissioner Kellam, Commissioner Mapp, Commissioner Leonard, Commissioner Jonhson, Commissioner Turner, Commissioner Hart, and Commissioner Leatherbury and voted affirmative. Ms. Meil was also present.

After the closed session, the Chair reconvened the meeting. Motion was made by Commissioner Major, seconded by Commissioner Hart that the Commission had entered the closed session for that purpose as set out in Section 2.2-3711 of the Code of Virginia of 1950 as amended. Roll call votes were taken, Commissioner Phillips, Commissioner Major, Commissioner Kellam, Commissioner Mapp, Commissioner Leonard, Commissioner Jonhson, Commissioner Turner, Commissioner Hart, and Commissioner Leatherbury and voted affirmative. Ms. Meil was also present.

12. Chairman's Report

No report was given at this time.

13. Other Matters

No other matters were discussed at this time.

14. Adjournment

There being no further business brought before the Commission, Commissioner Major moved to adjourn the meeting. Seconded by Commissioner Hart, the meeting was then adjourned.