ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION MINUTES OF THE March 20, 2023 Meeting ENTERPRISE BUILDING ACCOMAC, VIRGINIA

COMMISSIONERS PRESENT:

Harrison Phillips C. Reneta Major Rev. Charles J. Kellam Arthur Leonard Vanessa Johnson Gwendolyn F. Turner Robert Crockett Betsy Mapp John Coker Donna Smith Donald L. Hart, Jr. Adam Charney

COMMISSIONERS ABSENT:

L. Dixon Leatherbury

OTHERS PRESENT:

Elaine Meil Anne Doyle Russ Williams Lee Pambid

1. Call to Order

The March 20, 2023 meeting of the Accomack-Northampton Planning District Commission (A-NPDC) was called to order by Chairman Phillips at 7:00 p.m.

2. Invocation

Commissioner Major offered the Invocation.

3. Minutes of the January 17, 2023 Meeting

Accomack County Accomack County Northampton County Town of Chincoteague Accomack County Accomack County Northampton County Northampton County Accomack County Accomack County Northampton County

Northampton County

Sandy Taylor Eric Luchanksy Myra-Riley Taylor The Minutes of the January 17, 2023 meeting were presented. Commissioner Hart moved to approve the minutes as presented. Seconded by Commissioner Turner, the motion was carried by unanimous vote.

4. Public Participation

Myra-Riley Taylor from Onancock, Virginia and Lee Pambid, Accomack County Deputy Administrator, attended the meeting.

5. Financial Status Report

The report indicated that 56.38 percent of the FY 2023 Budget has been expended while 66.67 percent of the fiscal year has passed.Commission acceptance of this report was requested.

Commissioner Hart moved to approve the financial report. Seconded by Commissioner Mapp, 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 Hart moved to approve the Financial Statement and Bills Payable. Seconded by Commissioner Crockett, the motion was carried by unanimous vote.

7. FY 2023 Budget Amendments

Adoption of the following budget amendments were requested.

A.	3325	EDA - Supplemental - COVID 19		0.00 0.650.00 0.650.00
	ITEM 1 represe	ents the amendment to include FY23 pass-through funds.		
B.	3680	Accomack Regional Urgent Needs	+ 8.	266.00 , <u>000.00</u> 266.00
	ITEM 2 represe	ents the amendment to additional FY23 administrative funds.		
C.	300801	Wachapreague Hotel		0.00 <u>150.00</u> 150.00
D.	ITEM 3 represe 3580	ents the amendment to include additional FY23 administrative fur DEQ Phase III WIP	nds. \$36,2	250.00 000.00

	ITEM 4 represe	ents the amendment to include additional FY23 administrative fur	\$49,250.00 nds.	
E.	3596	VA Tourism Corp	\$ 0.00 + 10,000.00 \$ 10,000.00	
	ITEM 5 represe	ents the amendment to include FY23 pass-through funds.		
F.	3661	HUD - Housing Counseling Services	\$ 45,000.00 <u>- 9,000.00</u> \$ 36,000.00	
	<u>ITEM 6</u> represents the amendment to decrease FY23 administrative funds. An adjustment in award amount was due to HUD policy change. Historically, the grant was awarded for 18 months, now the contract period of performance is 12 months. The change now aligns the period of performance for this funding with the Federal fiscal year.			
G.	3662	VHDA HCE Housing Counseling	\$49,000.00 <u>+ 1,000.00</u> \$50,000.00	
	ITEM 7 represe	ents the amendment to include additional FY23 administrative fur		
H.	3695 <u>ITEM 8</u> represe	VHDA Front Door Project ents the amendment to include FY23 pass-through funds.	\$30,000.00 +57,350.00 \$87,350.00	
I.	315710	Fraud Recovery, Section 8	\$18,000.00 +10,000.00 \$28,000.00	
	ITEM 8 represe	ents the amendment to include additional FY23 administrative fur		

The net change to the FY 2023 budget was \$107,060.00 The requested amendments would be reflected on the next financial status report.

The FY 2023 Budget Amendments were presented. Commission approval of the FY 2023 Budget Amendments was requested.

Commissioner Crockett moved to approve the FY 2023 Budget Amendments. Seconded by Commissioner Charney, the motion was carried by unanimous vote.

9. Election of Officers

The following officer terms were up for election effective March 1: Chairman, Harrison Phillips Vice Chairman, Betsy Mapp

Executive Committee Member, Rev. Charles Kellam

Having served two terms, officers were eligible for re-election.

A report from the Nominating Committee consisting of Commissioner Mapp, Commissioner Turner, and Commissioner Coker was presented.

They nominated Harrison Phillips for Chairman, Betsy Mapp for Vice Chairman and the Executive Committee member, Reverend Charles Kellam. The slate was approved by unanimous vote.

9. Projects

Informational Items

Grant Application Partnership

A. Doyle

The Planning group continued to await funding agency decisions on the USDOT - *The Drone Medical Package Delivery for Improved Transportation and Better Patient Outcomes* (partnership with ODU, Riverside Health System and DroneUp), The Virginia Department of Education - *The Aerospace Academy Lab School of the Eastern Shore* (partnership with ESCC, Northampton and Accomack Public Schools) planning grant was awarded to the Eastern Shore Community College. Two Federal SMART SCALE applications have been recommended by VDOT to be funded with the funding award being made during the Commonwealth Transportation Board's June 2023 meeting.

Director of Planning Report

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

A. Doyle
A. Doyle
A. Mills
A. Mills
A. Mills
J. Steelman
J. Steelman
J. Steelman
K. Singleton
K. Singleton
K. Singleton
J. Steelman
A. Doyle
J. Steelman

3559 - FY21 VA Port Authority Dredging Project: Hungars Creek Phase 1A	J. Steelman
3579 - FY21 VA Port Authority Dredging Project: Nassawadox Creek Phase 1A	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

3220, 3325	Economic Development and Economic Recovery	Anne Doyle
		ext. 115

The Planning District Commission's Economic Development Committee has held two meetings with committee members Nick Chuquin, who is President of Riverside Shore Memorial Hospital. As the healthcare sector is a new industry cluster for the Comprehensive Economic Development Strategy, the Committee has identified needs for this sector in the areas of employee recruitment and retention and in employee training and certification. These needs and subsequent goals will be incorporated into the Committee's initiative to develop a long-term workforce development strategy and structure for the Eastern Shore that establishes processes and systems over time that become economic growth habits.

On behalf of the Economic Development Authority of Accomack County, staff also submitted a \$303,500 application to USDA's Rural Business Development Program for a market research study of the Industrial Park in Melfa. The application includes the \$90,000 proposed match funding from Accomack County for a stormwater master plan for the airport industrial park. The Accomack County match greatly strengthens the funding application.

3401

VDOT - Rural Transportation Planning

Ashley Mills Ext. 127

Staff submitted two funding applications in February and March for the Eastern Shore Rail Trail: an application to USDOT for the RAISE FY 2023 Program, Nassawadox-to-Onley, for \$23.3 million, and a Congressionally Directed Spending (Earmark) application for the Town of Parksley segment for \$1.2 million. Staff also completed an in-person Title VI Plan review with VDOT's Civil Rights Division and updated A-NPDC's Title VI Plan and Procedures, to be approved by A-NPDC Commissioners in March 2023.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d). The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors, whether those programs and activities are federally funded or not.

Staff requested Commission approval of A-NPDC's 2023 Title VI Plan and Procedures.

Commissioner Hart moved to approve the A-NPDC's 2023 Title VI Plan and Procedures. Seconded by Commissioner Turner, the motion was carried by unanimous vote.

behalf of the Town of Wachapreague, staff updated project cost estimates given new	
er Eastern Shore budget allocations for sewer systems. Nonetheless, further budget a	urrent shortfall is eting on this and
Hazard Mitigation Plan - VDEM	Ashley Mills Ext. 127
project has been completed. Staff continues to work on final reports.	
Town of Parksley Downtown Revitalization	Anne Doyle Ext. 115
ised budget for the Parksley Downtown Revitalization Project, clearing the way for g nbursements to be made to the town. The remaining funds can now be used for town ore the project is completed and closed out in June 2023. The final completion inspec	rant revitalization
A-N Ground Water Committee Projects	Kellen Singleton Ext. 129
	Town of Parksley Downtown Revitalization e Virginia Department of Housing and Community Development on March 10, 2023 ised budget for the Parksley Downtown Revitalization Project, clearing the way for g nbursements to be made to the town. The remaining funds can now be used for town iore the project is completed and closed out in June 2023. The final completion inspec- nter/Bandshell and Alleyway phase of the project has taken place.

Environmental Justice and External Civil Rights (OEJECR) Environmental Justice grant application effort, and formed the Residential Well Testing Subcommittee. The report will be published at the GWC's Publications and Resources page. The Residential Well Testing Subcommittee will lead in the detailed planning and oversight of the Residential Well Testing Program. The subcommittee's first meeting was held March 10th. GWC Advisor continues assessing groundwater monitoring drilling and supplemental monitoring techniques including the potential enhancement of saltwater intrusion tools and modeling as well as identifying future locations for well testing. The Committee continues to stress the importance of surficial aquifer utilization for new or expanded withdrawal use when feasible.

GreenWorks Committee

Closed. Funds have been returned.

3334	Agricultural Study	Kellen Singleton Ext. 129		
	In December, staff received a quarterly update and presentation from the principal investigator, Dr. Abhilash Chandel of Virginia Tech. Dr. Chandel and his team have collected 32 years of Virginia Eastern			
	Shore climate data, so far computing 2.8 million data points, totaling more than 2 TB of data towards Objective I. The next quarterly update, focusing on Objective II, has been rescheduled for the third week of March.			
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	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		

an update on the Homeless Point-In-Time count, and member highlight presentations by the Community Services Board and Eastern Shore Area Agency on Aging . The PIT data was submitted to the Virginia Department of Housing and Community Development. Final report results are typically distributed mid-summer.

3661	HUD Housing Counseling Services &	Andrea Wert
3668	Virginia Housing HCE Foreclosure	Ext. 124

19 clients are receiving homeownership counseling. One client has prequalified for a loan and is looking for a home. 15 clients are working to repair their credit and increase their savings. 4 clients have followed the program and been referred to USDA for pre qualification. Three clients are currently receiving foreclosure counseling and assistance with loan modifications. Three clients have successfully purchased homes, with closings in October '22, January '23, and February '23.

Virginia Housing Counseling & Education	
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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 again being conducted twice monthly, with an average of 10 attendants in each class. Staff has recruited some required partners as trainers for New Home Owner Certification classes, however the required classes conducted by Virginia Housing to certify the trainers are not available until August.

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	E. Luchansky
3665 - DEQ Septic Pump-Out Project	S. Matthews
3335 - Accomack County CDBG Planning Grant	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
4401 - Accomack County VA 4401-VA-016 Elevation/Acquisition Project	E. Lunchansky

300640	Town of Onancock - Northeast Neighborhood	Eric Luchansky
		Ext. 118

Staff is working on bidding 6 homes to be demolished. Engineering designs for a sidewalk spanning Pine Street have been drafted and are in development to be put out for bid.

3760	Gospel Temple/Adams Crossing Neighborhood Revitalization CDBG	Eric Luchansky Ext. 118
	The final close out documents for the grant are completed and in process of being sent out to I	DHCD.

300660	Makemie Park Urgent Need Project	Kellen Singleton Ext. 129

To date all 21 septic systems have been installed, per the initial construction agreement. Due to the urgent nature of the project, Accomack County and staff are working on an addendum to the initial agreement to

include the remaining five septic installations and four well installations and abandonments. The second in a series of community outreach events will be held on March 31st.

3801	East Horntown Planning Grant	Eric Luchansky Ext. 118
	Staff held a public meeting at New Beginnings Church on February 27th to discuss the purpose of planning grant and to hear from interested citizens. Staff will continue to work on developing a sassist the area through the planning process.	
3690	Occohannock Neck Road Project	Bruce Herbert Ext. 128
	The two bedroom home being built has been sided and the roof is installed. Interior work is bein conducted currently	g
	Staff is continuing to work with George Young Engineering firm to develop the land on Wilson Oprepare the site for building. Staff is researching engineering firms for duplex plans to replace a deteriorated home on Virginia Avenue in Exmore.	Court to
3823	Accomack County VA HMGP 4291-VA-009 Elevation Project	Eric Luchansky Ext. 118
	The sixth house in the project is slated to be raised the last week of March. 5 Houses have been of thus far in the grant.	completed
4401	Accomack County VA 4401-VA-016 Elevation/Acquisition Project	Eric Luchansky Ext. 118
	Staff has bid out demolition services for the two homes planned to be acquired. Staff is working A-NPDC attorney to conduct all the legal functions of the acquisition of the home located at 236 Road.	

10. Contracts

Technical Assistance for the Town of Exmore Corrective Action Agreement

The Town of Exmore has requested assistance from the A-NPDC to help the Town meet conditions listed in the Town's Corrective Action Agreement (CAA), issued December 2021 from the Virginia Department of Environmental Quality (VDEQ) Office of Watersheds and Local Government Assistance Programs in relation to the Chesapeake Bay Preservation Act. An MOU is requested by VDEQ for the purposes of establishing the basis for cooperation and support between the Town and the A-NPDC. This technical assistance is funded under the WIP III annual grant, providing resources and assistance to localities within the watershed.

Authorization to execute the agreement was requested.

Commissioner Mapp moved to execute the Technical Assistance for the Town of Exmore Corrective Action Agreement. Seconded by Commissioner Johnson, the motion was carried by unanimous vote.

Kings Creek Construction Management Services

\$42,000.00

Waterway Surveys & Engineering Ltd. will provide construction management services for the Kings Creek Phase 2 dredging project. The scope will include Before Dredging and After Dredging Surveys of Kings Creek Channel, Beach Placement As-Built Survey, and general construction management services to include on-site meetings, engineer technical assistance and time for bid questions, proposal submission, and construction documents. Start date of the contract is retroactive to 3/3/2023, ending on 12/31/2023.

Authorization to execute the agreement was requested.

Commissioner Coker moved to approve the Kings Creek Construction Management Services. Seconded by Commissioner Johnson, the motion was carried by unanimous vote.

11. <u>Environmental Justice Government-to-Government (G2G) Program to address well and septic</u> management on the Eastern Shore.

Agency/Grant Information

The Environmental Justice Government-to-Government (G2G) is an EPA initiative providing financial assistance to support and create model, state, tribal, local, and territorial government activities that lead to measurable environmental or public health results in communities disproportionately burdened by environmental harms and risks. \$1,000,000 in funding is available.

Purpose

The project's proposed scope would be the development of a comprehensive, electronic inventory of wastewater treatment systems, wells, distribution and drainage systems that will help residents and officials on the Eastern Shore locate, manage, and mitigate at-risk and failing systems that are a threat to public health and groundwater quality. If awarded, the ultimate product would increase the efficiency of local public health departments in fulfilling information requests, facilitate regional planning and development, and allow for identification of areas in Accomack and Northampton Counties where septic tanks might be at the highest risk of failure or where targeted water sampling might be beneficial. The Eastern Shore of Virginia is particularly well-matched for such a program due to its disproportionate minority, elderly, rural, low-income populations as well as the disproportionately adverse effects that climate change and extreme weather events have on the region.

A-NPDC

If awarded, the PDC would administer the grant and perform community engagement.

Authorization to apply was requested.

Commissioner Hart moved to approve the authorization to apply for the Environmental Justice Government-to-Government (G2G) Program to address well and septic management on the Eastern Shore. Seconded by Commissioner Major, the motion was carried by unanimous vote.

12. Executive Director's Memo

Informational Item- Virginia Port Authority Budget Item C-66.1 Transfer to Item 465.2

As of this writing, Virginia is still considering making changes to the biennial budget. The amendments transfer \$5 million in one-time dredging funds from the capital budget to the operating budget. These amendments correct the language to describe the original intended project. Previously, the writers picked up the Waterways Maintenance Fund language and duplicated it. After the budget was passed and because it became clear immediately that the Middle Peninsula Planning District Commission (MPPDC) project couldn't be funded under that language, the Virginia Port Authority (VPA) scheduled an informational meeting in September.

Discussions

In the intervening time, VPA has been willing to discuss other options besides the MPPDC project. A-NPDC staff asked whether or not a public-private partnership would meet the requirements. VPA told staff that would also require language amendment. VPA did not take action to spend the money in order to let the language be corrected by the General Assembly. If the amendments are passed, Virginia generally sets the date of the changes to July 1.

Recently, this was discussed at both February Board of Supervisors meetings. There is a difference of opinion on this matter of exploring other options for dredging between Delegate Bloxom and Chairman Joekel.

The MPPDC strategy was designed by their advisors, one of whom is John Paul Woodley, former Assistant Secretary of the Army for Civil Works. That is the top civilian position that oversees and sets policy for all of the civil works of the Army Corps of Engineers (ACOE). Mr. Woodley's influence is seen in the recent Section 408 Categorical Permission obtained by MPPDC. This is necessary for MPPDC because they want to dredge federal channels. Once they obtain a permit for a federal channel, the Section 408 becomes a checklist item reducing or eliminating additional review time.

In November, the Commission discussed this item. Staff supplied GIS data and spoke with Katy Damico, ACOE, in December and she told us she only expects that Section 408 will be needed on one or two of the Eastern Shore's projects. She is not encouraging of Eastern Shore seeking a Section 408 Categorical Permission. Without a permit, it would not be a checklist item.

Eastern Shore Regional Navigable Waterways Committee (ESRNWC) has adopted a policy to use Waterway Maintenance Funds for state waterways only. This in practice means no federal waterways will be prioritized for county dredging projects.

On December 16, 2022, the public announcement of MPPDC's Categorical Permission caused discussion between Chairman Joekel and Delegate Bloxom, Executive Director Meil and several others were copied. Chairman Joekel indicated that ESRNWC did not wish to operate a bi-county owned dredging operation but would do so, if instructed by the counties. Executive Director Meil was concerned that there was no consideration being given to the legal basis of any avenue proposed and responded with a full update and included the information that the Commission was interested in

exploring the idea of a public-private partnership but was <u>not</u> interested in exploring the idea of a local or regional government entity owning dredge equipment.

The Proposal

Staff met and discussed the items needed to take the Commission up to the point where a public-private partnership Request for Proposal (RFP) could be advertised. This requires a business case study to potentially attract a private business, creating a draft Public Private Education Facilities and Infrastructure Act (PPEA) policy allowing a body politic in Virginia to enter into a partnership, and a draft RFP that is the necessary procurement document to obtain a partner and describe the offers and requirements. The remaining funds would be a dredging project or other designated project potentially to be the public offer of the draft RFP.

On January 31, 2023, Regional Planner Steelman shared the recently completed draft proposal fact sheet. This began a discussion that day between Chairman Joekel and Executive Director Meil. The culmination of which is staff was informed that ESRNWC will not provide a letter of support. ESRNWC preference is direct access to the entire Eastern Shore portion of the fund to do an additional project. Executive Director Meil reaffirmed that in the previous discussions the state had never indicated they were moving in that direction.

Finally, Chairman Joekel interprets the joint resolution to give ESRNWC the ability to negotiate an agreement or entity creation for final approval by the counties, if necessary. However, it appears ESRNWC does not intend to seek an agreement, entity or PPEA at this time.

Chairman Joekel made comments during Board meetings suggesting that ESRNWC has not been kept informed and also he expressed some disappointment with the proposed change in the General Assembly budgetary language. However, staff has attempted to convey that the state was always intending to examine MPPDC's project and willing to examine the public-private partnership modification proposed by A-NPDC.

Executive Director Meil is monitoring the situation. Without Virginia's approval of new budgetary language, this item may be moot. Commissioner Hart requested that staff attend the next waterways meeting.

Accomack County VA 4401-VA-016 Elevation/Acquisition Project

The Virginia Department of Emergency Management has offered the A-NPDC a grant to acquire 2 severe repetitive loss properties that have been subject to flood claims, pay all title and legal expenses, facilitate an appraisal, and demolish the existing homes.

The A-NPDC as an entity has chosen not to own property. A closely held holding company, Accomack-Northampton Development Corporation, was created in 1989 to hold real estate. Therefore, staff recommends the Commission consider assigning its rights and responsibilities with regard to ownership of the property to the A-NDC in a manner recommended and drafted by the A-NPDC attorney.

Authorization to execute the necessary legal documents required to assign the A-NPDC rights and responsibilities of the ownership of the 23668 Saxis Road property to A-NDC by the Chairman and Executive Director was requested subject to 1) the drafting and approval of the A-NPDC attorney and 2) an net proceeds of lots sales at the conclusion of A-NDC ownership of the project shall be distributed to A-NPDC.

Commissioner Crockett moved to approve the authorization to execute the necessary legal documents required to assign the A-NPDC rights and responsibilities of the ownership of the 23668 Saxis Road property. Seconded by Commissioner Leonard, the motion was carried by unanimous vote.

Accomack County CDBG Regional COVID19 Urgent Needs

The Accomack CDBG Regional COVID19 Urgent Needs collected a total of 1,330 applications. Executive Director Meil stated that Food Lion, Island Foods on Chincoteague, and Daley & Son Grocery on Tangier were the awarded markets.

13. Chairman's Report

No report at this time.

14. Other Matters

No other matters were discussed at this time.

15. Adjournment

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