

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 25th day of February, 2013, at 5:00 p.m.

Present:

Willie C. Randall, Chairman	Laurence J. Trala, Vice Chairman
Richard L. Hubbard	Larry LeMond
Oliver H. Bennett	

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the Board enter Closed Session in accordance with Section 2.2-3711 of the Code of Virginia of 1950, as amended:

- (A) Paragraph 1: Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body.
- (B) Paragraph 3: Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or of the disposition of publicly held property.
- (C) Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by counsel.

All members were present and voted “yes.” The motion was unanimously passed.

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 1, 3 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board

member confirmed that this was the only matter of discussion during the closed session.

County Officials' Reports:

(2) County Administrator Katherine H. Nunez shared with the Board the following memorandum:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: November 15, 2012
RE: Review of Ordinances

At the July 10, 2012 meeting of the Board of Supervisors, it was voted to direct a comprehensive review of the County ordinances to identify any provisions of our local ordinances that may be stricter than required under State Code. The departments responsible for enactment and oversight of the respective ordinances were charged with conducting this review with assistance from legal counsel and to provide the following analysis: 1) if required by Code; 2) not required by Code but deemed recommended by staff to retain; 3) not required by Code and recommended by staff to eliminate; or 4) no longer authorized by the Code of Virginia. In addition, some additional changes have been highlighted for the Board's consideration. There are still some sections that have not been completed and are noted below but I wanted to bring forward the completed reviews to date for Board input.

Enclosed is a detailed cover sheet for each ordinance. If the Board concurs that revisions should be made to any of these ordinances, it will require a public hearing before any changes could be made. In terms of the zoning-related ordinances, that will require a public hearing before the Planning Commission as well as the Board of Supervisors.

TITLE I. General Provisions – Chapter 10, Sections 1 thru 99

This is required to establish the framework of our codified ordinances and is procedural in nature. No changes are recommended to this section.

TITLE III. Administration

Chapter 30 – Departments, Commissions, Authorities

Some sections of this ordinance are required by code and others are not. If the County chooses to establish certain departments, commissions or authorities, then it must be done as an ordinance in compliance with the State Code of Virginia as we have done. We are recommending a small correction under the Biennial County Supervisor Elections to reflect that the Board has moved to 5 supervisors and the fact that we will elect two supervisors under one election and then followed two years later by an election for three supervisors.

Chapter 31 – County Policies

Under this ordinance, most of these sections are not required by the State Code of Virginia; however, due to their purpose, we would recommend retaining the bulk of this

ordinance. There is one section (Section 31.01 – Requiring Fingerprinting for concealed handgun permits) which does not require a local ordinance to be effective; therefore, we would recommend repealing this section. Legal counsel is still reviewing one component of this ordinance relative to an age requirement for firefighting.

Chapter 32 – Elections

This ordinance was not included in this review since it was revised as part of the redistricting in 2011. We are required to have this ordinance.

Chapter 33 – Finance & Taxation – Not ready at this time.

TITLE V. Public Works

Chapter 50 – Solid Waste

This ordinance is not required but if the County is responsible for providing this service then it may enact an ordinance governing the parameters of a solid waste program. The primary content of this ordinance had been adopted in 1988 with very minor revisions made to it since that time. This ordinance needs to be completely revised to reflect how we have changed our solid waste program (closure of landfill, operation of a transfer station and manned waste collection sites, etc) and we have included a draft ordinance for consideration.

Chapter 51 – Sewer Service

This ordinance is not required since the County does not operate a municipal sewer system as well as the oversight of septic tanks is handled by the Virginia Department of Health. However, since the County has an active Public Service Authority and there are certain provisions contained in the Subdivision Ordinance that promotes sewer systems over septic systems for a residential development project, we may wish to work with the Public Service Authority in adopting appropriate ordinances governing construction, monitoring, ownership and any fees associated with this type of installation.

Chapter 52 – Water Service

This ordinance addresses water-to-air heat pumps which utilize groundwater for purposes of heating and cooling. Legal counsel is researching whether this is covered through the State Building Code or through the Virginia Department of Health.

Chapter 53 – Water Protection

This ordinance has two primary components: (1) To address large scale development and to minimize its impact on our groundwater and (2) a section dealing with the handling of oil for any commercial or industrial facilities that handle oil, such as automotive service shops, etc.

The first section is not required by the State Code of Virginia and the County enacted this ordinance through the work of the Regional Groundwater Committee as they have worked to establish policies to protect the single-source aquifer for the Eastern Shore. Staff does not have a recommendation to the Board whether this ordinance should be retained or not.

The second section may be provided under the State Building Code or other state department regulation (legal counsel is researching). At a minimum, if we are required to have this as an ordinance, this section should be moved under the land use ordinance sections.

TITLE VII. Traffic Code

Chapter 70 – General Provisions – Not ready at this time

Chapter 71 – Traffic Regulations – Not ready at this time

Chapter 72 – Parking Regulations – Not ready at this time

TITLE IX. General Regulations

Chapter 90 – Docks and Ramps

This ordinance addresses the operation of our docks and ramps. Some provisions are required by the State Code of Virginia and others are optional. We are recommending to retain this ordinance.

Chapter 91 – Harbors

The two sections in this ordinance (Oyster Harbor & Willis Wharf Harbor) are not required by the State Code of Virginia; however, we are allowed to establish rules addressing the operation of our local harbors. We are recommending to retain this ordinance.

Chapter 92 – Abandoned Vehicles

This ordinance is not required by the State Code of Virginia; however, if the locality wishes to address and handle abandoned vehicles then it must do so through an ordinance established in accordance with the State Code of Virginia. We are recommending to retain this ordinance.

Chapter 93 – Food Service

This ordinance is not required by the State Code of Virginia. The Health Department requested this ordinance originally until a comprehensive state-wide Food Manager Certification is in place. They have confirmed their desire for the county to retain this ordinance because the original reasoning stands.

Chapter 94 – Nuisances

The three sections within this ordinance (overgrown grass, dangerous or derelict structure, and Johnsongrass control) are not required by the State Code of Virginia; however, if a locality wishes to enact programs to address these nuisances, then it must be by an ordinance in compliance with the Code of Virginia. We are recommending to retain this ordinance.

Chapter 95 – Animals – Not ready at this time.

Chapter 96 – Operation of Vessels

This ordinance is not required by the State Code of Virginia; however, if the County wishes to establish any no wake zones for boat traffic on our waterways, then an ordinance is required in compliance with the Code of Virginia. We are recommending to retain this ordinance.

Chapter 97 – Open Burning

This ordinance is not required by the State Code of Virginia; however, staff recommends retaining this ordinance to ensure we have a mechanism in place establishing the parameters of open burning in the county. We would recommend a minor correction to this ordinance so that it provides a citation to the State Code of Virginia that gives us the authority to adopt such an ordinance (Section 15.2-922.1)

Chapter 98 – Noise – Not ready at this time.

TITLE XI. Business Regulations

Chapter 110 – Business Licensing – Not ready at this time.

Chapter 111 – Itinerant Dealers – Not ready at this time.

Chapter 112 – Door to Door Vendors – Not ready at this time.

Chapter 113: Community Antenna Television Systems – Not ready at this time.

TITLE XIII. General Offenses

Chapter 130 – General Offenses – Not ready at this time.

TITLE XV. Land Usage

Chapter 150 – Building Regulations

The ordinance is required relative to the State Building Code; however, the section establishing the fee schedule is determined by the locality. In addition, the County adopted an optional building code provision to establish rental inspection districts – this section is not required by the State Code of Virginia; however, a prior Board adopted this section in 2009 and identified specific areas of the County it is applicable for. However, we have not fully implemented this ordinance due to its restrictions and impact on potential available rental housing stock. Board input is needed.

Chapter 151 – Wetlands

Components of this ordinance are required by the State Code of Virginia while others are optional as they relate to process of administration of the Wetlands Act. We are recommending to retain those sections either through the ordinance or through an adopted policy of the Wetlands Board and the Department of Planning & Zoning. In addition, we have noted that there should be some corrections to the ordinance to be compliant with the State Code of Virginia.

Chapter 152 – Coastal Primary Sand Dunes

The county is either required to have a local ordinance addressing the Coastal Primary Sand Dunes or it will be administered by the Virginia Marine Resources Commission (VMRC). Staff would recommend to retain local review of this statutory provision. There are some corrections that need to be made to this ordinance to bring it into compliance with the State Code of Virginia.

Chapter 153 – Erosion and Sediment Control

The County is required to have an ordinance administering the Erosion and Sediment Control Act. There are some sections within the ordinance that we have highlighted are stricter than required but allowed under the State Code of Virginia. There are some sections of this ordinance that are pending comment until legal review has been completed.

Chapter 154 – Zoning Code

Please see the one-page report on this ordinance.

Chapter 155 – Purchase of Development Rights

This ordinance is not required by the State Code of Virginia. The County elected to enact this program; therefore, an ordinance was required to outline the parameters of the program. While we currently not funding this program, effective with the Fiscal Year 2013 Budget, there are properties within this program so we need to retain this ordinance. We are recommended some minor corrections to this ordinance to reflect changes to our zoning map.

Chapter 156 – Subdivision Code

There are some components of this ordinance that are required by the State Code of Virginia and there are others that are not required. Please see the report for the detail for each section

Chapter 157 – Minimum Separation Distances

This ordinance is not required by the State Code of Virginia. The County elected to enact this ordinance to put in place additional requirements related to the placement of wells and septic systems on property. This ordinance is stricter than the Health Department regulations that oversee this matter.

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The Board provided direction to staff to proceed with recommended changes to the various ordinances under consideration, which will require public hearings.

Action Item:

- (3) Consider approval of a request to the Circuit Court for a 30-day extension in which to complete the General Reassessment for Northampton County.

Noting that the computer work of keying in all of the new reassessment data has taken longer than anticipated and feeling that the additional time will allow a thorough review and proofing, motion was made by Mr. LeMond, seconded by Mr. Trala, that the Board request an additional thirty-day extension (through March 31, 2013) for the completion of the General Reassessment. All members were present and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board:

At the suggestion of Mr. Hubbard, it was the consensus of the Board that the County Administrator be directed to contact the Chesapeake Bay Bridge & Tunnel District with regard to its planned new commuter toll. Board members felt that the new plan, which requires the use of E-Z Pass in order to receive a reduced toll, would place an undue hardship on citizens of the County who may not have a credit card or bank account.

Recess:

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the meeting be recessed until 5:00 p.m., Monday, March 4, 2013 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, in order to conduct a work session with regard to the FY 2014 county budget – revenues. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR