

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held in Conference Room #2 of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, on the 30th day of March, 2011, at 7:00 p.m.

Present:

Willie C. Randall, Chairman	Samuel J. Long, Jr., Vice Chairman
H. Spencer Murray	Oliver H. Bennett
Richard Tankard	Laurence J. Trala

1. The meeting was called to order by the Chairman.
2. Annual Work Session with Northampton County Planning Commission

The Northampton County Planning Commission was present and in session. This discussion was conducted after the redistricting discussion but is presented here in order to preserve the order of the agenda.

Ms. Katherine H. Nunez, County Administrator, presented the following memorandum containing recommendations for priority list of work items. Said memorandum is set out below:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: March 29, 2011
RE: Joint Meeting with Planning Commission – Recommendations for Priority List of Work Items

In reviewing the issues of the Board of Supervisors and the items articulated by the Planning Commission that may be in progress or contemplated to commence work, I am proposing the Board consider the following prioritized work list for the Planning Commission. Please note that I have not included the Comprehensive Plan review as part of this list but will take this up as a separate discussion point further in this memorandum.

- 1) Finalize zoning ordinance for Large-Scale, Industrial Wind Energy Turbines and advance to public hearing within the next two months.
- 2) Continue development of Town Edge Plans and outline a firm timeline that provides the opportunity for participation by the Towns but does not delay the work proceeding if the Towns do not participate. I believe this will require 18 – 24 months for completion of all of the Town Edge Plans.
- 3) Complete the update of Vision Plans for the 2 waterfront villages (Oyster, Willis Wharf) within 5 months.
- 4) Review of specific elements of the current zoning ordinance to improve operations and services for business and residential development. Specific areas of review are: quarterly application schedule for submission of rezoning ordinance amendments (text and map); clarification of zoning clearance definition vs. by-right and how this is reflected in the use charts; review of the requirements for submission of Major Special Use Permits; and a review the use charts for consideration of the type of review required (Major Special Use Permit vs. Minor Special Use Permit vs. By-Right/Zoning Clearance); and review of the Signage Chapter within the Zoning Ordinance. Timeframe for completion of all of the elements of this review within 12 months.
- 5) Development of the Overlay District Ordinance for Route 184 to be completed within 9 months.
- 6) Review of Subdivision Ordinance for consistency with the Zoning Ordinance – complete within 12 months.
- 7) Finalize the Stormwater Ordinance within 5 months.
- 8) Work with the Board of Supervisors and the County Administrator in the development of a Capital Improvement Plan within 6 months.

Comprehensive Plan Review

The Comp Plan Review process is underway; however, it appears that the Board's intentions and purpose have not been fully articulated to ensure an effective process, as well as concern that some of the items expressed by the Board are included in the already stated goals & objectives and associated implementation strategies contained in the 2006 Comp Plan but that the implementation strategies have not been fully executed at this time.

Attached is a joint memorandum from Planning & Zoning Director Sandra Benson and me that is seeking guidance from the Board as to the process being employed as well as three recommendations for your consideration that will improve the process moving forward.

In addition, per my request, Ms. Benson has compiled the full list of implementation strategies that have not been completed or addressed from the 2006 Comp Plan. We feel that a major flaw

in the 2006 Comp Plan was a lack of identification of the responsible party to take up each implementation strategy and a timeline to bring forth the work product developed for consideration by the necessary approving agency (for example, the Planning Commission and/or the Board of Supervisors). We believe a review of these strategies by both Boards to address these deficiencies and develop a plan of action is imperative and would improve the current review process of the Comp Plan.

* * * * *

Mr. Murray indicated that he endorsed the priorities as listed; Chairman Randall agreed, especially with item #1. Chairman Fauber of the Planning Commission said that he believed a more reasonable timeline for the Capital Improvements Plan was 12 months instead of 6 months. It was the consensus of the Board to change this timeline to 12 months. It was also noted that item #7 was a staff product and that the Planning Commission does not have to conduct a public hearing on this matter. Ms. Sandra Benson, Director of Planning, noted that she hoped that these timelines were general in nature and dependent upon the other priorities which may arise. Motion was made by Mr. Long, seconded by Mr. Murray, that the foregoing priorities be accepted as amended. All members were present and voted “yes.” The motion was unanimously passed.

The group then discussed a joint memorandum issued from Ms. Nunez and Ms. Benson concerning the Comprehensive Plan Review. Said memorandum is set out below:

TO: Northampton County Board of Supervisors
FROM: Katherine H. Nunez, County Administrator
Sandra G. Benson, AICP, Director of Planning & Zoning
SUBJECT: Comprehensive Plan Review – Clarification Requested
DATE: March 28, 2011

As you know, §15.2-2223 of the Code of Virginia (1950, as amended) [the Code] charges the local planning commission with the preparation and adoption of a comprehensive plan for “the

purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.” Section 15.2-2230 of the Code stipulates that the plan be reviewed by the planning commission at least once every five years to determine whether it is advisable to amend the plan. The Northampton County Planning Commission has begun its review of the plan which was adopted in 2006 and established the Community Facilities & Services Plan as a priority. We expect to conduct public workshops in conjunction with that review in order to determine whether the vision that was articulated in 2005 continues to be reflective of the priorities of the citizens of the county. It is expected that at a minimum, the commission will recommend updating all the data elements in the plan, and certainly parts of the plan should be updated to reflect changed circumstances related to events such as the potential hospital move, the economic downturn which occurred after adoption of the land use plan in 2006, the re-formed Public Service Authority, improved recreation facilities, and closure of the middle school. We have already identified a number of improvements that should be made to the plan, such as creation of an implementation schedule and identification of responsible parties for the various implementation strategies. **It appears that the economic element of the plan is a focus of the Board. If the Board wishes to make this or another element a priority, please direct staff and the planning commission accordingly.**

A separate memo has been prepared detailing the implementation strategies set forth in the 2006-2009 plan update that have not yet been undertaken or completed to date. We have received numerous comments about the lack of an economic development plan for the county; that action is one of the strategies set forth in the Economic Plan element that was adopted April 14, 2009. The Board has recently appointed an Executive Committee and a Plan Advisory Committee to assist in the plan review, although the functions of each group have not been clearly articulated. Therefore, the purpose of this memo is to request guidance from the Board concerning the Board’s expectations of the two (2) groups and to present staff recommendations regarding the process, as well as to request guidance concerning the Board’s goals relative to the plan review. Since there seems to have been some reliance on what has occurred in the past, we would like to offer summaries of the two (2) most recent plan reviews/updates.

Ms. Benson has experienced two (2) previous plan updates during her tenure with the county. The 2001 effort was undertaken to review and update the plan that had been adopted in 1990/1991. Since a 5-year review had not been accomplished, it was determined at the outset that a major revision was necessary. At that time consulting assistance was procured and underwritten by a grant from the VA Chesapeake Bay Local Assistance Department. A citizen advisory committee was appointed that consisted of representatives of various stakeholder groups in the county, and that group participated with the planning commission in several public workshops and also reviewed and commented on the plan drafts prepared by the consultant, staff, and planning commission.

The last plan review and update commenced in 2005, although a mail survey had been conducted in late 2004, the results of which were used in part to inform the plan review process. In 2005 the Board articulated land use policies and goals that it wished to advance that were not completely consistent with the adopted land use plan, so it was decided that at a minimum that

element would require substantial revision. Consulting assistance was procured to conduct public workshops and to draft a revised vision and land use plan based on public input for the planning commission's use in finalizing a recommended draft for public hearing. A Plan Advisory Committee (PAC) was appointed prior to commencement of the public input workshops in the fall of 2005, and an Executive Steering Committee (SC) was appointed in October 2005, before the conclusion of the public workshops. The PAC consisted of representatives of various stakeholder groups in the county as well as representatives from each incorporated town. The SC consisted of two Board members, 2 planning commissioners, and 2 members of the PAC. The SC met jointly with the PAC beginning in January 2006 as drafts of the vision and land use plan began to be reviewed. The SC took a more active role beginning in August 2006 after adoption of the Land Use Plan in July 2006, when review of the zoning ordinance commenced. After adoption of the Land Use Plan, the other plan elements, with the exception of the Transportation Plan, were reviewed and updates drafted by the staff and planning commission, with additional review and comment by the PAC and SC before the commission finalized drafts for public hearing. The Transportation Plan was drafted by staff of the Accomack-Northampton Planning District Commission and the Transportation Technical Advisory Committee and provided to the planning commission; the PAC and SC also had an opportunity to review and comment as had been done with the other plan elements.

The purpose of providing this background is to illustrate that there is no standard process for conducting plan reviews and updates. In 2001 the entire plan was amended and adopted as a whole, since it had been ten (10) years since a plan review had been undertaken. In 2005/2006 the Board had expressed goals that it wished to be considered during the process, and all elements were ultimately reviewed and updated with adoption occurring in parts as provided in Code §15.2-2228, although not all elements were substantially amended. In 2005/2006, efforts were made to expand the public participation process through conducting more public workshops, and the PAC at that time took a more active role than the group appointed in 2000.

As previously stated, the planning commission is the entity charged with first recommending whether the plan should be amended and then with recommending a draft plan to the Board following public hearing. Based on previous experience, the SC appears to introduce a redundancy into the process that is unnecessary from staff's perspective, and we recommend elimination of that committee. Staff does, however, recommend consideration of expanding membership on the PAC so that the community is more thoroughly represented through that group. It is staff's recommendation that that group become engaged when public workshops are being scheduled, to begin assisting with the public outreach.

Following is a summary of staff's recommendations for Board action:

- 1) Articulate any plan review/update priorities;
- 2) Eliminate Executive Steering Committee;
- 3) Expand Plan Advisory Committee.

* * * * *

Board members Randall, Long and Murray indicated that the economic plan component

should be made a high priority for review. Commissioner Kellam noted that the Planning Commission will be completing the data segment prior to any implementation strategies and Ms. Benson noted that some of the census data will not be available until late summer. Mr. Kabler said that he did not believe that the Planning Commission was the ideal body to re-do the economic development segment of the plan and that the existing assets of the County and towns need to be recognized.

Mr. Murray recommended that the Planning Commission go forward with data collection and at the same time, Ms. Benson be authorized to develop implementation strategies to take advantage of any immediate opportunities for growth. Ms. Benson said that this may be a “chicken-and-egg” idea, but thought that strategies could be conceived while the data is being analyzed. Mr. Long said that he would like to see the vision be reflective of today’s circumstances and urged action as quickly as reasonably possible.

Commissioner Miller said that we seem to be skirting a large segment of the Comprehensive Plan review process: public input. She noted that the Planning Commission does not invent the vision – that is the product of the public input. Ms. Benson concurred, noting that the Code requires some mechanism for public input in order to modify the Plan’s vision.

Mr. Wescoat said that if there was some type of economic development strategy or plan pending, that the Board should lead that initiative. Chairman Randall indicated that this was recently tried but backfired because the proposed project did not fall within the current Comprehensive Plan.

With regard to the recommendation for dissolution of the Comprehensive Plan Executive Steering Committee, Commissioner Ward indicated that he felt that this body was a communicating body, bridging the gap between the Plan Advisory Committee (PAC) and the

Planning Commission/Board of Supervisors.

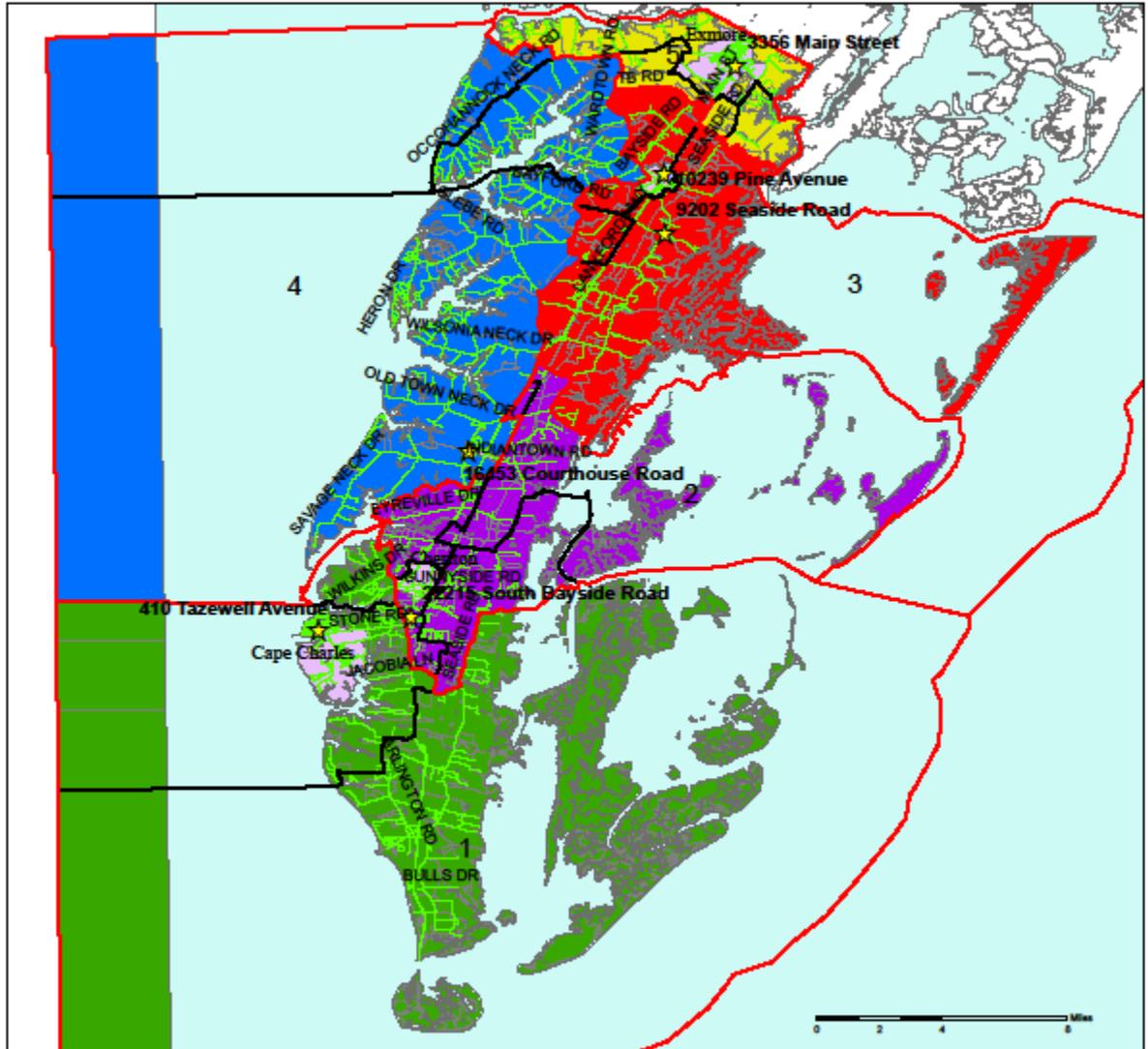
Mr. Long indicated that he supported the recommendation for making the Steering Committee a part of the Plan Advisory Committee and having all input received by that one group. He also agreed with the recommendation to expand the PAC. Ms. Benson questioned the appropriateness of having Planning Commission and/or Board of Supervisors' members serving on the PAC, noting that these two bodies already have a role in the Plan's review. Motion was made by Mr. Long, seconded by Mr. Trala, that the Comprehensive Plan Executive Steering Committee be dissolved; that the Planning Commission and Board of Supervisors' members be eliminated from the Steering Committee; that the remaining member, Mr. Walkley Johnson, be absorbed into the Plan Advisory Committee; and that the Board expand the PAC with additional members to be appointed at the Board's pleasure. All members were present and voted "yes." The motion was unanimously passed.

The Board next reviewed an 11-page memorandum from Ms. Benson detailing those implementation strategies detailed in the 2006 Plan which have not been completed to date. Ms. Nunez requested that the Board review the document and provide comments back to her by April 12th.

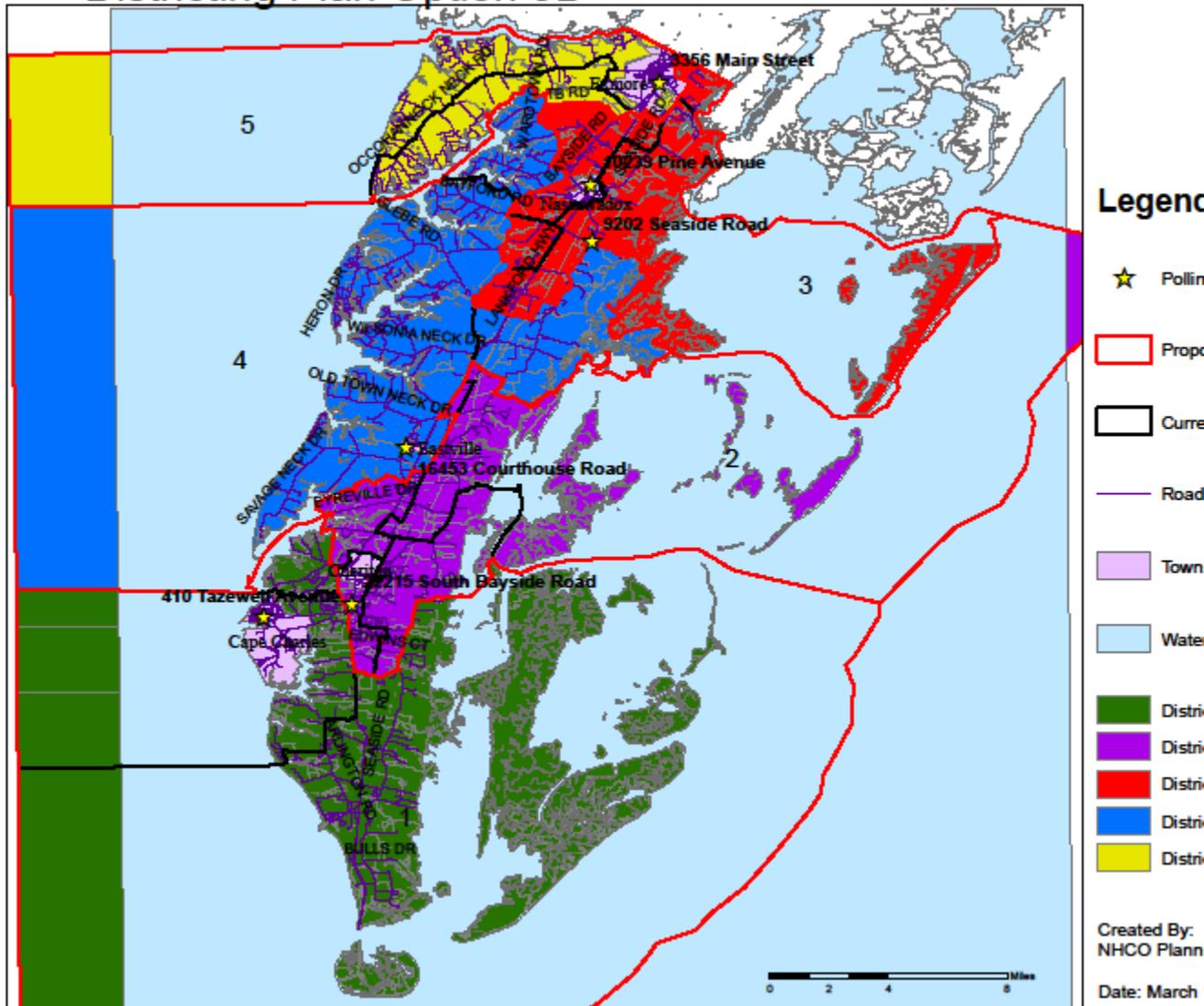
3. Further Discussion of Redistricting Options 5, 5B

These two options were again discussed by the Board and are set out below:

Districting Plan Option 5 - 5 Districts



Districting Plan Option 5B



Mr. Long indicated that Option 5B provides clear minority-majority districts, namely District 2 with 50% and District 3 with 55%.

Mr. Bennett indicated that he still preferred Option 5 and hoped that his district could be drawn to include Cobb Station Road as is the present case (north side only).

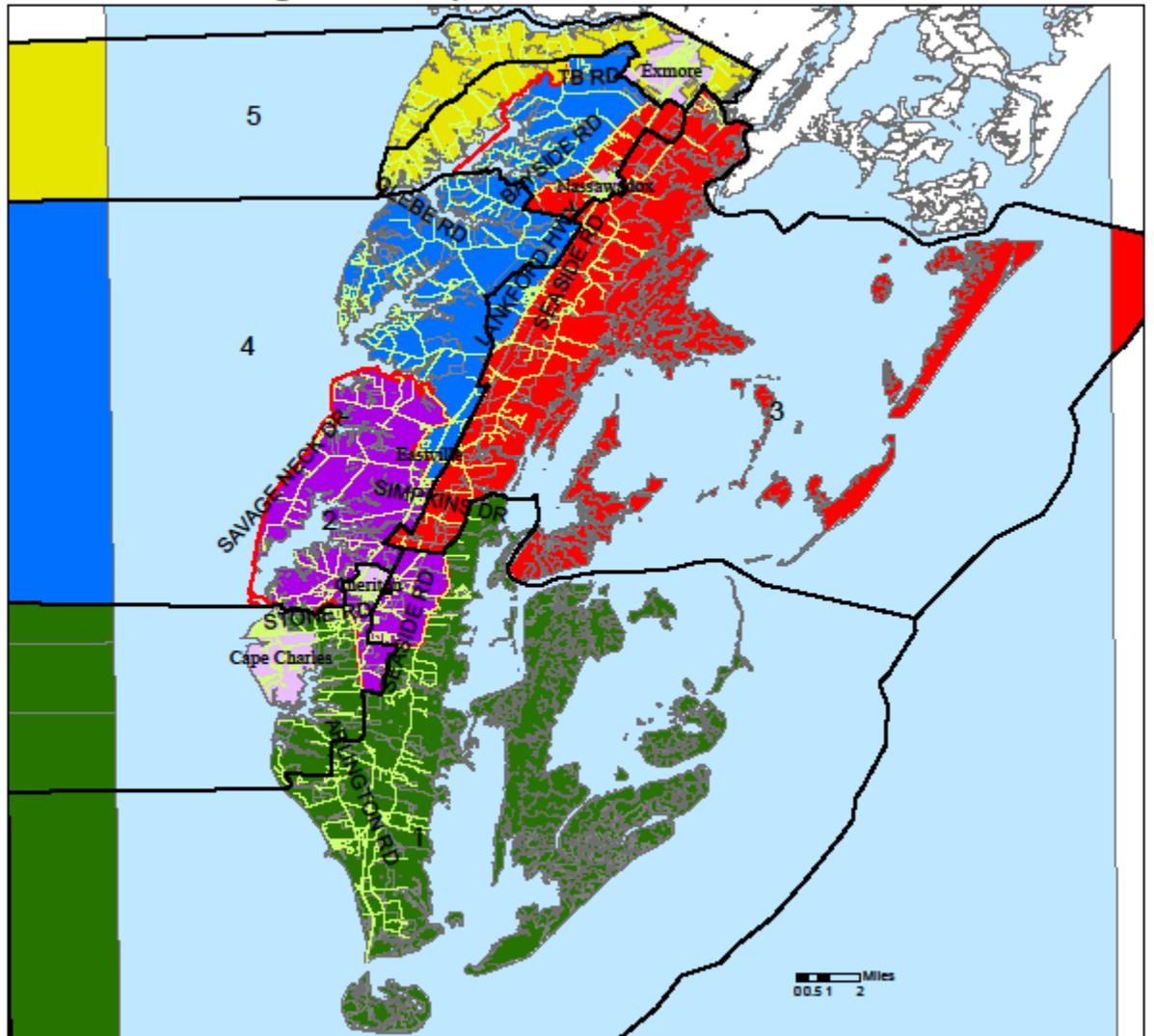
Mr. Trala stated that he was concerned that residents of Occohannock Neck will have to drive 26 miles to vote if Option 5 is selected. He preferred Option 5B.

Mr. Murray suggested that the Board and staff attempt to craft an Option 5C tonight to address Mr. Bennett's concerns so that a unanimous vote could be achieved.

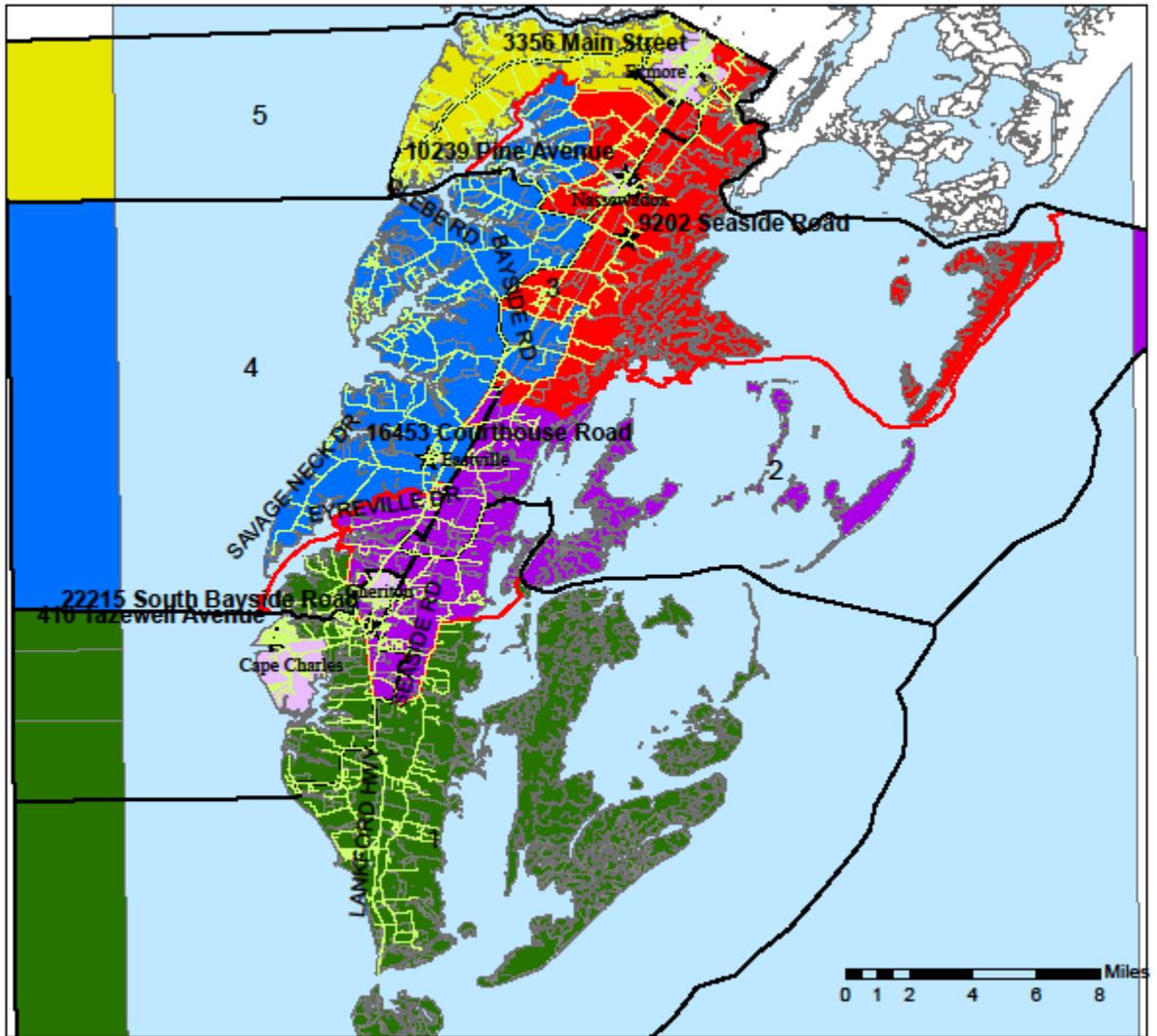
Mr. Peter Stith, GIS Planner, indicated that he has been able to design a map which moves District 3 to Cobb Station Road but that this map results in no minority-majority districts.

The Board designed two more options, designated as Options 5C and 5D shown below, neither of which appeared to be as reasonable as Option 5B.

Districting Plan Option 5C



Districting Plan Option 5D



Mr. Stith informed the Board that two small census tracts had been omitted from Option 5B and he would be correcting that housekeeping error. These tracts encompass three individuals who would be added to District 3.

It was the unanimous consensus of the Board to proceed with the advertisement of Option 5B as amended for public hearing on April 25th.

4. Other Matters

Noting that the requisite thirty-days has passed with no need for public hearing, motion was made by Mr. Tankard, seconded by Mr. Long, that the following resolution be adopted. All members were present and voted “yes,” with the exception of Mr. Murray who abstained. The motion was passed. Said resolution as adopted is set forth below:

**RESOLUTION TO ABANDON
PORTION OF STATE ROUTE 621**

WHEREAS, the Northampton County Board of Supervisors, pursuant to Section 33.1-151 of the Code of Virginia of 1950, as amended, on the 8th day of February, 2011, adopted a motion to start the proceedings for road abandonment on a portion of State Route 621.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby reaffirm its action of February 8, 2011, to abandon a portion of State Route 621, which 1,170 ft. long, located at the terminus of said road.

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Mr. Tankard distributed a draft letter addressed to the Accomack County Board of Supervisors which urged a united front from both counties in the matter of Riverside’s Certificate of Public Need and the idea of establishing a Critical Access Hospital in Nassawadox. Motion was made by Mr. Tankard, seconded by Mr. Long, that the letter be sent as outlined. All members were present and voted “yes.” The motion was unanimously passed. Said letter is set

forth below:

March 30, 2011

*The Honorable Board of Supervisors
County of Accomack
P. O. Box 388
Accomac, Va 23301*

Dear Board:

We write to you to inform you of the position that we have taken concerning Riverside Shore Memorial's Certificate of Public Need for relocation of the local hospital complex. In addition, respectfully we request that you join us in sending a unified message to Riverside advocating that they provide adequate medical coverage for the entire Eastern Shore.

Our Board has voted to oppose the Certificate of Public Need as presently filed. This does not mean we are opposed to an acute care health care facility being built in central Accomack County. Rather, we want to avoid a large vacuum in service that will exist in the lower Shore. This vacuum will be created if Riverside dismantles the present medical complex in Nassawadox. According to the COPN application documents, Riverside will provide minimal medical services in the lower Shore. Most notably there will no longer be an ER, surgical recovery, or in-patient services. Emergency response calls below Eastville will be routed to Sentara Leigh or Sentara VBG Hospitals, up to 45 miles away.

Not just from an ER perspective, patient and visitor distances from a single hospital located in central Accomack will increase normal drive times for everyone in Northampton, but also for those who live in southern Accomack's more remote locations, such as, Scarborough Neck and Upshur Neck.

As Accomack County has suffered with inadequate coverage in its more northern reaches, now conversely, Northampton County will suffer in its southern reaches. An 80 years old barrier to medical coverage will have been shifted from one end of the Eastern Shore to another.

To prevent this vacuum of coverage, and to ensure that the entire Shore is adequately covered, our Board advocates that a Critical Access Hospital be maintained in Northampton County. The present hospital can be converted to this status. This conversion will ensure that there is 24 hour emergency care. Coupled with a new hospital in your County, for the first time there will be adequate emergency coverage for the entire Shore.

If we present a unified voice to the Commissioner of Health and advocate for two adequate medical facilities on the Shore, we think our chances of success are greatly enhanced. Furthermore, many more residents of the Shore will benefit from the upgrades in medical

facilities. Please join us in advocating for both an acute care facility in Accomack County and a critical access facility in Northampton County.

We have enclosed information on what a CAH would look like and feel confident that you will see that this is part of the right solution for us all.

Sincerely yours,

*WILLIE C. RANDALL
Chairman*

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Ms. Nunez announced that several of the Board members have expressed an interest in seeing the progress on the Administration Renovation Project and suggested that the Board convene earlier than planned for its April 25th work session in order to accomplish this. Motion was made by Mr. Long, seconded by Mr. Murray, that the following resolution be adopted, which will allow the April 25th work session to commence at 4:00 p.m. (instead of 5:00 p.m.) at the site of the Administration Renovation Project, 16404 Courthouse Road, Eastville, Virginia, and then move to the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, for the 5:00 p.m. work session. All members were present and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

RESOLUTION

BE IT RESOLVED by the Northampton County Board of Supervisors, this 30th day of April, 2011, that the recessed meeting of the Board, scheduled for Monday, April 25, 2011 at 5:00 p.m., in conference room #2 of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, be changed to Monday, April 25, 2011 at 4:00 p.m. at the site of the Administration Renovation Project, 16404 Courthouse Road, Eastville, Virginia, with the rest of the work session convening at 5:00 p.m. at the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia; and

BE IT RESOLVED that, following this meeting, the date, time and place of the recessed meeting of the Northampton County Board of Supervisors shall revert to the fourth Monday of each month in conference room #2 of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, at 5:00 p.m.

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Recess:

Motion was made by Mr. Trala, seconded by Mr. Long, that the meeting be recessed until 8:00 a.m., Monday, April 4, 2011, at the Aqua Restaurant, Cape Charles, Virginia, in order to

participate in the State of the County Breakfast, sponsored by the Northampton County Chamber of Commerce. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR