

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the auditorium of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, on the 14th day of June, 2011, at 4:00 p.m.

Present:

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

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Murray, seconded by Mr. Bennett, 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.

Appointments to Boards/Commissions

(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 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

(D) 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 5 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 these were the only matters of discussion during the closed session.

The Chairman read the following statement:

It is the intent that all persons attending meetings of this Board, regardless of disability, shall have the opportunity to participate. Any person present that requires any special assistance or accommodations, please let the Board know in order that arrangements can be made.

Board and Agency Presentations:

(1) Dr. Rick Bowmaster, Division Superintendent, Northampton County Public Schools, provided the Board with a written report as follows:

“In your packet this month are three appropriation requests. One is for a transfer of appropriations from Instruction to Transportation to cover anticipated fuel expenditures, another is to adjust the State appropriations to reflect the final entitlements based on our final March 30 ADM, and the third is to appropriate additional funding to reflect year-end projections within the Food Service Fund.

“On June 11th we will hold our high school graduation. We will have 104 graduates. Below are some statistics about the Class of 2011.

Types of Diplomas Earned

- * advanced 39
- * standard 51
- * modified 2
- * special 8
- * GED 4

Post Secondary Plans

- * 2 year colleges 34 students = 33%
- * 4 year colleges 35 students = 34%
- * Trade/Technical schools 4 students = 4%
- * Other Educational Plans 3 students = 3% (Woodrow Wilson Rehabilitation Center)
- * Military 3 students = 3%
- * Returning back 3 students = 3%

modifications. Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Eastern Shore of Virginia Bicycle Plan be adopted as presented. All members were present and voted “yes.”

The motion was unanimously passed.

Consent Agenda:

(3) Minutes of the meetings of May 4, 10, 16 and 23, 2011.

Noting that he had some comments to add to the May 23, 2011 minutes, motion was made by Mr. Tankard, seconded by Mr. Bennett, that the minutes of the meetings of May 4, 10 and 16, 2011 be approved as presented. Motion was unanimously passed.

(3A) Consider Juneteenth Resolution

Motion was made by Mr. Tankard, seconded by Mr. Murray, that the following resolution be adopted. All members were present and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

RESOLUTION

WHEREAS, Northampton County's economic and social well-being requires the best efforts and cooperation of county residents of all races, creeds and backgrounds; and

WHEREAS, for twelve years, the Juneteenth Festival has been an arena to educate and promote cultural enlightenment and diversity to the residents of the Eastern Shore of Virginia; and

WHEREAS, Juneteenth, also known as “Freedom Day” or “Emancipation Day” is the oldest known festival to celebrate the end of slavery and celebrates African-American freedom, encourages strong family structure, and emphasizes the importance of the church in the African-American community; and

WHEREAS, this year’s festival will be held on Saturday, June 18, 2011 at the Eastern Shore Community College and will be in combined with a health fair to encourage and educate Eastern Shore residents on healthy living practices.

NOW, THEREFORE, the Northampton County Board of Supervisors does hereby endorse the EASTERN SHORE JUNETEENTH FESTIVAL to be held June 18, 2011.

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County Officials' Reports:

(4) In the absence of a Finance Director, Ms. Nunez, distributed the following Budget

Amendment and Appropriation which stated in part:

“The School board has respectfully requested approval for the transfer of \$60,900 from Instruction to Transportation to allow sufficient funds to fill the fuel tanks at the end of the school year. The availability of funds in Instruction is the result of employee non-enrollment in the District’s health insurance plan. The School Board also requests a budget appropriation decrease of (\$5,275) for FY 2011. This is to reflect final State Entitlements based on their March ADM of 1,671. A budget appropriation is also requested for an additional \$36,591 in the Food Service Fund for FY 2011. This is to adjust for the increase in projected revenues of \$16,591 and to allow adequate funding of expenditures. This request includes a transfer of \$20,000 from Food Service Fund Balance.

“EMS requests remaining funds of \$2,007, a contribution from Riverside Foundation, be carried over to FY 12 for the use of training on defibrillators.

“The County has recently received an insurance reimbursement on a Sheriff’s vehicle declared a total loss. A budget amendment is requested by the Sheriff’s office for \$3,000 to the vehicle repair line item.

“The last supplemental appropriation request is a grant from the Virginia Department of Agriculture for \$31,231.00 for the County’s Purchase of Development Rights program. Peter Stith has just received word that matching funds from the state should be wired here in the next week.

“Glenda Bradley has added a budget amendment of \$53,423 to true-up Social Services cost allocation line item. Also included for your approval are line item transfers to cover expenses in Utilities Fund for Bayview delay of \$31,503 and transfer of funds of \$76,219 from the General Fund to cover expense cost of the ESRJ.”

<u>Account Number</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
100-3102-55600	Vehicle & Equip. Supplies	3,000.00	
100-0018-42075	Insurance Adjustments	3,000.00	
229-0026-44283	Dept. of Agriculture – Grant	31,231.00	
229-8102-56860	Purchase of Development Rights	31,231.00	
100-0045-49000	Appropriated Fund Balance	2,007.00	
100-3205-51800	Travel – Tuition & Registration	2,007.00	
910-0025-43025	Basic School Aid		3,895.00
910-0025-43075	Gifted & Talented		29.00
910-0025-43100	Remedial Education		165.00
910-0025-43200	Special Education		428.00

910-0025-43250	Textbook Payments		34.00
910-0025-43325	Vocational Ed – SOQ		95.00
910-0025-43400	Social Security – Instruct		180.00
910-0025-43450	Retirement – Instruction		107.00
910-0025-43475	Group Life		7.00
910-0025-43700	At Risk		335.00
910-6000-56555	School Instruction Expenses		5,275.00
910-6000-56555	School Instruction Expenses		60,900.00
910-6200-56570	School Pupil Transportation	60,900.00	
100-9600-57079	Transfer – Public Utilities Fund	31,503.00	
100-0045-49000	Appropriated Fund Balance	31,503.00	
501-0044-48000	Transfer from General Fund	31,503.00	
501-0016-41510	Water Charges		15,751.00
501-0016-41515	Wastewater Charges		15,752.00
225-0044-48000	Transfer from General Fund	76,219.00	
225-3302-51050	Utilities – Heating & Cooking Oil	25,000.00	
225-3302-55650	Food Supplies & Food Service	25,610.00	
225-3302-55700	Medical & Laboratory Supplies	25,609.00	
100-9600-57075	Transfer – ESRJ Operating Fund	76,219.00	
100-0045-49000	Appropriated Fund Balance	76,219.00	
210-9600-56900	Transfer – General Fund	53,423.00	
210-0033-42975	Cost Allocation Reimbursement	53,423.00	
100-0044-48025	Transfer from Social services Fund	53,423.00	
100-9900-59900	Contingency	53,423.00	
921-0025-43900	State Food Service Revenue	5,306.15	
921-0034-45125	Federal Food Service Revenue	40,403.39	
921-0016-41875	Student Sales – School Food service		40,409.65
921-0018-42075	Insurance Adjustments	11,290.92	
921-0045-49000	Appropriated Fund Balance	20,000.00	
921-6400-55650	Food Supplies & Food Service	36,590.81	

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Motion was made by Mr. Murray, seconded by Mr. Trala, that the budget amendment and appropriation in the amount of \$60,900 be approved. All members were present and voted “yes.” The motion was unanimously passed. Following some discussion with Ms. Thomas, Director of Finance for the School System and Dr. Bowmaster, it was the consensus of the Board to consider allocation of remaining Instruction funds to go towards the sick leave payout fund.

Motion was made by Mr. Tankard, seconded by Mr. Bennett, that the budget amendment and appropriation in the amount of (\$-5,275) be approved as presented. All members were

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

Motion was made by Mr. Long, seconded by Mr. Bennett that the budget amendment and appropriation in the amount of \$36,591 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Long that the budget amendment and appropriation in the amount of \$2,007 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Bennett that the budget amendment and appropriation in the amount of \$3,000 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Long that the budget amendment and appropriation in the amount of \$31,231 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Murray that the budget amendment and appropriation in the amount of \$53,423 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Murray that the budget amendment and appropriation in the amount of \$31,503 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Murray that the budget amendment and appropriation in the amount of \$76,219 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

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(5) Ms. Sandra Benson, Director of Planning, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Waterfront Village Visions, and Town Edge Planning.

(6) Ms. Katie Nunez, County Administrator, presented the following work session agenda schedule for the Board's information:

- (i) 6/27/11: Work session – Topic to be announced
- (ii) 7/25/11: Work session – Topic to be announced
- (iii) 8/22/10: Work session – Topic to be announced

The County Administrator's bi-monthly report was presented as follows:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: June 10, 2011
RE: Bi-Monthly Update

I. PROJECTS:

A. Construction Projects – Status Reports:

1.) County Administration Renovations:

Work is still progressing on schedule. Storm water improvements, landscaping and other associated improvements will be commencing this month for the front courtyard area. We are below budget at this time. We are currently anticipating a completion date of September 20, 2011.

We have completed the move of the records from above the Eastville Inn to our current office location and each department is conducting a final review of the archived records to ensure full compliance with the State records retention schedule for placement in our records room.

2.) Court Services/Probation Services Construction:

Work is progressing on schedule. Sheetrock installation is ongoing for the interior. We are anticipating a completion date of August 1, 2011.

B. ESVA Public Services Authority Update:

At their May 17, 2011 meeting, the Public Services Authority voted to recommend that the Board of Supervisors request that the Southern Node Wastewater application that had been submitted and approved for FY2011 Financial Assistance from the Virginia Clean Water Revolving Loan Fund administered by the Department of Environmental Quality be withdrawn.

The PSA recommends this course of action based upon continued work of the PSA in revising and refining the proposed service area based on continuing public engagement and has indicated that they will be considering the submission of future applications for financial assistance for the wastewater projects (Southern and Northern Node projects).

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the Virginia Clean Water Revolving Loan Fund assistance, awarded for FY 2011, be withdrawn in keeping with the PSA's recommendation. All members were present and voted "yes." The motion was unanimously passed.

C. Proposal for Lobbying Services

At our meeting last month, I provided the Board with a proposal from Alcalde & Fay for lobbying services in securing grant funding at the state and federal levels. The Board indicated a desire to discuss this further at the June meeting.

D. VDOT Rural Roads Addition Fund

As a follow-up from last month's meeting, I have enclosed information concerning the VDOT Rural Roads Addition program. This details the process and requirements for consideration of adding a road into the secondary system of state highways. In terms of funding, we are allowed to set aside five percent of the secondary road construction funds that are allocated for our county and they are reserved and defined as "rural addition" funds. In addition, the county may provide funds from its general fund; impose a special assessment of the land owners served by the road; or through revenue derived from the sale of bonds specific for this purpose.

As an additional follow-up from your public hearing on the 6-Yr. Transportation Plan, we have received confirmation that Rte. 642 is a federally designated road in terms of its high volume usage and is eligible for federal funds to be expended on its improvement in addition to state and local funds. We have communicated with the Town of Cape Charles to clarify and confirm their concurrence for improvements to this road.

Mr. Tankard suggested use of these funds for a new road construction project between South Bayside Road and the Food Lion Shopping Center. It was the consensus of the Board that this matter be further discussed at the July regular meeting.

E. Boards & Commissions Spreadsheet

Per the request of the Board, staff prepared a spreadsheet that lists all boards and commissions of the County and details if a particular entity is required or not as well as if a Board member is required to serve on the said

board/commission. Below is a listing of the issues for Board consideration in its review of this full list:

1. There are 13 Boards or Commissions that are required by the Federal Government or by the Virginia Code or by County ordinance or by specific state legislation and they are:

Local Emergency Planning Commission
ES Rural Health System, Inc.
Agricultural & Forestal District Advisory Committee
Chesapeake Bay Alcohol Safety Action Program
Community Planning & Management Team
ES Community Services Board
Northampton County Board of Social Services
Northampton County School Board
Board of Zoning Appeals
A-N Regional Housing Authority
Disability Services Board
Northampton County Wetlands Board
ES Community College

Some of these require a Board member to be a member and some do not. ***There is no question that these boards/commissions/committees must remain in existence (please note that the Disability Services Board may be dissolved by joint resolution of each county) but there is a question of whether the Board members appointed to one of the highlighted groups wants to continue serving since the appointment does not require a Board member to serve.***

2. There are 10 Boards or Commissioners that are authorized or allowed by the Code of Virginia and may have been formed through a regional agreement with Accomack County or with other regional partners and they are as follows:

LOCAL ONLY

Architectural Review Board
Board of Appeals for Building Inspector

REGIONAL – ACCOMACK ONLY

A-N Planning District Commission
E.S. Housing Alliance
A-N Transportation District Commission
E.S. Public Library Board of Directors
E.S. Area Agency on Aging/Community Action Agency

REGIONAL- MULTIPLE PARTNERS

Eastern Shore RC&D Council
Workforce Investment Board
Tidewater Emergency Medical Services Council

The questions for the Board are a) do we need/want each one of these Boards/Commissions/Committees and b) if so, do we need to revisit the agreement (if it is a regional agency) regarding the # of members required and within that regional agreement if it specifies that it must be a Board member even though the Code may not require it to be a board member and does the Board want to change that requirement.

3. There are 18 Boards and Commissions defined as Local Creation and they are highlighted in yellow on the spreadsheet. Some of these have been created by ordinance or resolution by the County or as a regional agreement with our towns and/or Accomack County.

The questions for the Board are a) is there a need for this particular board/commission/committee; and b) if so, does a Board member need to be a member of that board/commission/committee; and c) do we want to review and revise any elements of the agreements forming the regional boards/commissions/committees or meet with our regional partners to raise this issue and discuss with them.

It was the consensus of the Board to further discuss these Local Creation boards and commissions at the regular July meeting; specifically, if they have met in the last twelve months, the Board may consider their dissolution.

F. Enterprise Zone Map

Annually, we review and consider possible amendments to our Enterprise Zone Map. From our process last year, due to regulatory requirements, we were able to add properties for inclusion in the Enterprise Zone Map that were consistent with our Comprehensive Plan and Zoning Map in terms of property eligible for commercial or industrial development but we were not able to delete properties that were not eligible for this type of development under our Comp Plan and Zoning Map because the total acreage being amended exceeded the allowable percentage under Department of Housing and Community Development's regulatory requirements.

Therefore, we are proposing to bring to public hearing the same parcels that were advanced last year for deletion as well as to include any new parcels requested for addition. We have already notified the towns that this process is underway and we are receiving their input if there are any additions or deletions they wish to propose. If the Board has any particular parcels they would like to include for addition or deletion as part of the public hearing, that information needs to be supplied to my office no later than June 17, 2011 so

that we can prepare the necessary legal advertisements and revised maps in order for a public hearing to be held at the Board's meeting on July 12, 2011.

G. Chesapeake Bay Watershed

By March 30, 2012, Virginia is expected to submit to the US Environmental Protection Agency (EPA) a plan to demonstrate how local governments in the Chesapeake Bay watershed will reach specific goals for reducing nutrient and sediment pollution in the Chesapeake Bay and its tributaries. This process will be known as the development of the "Phase II" Watershed Implementation Plan (WIP). Phase I was submitted last year and was very broad in nature and covered the entirety of the state's portion of the Chesapeake Bay watershed.

Phase II will be more localized and site-specific. The expectation is that localities will develop strategies for meeting specific limits in the amounts of nitrogen, phosphorus and sediments loaded into state waters from lands and wastewater treatment plants within their respective jurisdictions. ANPDC is hosting an informational luncheon on June 23, 2011 with representatives from Department of Conservation and Recreation to review the process and begin discussions with local officials regarding this matter.

County staff will be attending said meeting and will provide a full report at the Board's July meeting.

H. Eastern Shore Healthy Communities

At your meeting last month, the Board received a presentation from the Eastern Shore Healthy Communities, a regional coalition focused on policy, systems and environmental change approach to community improvement. Their lead strategy, Livable Communities, has four objectives: 1) Support Existing Communities; 2) Encourage and Provide Affordable Housing; 3) Provide Transportation Choices; and 4) Provide Parks, Recreation, Schools and Cultural Facilities. They are requesting the Board to adopt this concept within our County Comprehensive Plan.

If the Board is in concurrence, I will forward the material from the Eastern Shore Health Communities to the Planning Commission for use and consideration as they review the County Comprehensive Plan.

It was the consensus of the Board that these materials be forwarded to the Planning Commission for consideration during the upcoming Comprehensive Plan discussions.

I. County Hosted Business Forum

On May 25, 2011, my office hosted a Business Development Luncheon for local realtors and lending institutions to provide them information on the following topics: enterprise zone; commercial rehabilitation tax exemption

program; business licensing guidebook developed by the county; zoning & building permitting process and changes in forms by the County; free advertising opportunity for commercial and industrial property on the state Economic Development website; the Northampton County Data Sheet and new Relocation Guidebook developed by the County.

This forum was staffed and presented by Commissioner of Revenue Anne Sayers, Planning & Zoning Director Sandra Benson, Zoning Administrator Melissa Kellam, Interim Building Official Gary Fisher, and me. We have received positive feedback from the participants and will be developing additional workshops in the coming months both from a commercial/economic perspective as well as from a general knowledge/educational component of the various aspects of the zoning ordinance with a few targeted topics of coastal development relative to residential development.

J. Planning Commission – Signage Proposal

I have not had the opportunity to fully review and develop a recommendation and course of action for the Board’s consideration on this matter but will have this completed for the July agenda.

II. MEETINGS

III. GRANT OPPORTUNITIES

A. VA Tourism Grant

I have been working with the Northampton County Chamber of Commerce, the Town of Cape Charles, Lynne Lochen, Tourism Development Specialist from Virginia Tourism Corporation and a group of business owners (Blue Crab Bay Co., Chatham Vineyards, Bay Creek, Sunset Beach, and Camp Silver Beach) on a grant application through the Virginia Tourism Corporation for a marketing awareness campaign for Northampton County targeted towards the Hampton Roads market in a “Cross the Bay for a Day” campaign. The County would serve as the lead agency in this partnership and the grant, if awarded, would run for 18 months. It requires financial commitments from all partners and we are working on a strategy to expand and recruit additional partners and marketing opportunities for smaller tourism related businesses to participate. The grant would provide a return of either 2:1 or 3:1 depending upon the level of our efforts, up to a maximum grant award of \$50,000.

IV. OTHER

A. The Board has been invited to tour the Bayshore Concrete facility in Cape Charles on Thursday, June 23 from 11 am – 1 pm with lunch included.

- B. The Parks Department, The Town of Nassawadox and The Nature Conservancy are hosting the 33rd Annual 4th of July Fun Run to benefit the Pete Rowe Memorial Scholarship Fund. Registration opens at 8:30 a.m. with the run commencing at 9:00 a.m.; first 100 participants will receive a free t-shirt. Fee to participate is \$10 with ½ of that marked as a contribution to the scholarship fund.

- C. EMS Director Hollye Carpenter has announced that Ambulance 31-1 (the newly acquired County ambulance) is ready to be placed in full service for response and will begin staffed operations on July 10, 2011. This ambulance will operate nights, weekends and holidays as an “ALS Zone with a stretcher”, dependent upon our staffing capabilities. This ambulance will be a supplemental unit available to assist volunteer stations/crews with EMS provider(s) as well as provide transport when necessary.

In other business, the County Administrator indicated that she has been notified that the Town of Cape Charles has budgeted \$5,000 towards the OpSail 2012 initiative and that the Town expended approximately \$3,500 during the Tall Ship’s visit during last weekend. It was noted that this matter will be placed on the June work session agenda for discussion.

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The Board recessed at 6:00 p.m. for a dinner break.

At 7:00 p.m., the Chairman reconvened the meeting.

The invocation was offered by Rev. David Nico, Shore Church of Machipongo, Virginia.

The Pledge of Allegiance was given.

Citizen Information Period:

The following P.R.I.D.E. awards were presented:

**NORTHAMPTON P.R.I.D.E
Praising Residents in Defining Excellence**

WHEREAS, the Northampton County Board of Supervisors has identified athletic excellence, community service and public involvement as critically important components in defining excellence and in improving the vision of Northampton County; and

WHEREAS, Mr. Casey Paglia of Northampton High School has been named State Wrestling Champion; and

WHEREAS, Mr. Casey Paglia has been a role model for his peers because of his dedication to hard work, his insatiable desire to succeed athletically, and his commitment to honor and integrity.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Board of Supervisors that it does commend and convey its heartfelt congratulations to Mr. Casey Paglia for this outstanding achievement; and

BE IT FURTHER RESOLVED, that Mr. Casey Paglia be afforded this small token of our appreciation for a Job Well Done and that this resolution be recorded in the minutes of the Northampton County Board of Supervisors so that future generations will recognize his outstanding ability and athletic excellence.

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**NORTHAMPTON P.R.I.D.E
Praising Residents in Defining Excellence**

WHEREAS, the Northampton County Board of Supervisors has identified athletic excellence, community service and public involvement as critically important components in defining excellence and in improving the vision of Northampton County; and

WHEREAS, Mr. Markeese Hines of Northampton High School has been named State Track & Field Champion; and

WHEREAS, Mr. Markeese Hines has been a role model for his peers because of his dedication to hard work, his insatiable desire to succeed athletically, and his commitment to honor and integrity.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Board of Supervisors that it does commend and convey its heartfelt congratulations to Mr. Markeese Hines for this outstanding achievement; and

BE IT FURTHER RESOLVED, that Mr. Markeese Hines be afforded this small token of our appreciation for a Job Well Done and that this resolution be recorded in the minutes of the Northampton County Board of Supervisors so that future generations will recognize his outstanding ability and athletic excellence.

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Mr. Dave Kabler read the following comments:

Remarks of David Kabler, for the public record, to the Northampton County Board of Supervisors, Tuesday, June 14, 2011

I address you tonight to report to you about the state of our Tall Ships Economic Development Initiative. We have come a long way since I introduced publicly this economic development plan six months ago. Northampton County and all five of her incorporated Towns have formally adopted Resolutions in support of the Plan and of our community's participation in OpSail 2012. As well, the Eastern Shore Tourism Commission, the Citizens for a Better Eastern Shore, the Northampton County Chamber of Commerce, the Cape Charles Business Association, Arts Enter Cape Charles and the Northampton County Public Schools Superintendent have offered their support. A public relations firm, a professional photographer, and a graphics arts and social network expert, all local, have also voluntarily joined the effort.

Thanks to the combined efforts of the aforementioned groups and individuals, the Tall Ships Economic Development Initiative has had its first test run and many residents have sent their compliments about its success. During the week beginning Wednesday, June 1 and ending Wednesday, June 8, our port of Cape Charles hosted the visit of Kalmar Nyckel, Delaware's official tall ship ambassador. The ship's captain has reported the results showing 1099 persons who visited on the ship. This included three groups of our public school children representing 7.5% of our school enrollment. The ship earned approximately \$14,000 during four days of public visitation and the Director of the Kalmar Nyckel Foundation calls the visit a great success. In fact, the ship's captain was thoroughly impressed with our marketing campaign that drove the sold-out daysail charters.

Upon receipt of the captain's report of numbers of ship visitors, I estimated that for every visitor on the ship approximately 5 people may have visited the harbor over the seven days just to see her at the dock. The Town's harbormaster makes a more conservative estimate at a ratio of 2 persons for every ship visitor. Somewhere between those two estimates of 3,300 to 6,600 people, is the actual number of persons attracted to the Town harbor to see Kalmar Nyckel. Further extrapolation of these figures allows us to estimate the economic impact of such an event. Allowing for \$20 spending per person in Northampton County as a result of visiting the ship, we can estimate total dollars spent at between \$66,000 and \$132,000. Take our tax revenue from those figures and you can easily gauge the economic benefit of having a tall ship visit our port.

We must move boldly forward with this initiative to take advantage of a closing window of opportunity. OpSail 2012 is entering its final stages of planning and the tall ships are setting their plans now for their itineraries next year. There are at least three ships waiting to hear about visiting our port this summer and fall. Immediate contact must be initiated and maintained with the tall ships industry representatives to build upon our success with Kalmar Nyckel. I am prepared to continue my efforts that have insured the success of last week. As I was not privy to any of the discussions regarding the structuring of the partnership for funding this initiative, I wonder where all of this effort is heading. Will it be mired in bureaucracy or will it take flight under a manageable public/private partnership?

It is my understanding that the County Administrator wants to turn over administration and oversight of this project to the Eastern Shore Tourism Commission. This will require the project to be put out to bid, a time consuming, cumbersome, and in my view, completely unnecessary

and counterproductive process. In addition to time lost to get the project onto their agendas and meeting schedule as well as yours and the Town of Cape Charles, we will then have three layers of stifling bureaucracy that will delay our ability to sign on ships and be part of OpSail 2012, most likely under the fall or the winter. In fact, it may put us out of the running altogether.

Let me offer an alternative. The Northampton County Chamber of Commerce has proved its worth last week in helping assure the successful tall ship visit. I recommend that the project be placed under their oversight and I don't suggest wasting any time doing so. Under their administration, action can be taken immediately to put in place by July 1, 2011, the management and funding necessary to ensure we will be a player in next year's OpSail.

As for my availability to continue to ably work this Plan, you have my commitment to do so beginning July 1, 2011, after my return from my family vacation, providing the project is funded and ready to roll out at that time. I beg you to explore acceptable solutions that will allow myself and the other groups and individuals to remain engaged in fulfilling the Plan's objectives.

Respectfully submitted,

/s/ David Kabler

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Mr. Robert C. Richardson of Seaview asked the Board to suspend the Comprehensive Plan and Zoning Ordinance, calling them a "complete nightmare" and a "repressive volume of gibberish", respectively. He also asked the Board to initiate audits of the Sheriff's Office and the Treasurer's Office, to suspend tax exemption for the hospital, to see the new ambulance, and to cut the County staff by 50%.

Mr. G. F. Hogg, Jr., informed the Board that there was a meeting planned for June 30th at Delegate Lewis' office with VDOT officials to discuss the Food Lion crossing. He requested a letter of support as a result of his comments last month. Secondly, he noted the current very dry weather conditions, noting that some shallow wells are going dry.

Public Hearings:

Chairman Randall called to order the following public hearing:

(7) AN ORDINANCE TO ESTABLISH COMPENSATION FOR NORTHAMPTON COUNTY BOARD OF SUPERVISORS

**AN ORDINANCE TO ESTABLISH COMPENSATION
FOR NORTHAMPTON COUNTY BOARD OF SUPERVISORS**

WHEREAS, pursuant to the provisions of Sections 15.2-1414.1 and 15.2-1414.3, of the Code of Virginia of 1950, as amended, the Northampton County Board of Supervisors may adopt an ordinance to establish an annual salary for each member of the board of supervisors.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF NORTHAMPTON COUNTY:

Section 1.

Each member of the board of supervisors shall be allowed and paid out of the county levy an annual salary, to be fixed pursuant to this section, for services in attending meetings of the board and discharging duties imposed by law as a member thereof.

Section 2.

Effective July 1, 2011, the annual salary of members of the board of supervisors shall be \$4,000.00 for each member. Salary shall be rendered monthly.

Section 3.

No increase in the salary of the board of supervisors shall be effective until a public hearing is held on the salaries to be established. The establishment of said salary shall occur not earlier than May 1 nor later than June 30 of each year.

* * * *

Chairman Randall asked if there were any present desiring to speak.

The County Administrator indicated that this ordinance would restore the Board salaries at the earlier levels and is being put forward through direction of the Board during the recent budget preparation.

Mr. Robert Richardson of Seaview said that the country is in recession and suggested that the Board decrease its salary by 50%.

There being no further speakers, the public hearing was closed.

Mr. Murray stated that for the last three years, the Board has not raised taxes and that in

the FY 2012 budget, funds have been provided for pay raises for both County staff and School employees. He believed that this salary adjustment is warranted.

Motion was made by Murray, seconded by Mr. Bennett, that AN ORDINANCE TO ESTABLISH COMPENSATION FOR NORTHAMPTON COUNTY BOARD OF SUPERVISORS be adopted as presented. All members were present and voted “yes.” The motion was unanimously passed.

Chairman Randall called to order the following public hearing:

(8) AN ORDINANCE TO VACATE THAT PLAT ENTITLED, “SUBDIVISION OF TAX PARCELS 84-A-77, 84-A-80 & 84-A-80D BEING CAPE CHARLES COMMONS AT PARSON’S CIRCLE, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA FOR TAVI PROPERTIES DEVELOPMENT INC.” made by MSA, PC., Dated April 24, 2006, WHICH PLAT IS RECORDED IN THE NORTHAMPTON COUNTY CLERK’S OFFICE IN PLAT BOOK 38 AT PAGES 1-2.

AN ORDINANCE TO VACATE THAT PLAT ENTITLED, “SUBDIVISION OF TAX PARCELS 84-A-77, 84-A-80 & 84-A-80D BEING CAPE CHARLES COMMONS AT PARSON’S CIRCLE, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA FOR TAVI PROPERTIES DEVELOPMENT INC.” made by MSA, P.C., dated April 24, 2006, WHICH PLAT IS RECORDED IN THE NORTHAMPTON COUNTY CLERK’S OFFICE IN PLAT BOOK 38 AT PAGES 1-2.

Recitals

WHEREAS, tax parcel # 84-A-80D was purchased by Tavi Holdings, LLC from the estate of Theta Manning evidenced by deed recorded in Deed book 314 at page 171, dated October 27, 1999; and

WHEREAS, tax parcels # 84-A-77 and # 84-A-80 were purchased by N. Kirstain Tavi from Shore Holdings LLC evidenced by deed recorded as instrument # 020003331, dated November 7, 2002; and

WHEREAS, N. Kirstain Tavi conveyed a lien on parcels # 84-A-77 and # 84-A-80 to secure Garrison M. and Elizabeth A. Brown as evidenced by Supplemental Deed of Trust recorded as instrument # 040002409, dated July 28, 2004; and

WHEREAS, Tavi Development, Inc. presented a subdivision plat dated April 4, 2006 entitled, “SUBDIVISION OF TAX PARCELS 84-A-77, 84-A-80 & 84-A-80D BEING CAPE CHARLES COMMONS AT PARSON’S CIRCLE, CAPEVILLE DISTRICT,

NORTHAMPTON COUNTY, VIRGINIA FOR TAVI PROPERTIES DEVELOPMENT INC.” signed and dated January 22, 2007 by Judy Morgan to Northampton County subdivision agent Melissa Burgard Kellam; and

WHEREAS, said plat incorrectly identified Tavi Holdings, Inc. as the fee simple owner of tax parcels # 84-A-77, 84-A-80 & 84-A-80D; and

WHEREAS, said plat neither identified, nor contained the signatures of, Garrison M. and Elizabeth A. Brown as lienholders of parcels # 84-A-77 and # 84-A-80; and

WHEREAS, said plat was approved by Northampton County subdivision agent Melissa S. Burgard Kellam on February 15, 2007 and subsequently recorded on February 15, 2007 as instrument # 070000372 in the Northampton County Clerk’s Office; and

WHEREAS, pursuant to authority granted in the aforesaid Supplemental Deed of Trust, parcels # 84-A-77 and # 84-A-80 were sold at a foreclosure sale to Garrison M. and Elizabeth A. Brown on August 23, 2010 as evidenced by instrument # 1000001481 recorded on September 1, 2010 in the Northampton County Clerk’s Office; and

WHEREAS, the foreclosure sale was duly approved by the Northampton County Assistant Commissioner of Accounts; and

WHEREAS, the subdivision plat dated April 4, 2006 entitled, “SUBDIVISION OF TAX PARCELS 84-A-77, 84-A-80 & 84-A-80D BEING CAPE CHARLES COMMONS AT PARSON’S CIRCLE, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA FOR TAVI PROPERTIES DEVELOPMENT INC.” signed and dated January 22, 2007 by Judy Morgan presented to Northampton County subdivision agent Melissa S. Burgard Kellam was *void ab initio* for failure to meet the requirements of the Northampton County Subdivision Ordinance, § 156.071 Contents of Plat, dated November 15, 2006; and

WHEREAS, said plat is therefore declared *void ab initio* by the Board of Supervisors of Northampton County; therefore,

BE IT ORDAINED by the Board of Supervisors of Northampton County, Virginia:

Section I. This Ordinance is adopted pursuant to Section 15.2-2272 of the Code of Virginia, as amended.

Section 2. The following plat entitled:

“SUBDIVISION OF TAX PARCELS 84-A-77, 84-A-80 & 84-A-80D BEING CAPE CHARLES COMMONS AT PARSON’S CIRCLE, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA FOR TAVI PROPERTIES DEVELOPMENT INC.”, is vacated in its entirety, thereby causing the (8) lots shown thereon to be eliminated and tax parcels

84-A-77, 84-A-80 & 84-A-80D to remain in their original (pre-subdivided) dimensions.

Section 3. This Ordinance is enacted pursuant to the request of the Subdivision Agent Melissa S. Burgard Kellam in conjunction with the prior lienholders and the current property owners of parcels # 84-A-77 and # 84-A-80, Garrison M. and Elizabeth A. Brown.

Section 4. The County Administrator shall cause a certified copy of the Ordinance to be recorded in the aforesaid Clerk's Office following the expiration of appeals or the right to appeal this matter. Upon such filing, the Clerk shall cause this vacation to be so noted on the plat of survey affected.

* * * * *

The Chairman asked if there were any present desiring to speak.

The County Administrator indicated that this request was made through county staff and a citizen.

Mr. Robert Richardson recommended that the Board not adopt this ordinance noting that the developer should be held to the plat as drafted.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that AN ORDINANCE TO VACATE THAT PLAT ENTITLED, "SUBDIVISION OF TAX PARCELS 84-A-77, 84-A-80 & 84-A-80D BEING CAPE CHARLES COMMONS AT PARSON'S CIRCLE, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA FOR TAVI PROPERTIES DEVELOPMENT INC." made by MSA, PC., Dated April 24, 2006, WHICH PLAT IS RECORDED IN THE NORTHAMPTON COUNTY CLERK'S OFFICE IN PLAT BOOK 38 AT PAGES 1-2 be adopted as presented. All members were present and voted "yes." The motion was unanimously passed.

Chairman Randall called to order the next public hearing as follows:

(9) AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING LOCAL TAX EXEMPTION FOR CERTAIN NON-PROFIT

ORGANIZATIONS”

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,
“AN ORDINANCE ESTABLISHING LOCAL TAX EXEMPTION
FOR CERTAIN NON-PROFIT ORGANIZATIONS”**

WHEREAS, the World Healing Institute was granted tax exempt status by the Northampton County Board of Supervisors on May 12, 2009 with such action subsequently ratified by ordinance dated February 9, 2011; and

WHEREAS, the World Healing Institute has ceased operations within the County of Northampton effective May 31, 2011.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Northampton County, Virginia, that AN ORDINANCE ESTABLISHING LOCAL TAX EXEMPTION FOR CERTAIN NON-PROFIT ORGANIZATIONS be amended as follows:

1. That Paragraph (B) of AN ORDINANCE ESTABLISHING LOCAL TAX EXEMPTION FOR CERTAIN NON-PROFIT ORGANIZATIONS, which granted tax exempt status to the World Healing Institute, be revoked.

2. That all remaining portions and provisions of AN ORDINANCE ESTABLISHING LOCAL TAX EXEMPTION FOR CERTAIN NON-PROFIT ORGANIZATIONS remain in effect.

* * * * *

Chairman Randall asked if there were any present desiring to speak.

The County Administrator indicated that this ordinance amendment was necessary because World Healing Institute, which was granted local tax exemption back in 2009, had not ceased operations.

Mr. Robert Richardson of Seaview wondered if the Board was aware of a State Attorney General’s advisory that it may not be legal to exempt non-profits from taxation. He also said that the Board should eliminate the tax exemption for Riverside Shore Memorial Hospital.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE ESTABLISHING LOCAL TAX EXEMPTION FOR CERTAIN NON-PROFIT ORGANIZATIONS” be adopted as presented.

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

Chairman Randall called to order the next public hearing as follows:

(10) AN ORDINANCE REENACTING THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE WITHIN THE LIMITS OF NORTHAMPTON COUNTY

**ORDINANCE REENACTING THE VIRGINIA
UNIFORM STATEWIDE BUILDING CODE WITHIN
THE LIMITS OF NORTHAMPTON COUNTY**

BE IT ORDAINED by the Board of Supervisors of Northampton County, that AN ORDINANCE REENACTING THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE WITHIN THE LIMITS OF NORTHAMPTON COUNTY be amended as follows:

1. That Paragraph (C)(3)(b) of Section 150.01 Building Code, of the County’s Code of Ordinances, be amended to read as follows:

In accordance with the 2009 Uniform Statewide Building Code (USBC), Section 107.1.2, the Northampton County Building Department will refund 75% of permit fees when approved by the Building Official and when requested in writing by the permit holder in the event of revocation, abandonment or discontinuance of project.

Fire services surcharge on all *building* permits – per permit. 10% of permit fee before State Code Academy surcharge.

2. That Paragraphs (D), (E), and (F) of Section 150.01 Building Code, of the County’s Code of Ordinances, be amended to read as follows:

Building Code Appeals

(D) (1) Any person aggrieved by the local building department’s application of the Uniform Statewide Building Code (USBC) or the refusal by to grant a modification to the provisions of the USBC may appeal to the Local Board of Building Code Appeals (LBBCA). The applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building official’s decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time frame established by this section shall constitute acceptance of a building official’s decision.

(2) The LBBCA shall be appointed and function in conformance with Chapter One of the USBC section for Appeals.

(3) Compensation for members of the LBBCA shall be at the rate of \$25 per day, plus mileage at the current rate per mile.

(E) *[this section is eliminated]*

(F) It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500. In addition, each day the violation continues after conviction or the court-ordered abatement period has expired shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by a fine of not less than \$1,000 nor more than \$2,500. Any person convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than \$500 nor more than \$2,500. Any person convicted of a third or subsequent offense involving the same property committed within 10 years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than 10 days and a fine of not less than \$2,500 nor more than \$5,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

2. That all remaining portions and provisions of AN ORDINANCE REENACTING THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE WITHIN THE LIMITS OF NORTHAMPTON COUNTY are reenacted and reaffirmed hereby.

* * * * *

The Chairman asked if there were any present desiring to speak.

Ms. Nunez said that these amendments would bring the County Code into compliance with the Uniform Statewide Building Code.

Mr. Robert Richardson of Seaview said that Northampton County should not have any building code and that citizens should be able to build whatever they want.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that AN ORDINANCE

REENACTING THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE WITHIN THE LIMITS OF NORTHAMPTON COUNTY be adopted as presented. All members were present and voted "yes". The motion was unanimously passed.

The Chairman called to order the following public hearing:

(11) AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,
"AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND
MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF"**

BE IT ORDAINED by the Board of Supervisors of Northampton County, that AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF be amended as follows:

1. That Section 2. Adoption of state law be amended to read as follows:

Section 2. Adoption of state law . . . Pursuant to the authority of Chapter 13, Title 46.2 of the Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 and in Article 9 (§16.1-278 et seq.) of Chapter 11 of Title 16.1 and in Article 2 (§18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, as amended, and in force on July 1, 2011, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and regulations which by their very nature can have no application to or within Northampton County (the "County"), are hereby adopted and incorporated herein by reference and made applicable within the County. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this ordinance as fully as though set forth at length herein, and it shall be unlawful for any person, within the County to violate or fail, neglect or refuse to comply with, any provision of Title 46.2 or of Article 9, Chapter 11, Title 16.1, or of Article 2, Chapter 7, Title 18.2 of the Code of Virginia, 1950, as amended, and effective on July 1, 2011, which are adopted hereby; provided, that the penalties imposed for the violation of any provision or requirement hereby adopted shall be the same as the penalty imposed for a similar offense under Title 46.2 and under Article 9, Chapter 11, Title 16.1, or of Article 2, Chapter 7, Title 18.2 of the Code of Virginia, 1950, as amended, and effective on July 1, 2011. Amendments to such state law hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of this County.

2. That all remaining portions and provisions of AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF are reenacted and reaffirmed hereby.

* * * * *

The Chairman asked if there were any present desiring to speak.

Mr. Robert Richardson of Seaview said that the Sheriff's Office should be handling robberies and fighting the drug problem in the County instead of writing traffic citations – that this was the purview of the State Police.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Trala, seconded by Mr. Long, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF" be adopted as presented. All members were present and voted "yes." The motion was unanimously passed.

Chairman Randall called to order the next public hearing as follows:

(12) AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE PROVIDING FOR THE LEVY AND ASSESSMENT OF A LICENSE TAX UPON MOTOR VEHICLES, TRAILERS AND SEMI-TRAILERS, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH"

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,
"AN ORDINANCE PROVIDING FOR THE LEVY AND
ASSESSMENT OF A LICENSE TAX UPON MOTOR VEHICLES,
TRAILERS AND SEMITRAILERS, AND REPEALING ALL
ORDINANCES IN CONFLICT HEREWITH"**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF NORTHAMPTON COUNTY, VIRGINIA, THAT:

Section 1. This Ordinance is enacted pursuant to authority contained in Va. Code Ann.

§46.2-752, as amended.

Section 2.

(a) There is hereby assessed and levied a license tax fee of Thirty-three Dollars (\$33.00) per year upon motor vehicles normally garaged, stored or parked in Northampton County and used upon the public roadways of Northampton County, Virginia, which said motor vehicle is not otherwise exempted hereby; provided, however, that the amount of such license tax fee shall not be greater than the amount of the license tax imposed by the Commonwealth on any such motor vehicle.

(b) There is hereby assessed and levied a license tax fee of Eighteen Dollars (\$18.00) per year upon every trailer, including but not limited to boat trailers, utility trailers, horse trailers, camper trailers, and homemade trailers, normally garaged, stored or parked in Northampton County and used upon the public roadways of Northampton County, Virginia, which said trailer is not otherwise exempted hereby; provided, however, that the amount of such license tax fee shall not be greater than the amount of the license tax imposed by the Commonwealth on such trailer.

(c) License tax fees assessed and levied as described in Section 2 above are non-refundable and not transferable from one vehicle to another.

Section 3. The imposition of this license tax fee shall not apply to the following:

(a) Motor vehicles of owners who are required to pay a similar license fee and tax imposed by a county, city or town not located in Northampton County, provided that the owner is a resident of said other county, city or town.

(b) Motor vehicles owned by a nonresident of Northampton County and used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in subdivision (c) of this subsection.

(c) Motor vehicles owned by a nonresident of Northampton County and used for transporting into and within Northampton County, for sale in person or by the employees of the owner, of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by such owner, and not purchased by the owner for sale.

(d) Motor vehicles owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of Northampton County and who uses the vehicle owned by him in the performance of his duties for the Commonwealth under an agreement for such use.

(e) Motor vehicles kept by a dealer or manufacturer for sale or for sales demonstration.

(f) Motor vehicles operated by a common carrier of persons or property operating

between cities and towns in this Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other and not in intracity transportation.

(g) Motor vehicles, trailers, or semitrailers which are inoperable and unlicensed pursuant to Va. Code Ann. §46.2-734.

(h) Motor vehicles which are daily rental vehicles, as defined in Va. Code Ann. §58.1-2401, the rental of which is subject to the tax imposed by Va. Code Ann. §58.1-2402 A.4.

(i) Motor Vehicles owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Virginia Department of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Va. Code Ann. §46.2-739. Satisfactory evidence that all personal property taxes owed upon such motor vehicle have been paid in a timely manner must be provided to the County Treasurer prior to exemption of any motor vehicle license tax under this section.

(j) Vehicles owned solely by active members of the County's volunteer fire departments and volunteer rescue squads as defined under an incentive-based performance measurement program as adopted by the Northampton County Board of Supervisors. No member shall be exempted from the payment of the license tax for more than one vehicle.

(k) Vehicles issued antique license plates in accordance with Va. Code Ann. §46.2-730.

Section 4. If any incorporated town located in Northampton County imposes license fees and taxes under Va. Code Ann. §46.2-752, upon motor vehicles of owners resident in such town, then the owner of any such vehicles subject to such fees and taxes shall be entitled, upon such owner displaying evidence that he has paid the amount of such fees and taxes, to receive a credit on the license fees or taxes imposed by Northampton County under this Ordinance to the extent of the fees or taxes he has paid to such incorporated town.

Section 5. For the purpose of this Ordinance, the license year shall extend from the first day of January, beginning with the year 2009, and extend through the thirty-first day of December of the next succeeding calendar year.

Section 6. After a motor vehicle or trailer has been assessed for personal property tax purposes by the Commissioner of the Revenue, or registered with and assessed by the Commissioner of the Revenue for personal property tax purposes, the County Treasurer shall mail the taxpayer a bill for the license fee for the current and each subsequent year. The license tax fee shall be listed as a separate item on each year's annual and supplemental personal property tax bills, which payment shall be due on or before December 5th or as indicated on the tax bill. Failure to pay the license tax fee by December 5th, or by whatever date is indicated on

the tax bill, will result in a penalty fee of Five Dollars (\$5.00) per motor vehicle or trailer.

Section 7. The revenue derived from the tax levied hereunder shall be paid into the general revenue fund of Northampton County and applied to general county purposes.

Section 8. All words and phrases used in this Ordinance shall be given their usual and ordinary meaning, provided, however, that the following words and phrases shall have the hereinafter respectively ascribed meanings:

(a) "Motor Vehicle" - Every vehicle which is self-propelled or designed for self-propulsion, together with trailers and semitrailers.

(b) "Owner" - A person who holds a legal title of a vehicle.

(c) "Vehicle" - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 9. Any Ordinance or parts of any Ordinance in conflict with the provisions of this Ordinance are hereby repealed.

Section 10. This Ordinance shall be effective for the license year 2009 and thereafter.

Section 11. This Ordinance amends Section 33.008 of the County's Code of Ordinances: License Tax Upon Motor Vehicles.

* * * * *

The Chairman asked if there were any present desiring to speak.

The County Administrator indicated that the purpose of this ordinance amendment was to exempt owners of antique vehicles from the license tax fee.

Mr. Robert Richardson of Seaview stated that Northampton County should remove all taxes on boats and motor vehicles and should assess a flat rate tax on individual income.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Murray, seconded by Mr. Long, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE PROVIDING FOR THE LEVY AND ASSESSMENT OF A LICENSE TAX UPON MOTOR VEHICLES, TRAILERS AND

SEMI-TRAILERS, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH” be adopted as presented. All members were present and voted “yes.” The motion was unanimously passed.

Chairman Randall called to order the next public hearing as follows:

(13) AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE ESTABLISHING A BUSINESS, PROFESSIONAL, OCCUPATIONAL LICENSE FEE FOR NORTHAMPTON COUNTY, VIRGINIA”

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
“AN ORDINANCE ESTABLISHING A
BUSINESS, PROFESSIONAL, OCCUPATIONAL LICENSE
FEE FOR NORTHAMPTON COUNTY, VIRGINIA”**

This Ordinance is enacted pursuant to Section 58.1-3700 et seq. of the Code of Virginia of 1950, as amended.

BE IT ORDAINED by the Board of Supervisors of Northampton County, that AN ORDINANCE ESTABLISHING A BUSINESS, PROFESSIONAL, OCCUPATIONAL LICENSE FEE FOR NORTHAMPTON COUNTY, VIRGINIA be amended as follows:

1. That Section III. ADMINISTRATION. C. Rate of License Fee. be amended to read as follows:

C. Rate of License Fee.

The fee for the issuance of a business license shall be \$30.00 per year. No business license under this article shall be issued until the applicant has produced satisfactory evidence that all delinquent business license fees, personal property, meals, transient occupancy, severance and admissions (if applicable) taxes owed by the business to the County have been paid which have been properly assessed against the applicant by the County.

2. That all remaining portions and provisions of AN ORDINANCE ESTABLISHING A BUSINESS, PROFESSIONAL, OCCUPATIONAL LICENSE FEE FOR NORTHAMPTON COUNTY, VIRGINIA are reenacted and reaffirmed hereby.

3. This Ordinance shall become effective immediately upon its adoption by the Board of Supervisors of Northampton County.

* * * * *

The Chairman asked if there were any present desiring to speak.

The County Administrator indicated that delinquent real estate taxes had been removed from those taxes which must be satisfied prior to the issuance of a business license. This change is in accordance with the Code of Virginia.

Mr. Robert Richardson of Seaview said that he agreed with having a business license but said that the ordinance should have a clause where complaints against the business owner must be addressed prior to the issuance of the business license.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE ESTABLISHING A BUSINESS, PROFESSIONAL, OCCUPATIONAL LICENSE FEE FOR NORTHAMPTON COUNTY, VIRGINIA” be adopted as presented. All members were present and voted “yes.” The motion as unanimously passed.

Chairman Randall called to order the next public hearing:

(14) AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE PROVIDING FOR A FEE FOR PASSING BAD CHECKS TO LOCAL GOVERNING BODIES.”

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
“AN ORDINANCE PROVIDING FOR
A FEE FOR PASSING BAD CHECKS
TO LOCAL GOVERNING BODIES”**

This Ordinance is enacted pursuant to Sections 2.2-614.1 and 15.2-106 of the Code of Virginia of 1950, as amended.

BE IT ORDAINED by the Board of Supervisors of Northampton County, that AN ORDINANCE PROVIDING FOR A FEE FOR PASSING BAD CHECKS TO LOCAL GOVERNING BODIES be amended as follows:

1. That SECTION 1. be amended to read as follows:

SECTION 1. There is hereby levied a fee of Eighty-Five Dollars (\$85.00) for the uttering, publishing or passing of any check or draft for payment of taxes or other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

2. That all remaining portions and provisions of AN ORDINANCE PROVIDING FOR A FEE FOR PASSING BAD CHECKS TO LOCAL GOVERNING BODIES are reenacted and reaffirmed hereby.

3. This Ordinance shall become effective immediately upon its adoption by the Board of Supervisors of Northampton County.

* * * * *

The Chairman asked if there were any present desiring to speak.

The County Administrator indicated that this amendment raised the fees to be assessed by the locality for bad checks.

Mr. Robert Richardson of Seaview questioned whether the County should be exempt from the same procedure followed by private businesses; i.e., having to go through the court system. He does not oppose the ordinance.

There being no further speakers, the public hearing was closed.

Chairman Randall called to order the next public hearing:

(15) Special Use Permit 2011-05: William C. Parr has applied for a minor special use permit for holiday and seasonal events and an event venue on property zoned Agriculture/Rural Business located at 24021 Seaside Road. The property contains 22.67 acres of land and is described as Tax Map 92, double circle 5, parcel A. *This is a continuation of the public hearing initially heard on April 12, 2011.*

The Chairman asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission was recommending denial of this petition based upon opposition from the neighbors, the perceived decline in property values, the question of whether the proposed use is truly low-impact, the expected change in character of the neighborhood if the use is approved, and the lack of satisfactory findings with respect to the

Special Use Approval Guidelines as set forth in the zoning ordinance.

The applicant, Mr. Parr, distributed packets of material for the Board's review which included a list of abutting/adjoining property owners who have not objected or signed a petition to the application in the course of the first 6 public meetings on the matter [16 different tax map parcels and 5 different owners totaling over 560 acres of ownership with no objection]; a map illustrating the surrounding properties and several pages entitled, "Factual Information Only" relative to his application which he read as follows:

Minor Special Use Permit Application #2011-05
FACTUAL INFORMATION ONLY

FARM: defined in the Northampton County zoning ordinance as follows:
"A parcel of five (5) or more acres which is used for agricultural purposes.
Applicant has 22.67 acres which includes over 7 acres of cultivated farmland.

Agritourism: defined in the Northampton County zoning ordinance as follows:
"Any activity carried out on an operational farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or experience rural activities, including, but not limited to, farming, wineries, historical, cultural, or harvest-your-own activities, with or without a fee"

Note: The Code of Virginia definition is almost identical but also includes references to ranches and specifies that "An activity is an agritourism activity whether or not the participant paid to participate in the activity".

Agritourism: Further defined by Virginia Tech and the Virginia Cooperative Extension Service. See attached cover and first 3 pages of the Extension Service publication entitled "Agritourism". Of note is that the Northampton County Zoning ordinance mirrors most all of the Agritourism uses as allowed in the Agriculture/rural business district – including "Weddings, receptions, honeymoons, and special events".

Correct description of the area surrounding applicant's property

92-5-B, Barber Orlando Trust: Adjoining southern boundary property
3 story single family residence and detached outbuildings including chicken coop, bull pen, packing shed, horse stable & fencing. Currently used for animal husbandry including the keeping of a 1,500 pound+- bull, a herd of sheep, a flock of chickens and active bee hives. A permit has also been issued for the operation of a commercial bakery in the packing shed, with no limits on the number of employees, hours or scope of operations.

92-A-35, Marion Scott: (5 parcels) Approximately 150 acres of irrigated cropland leased for vegetable production including corn, potatoes and beans, with direct on site irrigation from the pond on the farm, where pumps run during summer months, sometimes all night long. A house on one of the parcels is rented, and the tenants have 4 horses kept in open pasture in the shoreline area.

92-17-1 thru 8, Ocean Exchange (8 parcels): currently used for vegetable and grain farming, the 321 acres has been approved for 8 divided farms parcels, but roads have not yet been installed. The historic house, horse barn and shed have recently been cleaned up and plans exist for restoration of the buildings.

92-A-19, Yaros Family, this is a 59.9 acre tract of cultivated cropland used for grain and vegetable crops.

“Riverside Farm” as it is most generally known, is an agriculturally zoned farming community with 11 single family residences. Some of the property, including the Parr and Orlando properties are not a part of the more formal subdivision of Riverside Farm which was recorded as “Mockhorn Bay Landing”. This is where the Jones, Collins/Lewis, Leggett, Charlton and Gardner properties are located. It is a very entrepreneurial little farming community.

Mr. Jones operates his aquaculture business from his 5 acre property, with multiple boats on trailers coming and going from the farm, daily year round – as the demands of his aquaculture business requires his constant daily efforts and considerable truck and boat trailer activity.

Dave and Colleen Charlton. Have a classic design modern 6 stall horse barn where they offer boarding and have a riding/jumping arena and multiple pastures. Dave operates his custom home building construction business from a 2,000 square foot (approximate) steel building with workshop next to his house. Of some significance, is that the deed to the Charlton property, as well as the “Mockhorn Bay Landing” covenants (recorded in deed book 286 at page 135 on January 28, 1997), provides that the owners of the Charlton property may operate a Bed and Breakfast as well as a special event facility for weddings, private parties and catered affairs for up to 150 people. The provision in the MOCKHORN BAY LANDING declaration of covenants was recorded in 1997. This declaration is a DEFINING aspect of the character of the farm.

Wilson and Dianne Leggett have a beautiful home in the woods between the irrigation pond and the Charlton Property, and were among the first new residents of Mockhorn Bay Landing. Their property is but one lot removed from a property that was designated for use as a special events area in 1997. They also suffer the noise of the irrigation pumps that run at the pond during vegetable watering season, since they are in close proximity to the pumping area. Their home is not visible from anywhere on my property that I know of.

The Garners own the property adjoining the Charltons on their north boundary, and of course, are aware that the covenants for their property allow the adjoining Charlton property to be used for special events, since it is referenced in the covenants that run with his land. But most importantly, in contrast to Mr. Garner’s letter of objection, the Plat to the Garner Property (plat book 30 page 7) is very specific in stating, “it is located in the area specifically designated for

agriculture and subject to extremes of farming, including noise from numbers Ag activities (see attached copy). Mr. Garner has a single family home and detached garage, with a deer stand and water fowl hunting setup on his property which is used by his family for traditional hunting activities on site, which can be a noise affair in and of itself.

The Orlando-Barbers are maximizing the use of their Agricultural property with numerous sustainable farming activities, raising farm animals with a growing herd of sheep and Bovines, growing crops, managing bee hives, and now beginning to develop their newly permitted commercial bakery next to the applicant's property.

Of key significance in this description is that the area is not a "Residential Neighborhood" as it was very incorrectly characterized by those in objection, and by the Planners. The above description of land uses could not take place in a residential neighborhood such as Butlers Bluff, Tower Hill or Sugar Hill. These are Agriculture/Rural Business activities, just as Agri-tourism activities are. These are the activities of a diverse farming community – not a residential neighborhood. The farm is zoned both Agriculture/Rural Business and ES-A both of which are agricultural designations, but each has a different vintage of zoning ordinance which governs the district. However, I will be clear that both districts are primarily agricultural.

In 1999 when I purchased my property, Riverside was intensely farmed with tomatoes and watermelons by Pacific Tomato company. On any given summer day, hundreds of foreign migrant labors could be found working the fields, dozens of tractor trailers would line up on Riverside Farm lane for loading, motors and refers running, harvesting crews working early morning to well past dark at the peak of the season. That's how it looked when the Barbers made their purchase; it was an active tomato farm. Some you may recall the unfortunate incident where the fumigation of the tomato field went wrong and the gas ended up in the Barbers house, making the entire family sick. This was life on the farm just a few years ago. Now, Mr. Scott rents the land to Wayne Heath instead and he only grows potatoes. However, this is a vegetable farm, with a huge lake for irrigation water supply, and a perfected underground central piping system that can be farmed BY RIGHT at an industrial level – that is, with legions of migrant laborers and the fleets of heavy equipment and tractor-trailers that come along with it. Indeed, in such a situation, parents would be well advised to watch young children carefully, perhaps a great deal more so than if some well dressed wedding guests happen to be attending a very expensive private event function.

My barn was built by the Scott family in 1884, standing continuously for 127 years. It was there long before any other existing land use at Riverside Farm. It is a tradition of American for barns to be used as a place for celebrations of rural life. You don't need to watch too many re-runs of Bonanza to catch a bunch of scenes of the barn parties typical of the day, and this barn is no exception. Thus, it is a fact, that anyone who purchased property at Riverside farm should have expected that sooner or later it would be utilized in this way. When I bought this property, this type of use was not allowed in the zoning ordinance. When my real estate company brokered the sale of the big house, owned by the Charltons at the time, to the Orlando-Barbers, the use I am requesting was not even remotely considered as something that would have been possible under the comp plan and ordinances of the day. Mr. Barber got elected to public office and worked tirelessly to change all of that. Today, his family benefits from those changes, such as in the

permit recently issued for his commercial bakery. Many of you know that I strenuously objected to the ordinance as it was being considered, and still believe that it is a flawed and poorly written ordinance. However, the Northampton Comp Plan and Zoning regulations and privileges are clear, my proposed use should be allowed – substantially as a result of the efforts of Mr. Barber’s time in public office. Until last week’s planning commission meeting, the zoning office had on file in its records, since 2008, correspondence submitted and signed by Mrs. Orlando and Mr. Barber certifying their support for the commercial use of my barn. Only two things have changed since then. First, the zoning ordinance which Mr. Barber helped to formulate was adopted. Second, I made this application under the terms of that ordinance. Nothing else has changed concerning my property since the unsolicited letters which you have a copy of were delivered to me and Sandra Benson in October 2008 expressing support for this use. Of course, there is that noisy bull in Mr. Barber’s pen.....that’s new.

You have before you my request application dated March 17, 2011. You also have a list of conditions and requirements “user guideline addendum” dated April 27, 2011 to which I have agreed to make my Minor Special Use permit subject to. I have agreed to make substantial capital investments in these requirements, including the construction of over 3,000 feet of new private driveway, and a 10 foot wide by 250 foot landscape buffer with evergreen plantings designed to be over 15 feet tall. I ask for this minor special use permit to run with my land, just as the declaration privileges run with the Mockhorn Bay Landing property. In my preliminary discussion with Staff, Melissa Kellam told me that she would consider my permit vested upon completion of the driveway, and I ask that your approval so stipulate, that upon completion of the new driveway construction that this permit be considered as vested.

Our community is desperate for economic activity. Letters of support from the business community and towns are clear. The current comprehensive plan and zoning ordinance relies heavily on these kinds of activities to support our economy and create the commerce necessary for our citizens.

Objections to this application are largely based on strongly held personal opinions and not facts supported by data. That the same use I am asking for has been a part of the Riverside farm community documents since 1997 cannot be overlooked – despite the obvious fact that the current owners do not have plans to make such a use, it defines the character of the area nonetheless as one of the allowable uses of record on the farm.

The Planning Commission based its denial of this request on 5 points:

- 1) Opposition from neighbors that was incorrectly characterized as unanimous. This is not true.
- 2) A perceived decline in property values. This is not fact, this is opinion not supported by data. It is also very likely that if our community does not begin to create economic opportunities, all of our property may become a great deal less valuable for numerous other reasons.
- 3) The question of whether the use is truly low impact. This is a question, and not a conclusion, and not based on any fact presented. The fact is that this use will be less harmful to

the environment than the use allowed by right which gassed the Barbers out of their house with toxic chemicals and requires hundreds of potentially non-English speaking migrant laborers for crop harvesting in the midst of the farm.

4) The expected change in character in the neighborhood if approved. Again, the defining nature of the fact that a large barn has been standing there since 1884 and no longer suited for its original use for working plow horses preceded all other uses at Riverside. That the Mockhorn Covenants EXPECT a special events venue on the farm categorically refutes this assertion.

5) Lack of satisfactory finding with respect to Special use permit approval guidelines. This is a result caused by a flawed process that produced 5 scheduled public hearings and 7 public meetings for a use already established in the guiding documents as allowable and necessary to our local economy. That the planners even choose to use this particular language is telling. They did not use affirmative language, such as “*this use does not meet our required approval guidelines*”. They had a lack of findings, and this is not cause to reject my application.

For all of the reasons stated here, I ask that you set aside the Planning Commission recommendation of denial and approve my request. Thank you.

* * * * *

Mr. Robert C. Richardson of Seaview stated that he owns property nearby and normally would be supportive of this application but the farm itself has changed and there have been substantial improvements made to the manor house, which would be damaged by the proposed use. He said that if the permit was granted, that a 100 ft. buffer and fencing should be required.

Mr. Tom Collins, who lives across from the applicant, said that he was 150% against the petition and noted that the anticipated revenues received would not equate to the loss in property values.

Mr. Bill Gardner, a nearby resident, reiterated that the people in the community do object to the petition.

Mrs. Leslie Jones, who bought the neighboring farm nine years ago, concurred that migrant labor was used on the farm but that they did not use alcohol during that time. She also questioned whether the farming community would have to confer with Mr. Parr so as not to

disrupt any planned wedding, etc. activities. She said that her property values would drastically decline.

Mr. H. S. Jones, III, spoke on behalf of his father, reiterating some of the earlier neighbors' concerns and requested that the Board deny the petition.

Mrs. Dianne Leggett, a Riverside Farm resident, referenced the neighbor petition contained in the agenda packet, and noted that the community is against this proposed use. She requested that the Board deny same.

Mr. Wilson Leggett, a Riverside Farm resident and current president of the Homeowners association, said that all of the residents with the exception of Mr. Parr, are in opposition to the permit.

Ms. Louise Orlando, a Riverside Farm resident, said that agricultural noises do not bother her family and that field workers have never trespassed or played loud music. She also said that her property values would plummet.

Ms. Becky Florie, a tenant of Mr. Marion Scott, said that they moved to the area looking for a quiet farm environment to home-school their children. She said that Mr. Parr's proposed activities would disturb her family and had no complaints about Mr. Barbour's activities.

Ms. Colleen Charlton, a Riverside Farm resident, said that she had been the owner of her property for 13 years and loved the peaceful and serene nature of the area. She has had no problems with the migrant laborers and thought her property values would decline if the proposed use was approved.

Mr. James Barcroft, a resident of Seaside Road across from the Riverside Farm area, was concerned with possible uncontrolled traffic relating to Mr. Parr's events.

Mr. Walkley Johnson questioned what evidence had been presented to the Planning

Commission on the detrimental impact to neighboring property values. He said that this seemed to be a gratuitous element in the Planning Commission's recommendation.

Mr. David Charlton, a Riverside Farm resident, said that he had a business relationship with Mr. Parr and that he was a good friend. He noted that Mr. Parr had provided a great packet of information and asked the Board to consider everything they heard this evening in their deliberations.

Ms. Nunez read the following letter into the record:

6071 Riverside Farm Lane
Cape Charles, VA 23310

June 14, 2011

To the Board of Supervisors:

Since 2008 I have supported Mr. Parr's desire to turn his barn into an event venue. Unfortunately, I must now withdraw that support and request that you reject his application. I am reversing my decision for two reasons.

First, the scope of the project far exceeds what my family and neighbors had been led to expect.

When Mr. Parr first spoke to residents on the farm about his plan, he indicated that he intended to hold only occasional events. Since then, the proposal has exploded into something much bigger. Only after the first public hearing did we discover that Mr. Parr expects to spend close to \$200,000 to make the venue operable. To recoup his investment, Mr. Parr is going to have to turn his barn into a full-bore party mill. At over 6,000 square feet, it might be the largest party venue in the county, eclipsing even the cinder-block venues on 13. This is not low-impact agritourism. This is a high-impact use in a residential neighborhood, and my family cannot support it.

The effect on our property values and lifestyle would be devastating. If, when we first moved to the Shore, our realtor, Parr Properties, had told us that a party venue would be opening next door, we would never, ever have bought the house. And future buyers will have exactly the same reaction.

The Planning Commission tried very hard to craft conditions that would mitigate the impact of the event venue, as required by Section 154.042.B.4 of the Code of Northampton. At one time, it considered imposing as many as 26 separate conditions. Ultimately, though, it came to the realization that the location is simply too close to neighboring properties—about 150 feet in our case, and maybe 80 feet to the platted residential subdivision to its north. The Planning

Commission voted 7-1 against it.

My second objection is that almost none of the conditions that might mitigate the negative impacts are enforceable.

Who is going to enforce the time when parties close down or set up? Who is going to enforce when amplified music is turned off? Who is going to enforce a limit on the number of guests? It cannot be left to the applicant.

As we learned during an event held in the barn in 2008, the sound of amplified music is extremely loud when the barn's southern doors are open. One of the proposed conditions would have required that those doors be kept closed. So, when it's 90 degrees on the second floor of an un-air-conditioned barn, who exactly is going to force a wedding party—or any party—to keep those doors closed? No one.

The applicant also indicated that he would accept a condition that sets decibel limits, as measured at the property line. Is the county really going to pay overtime for staff to sit in my shrubbery at 10 PM with a noise meter? We all know this is not going to happen. Instead, you would be putting my family and me in the unfortunate position of having to police our neighbor. A wedding is a highlight of a couple's life together. We should not be put in the position of having to rain on their parade so our children can sleep.

The Zoning Ordinance requires a special use permit for an event venue for good reason. On many agricultural parcels, the proposed use would be ideal and a permit could be issued without difficulty. On other parcels, however, it just doesn't make sense. Such is the case with this one. We're talking about a high-impact use extremely close to residential subdivisions to the north and south.

You have a responsibility under Section 154.042.B.4 of the Code of Northampton to ensure that any proposed use will not impact neighboring property values, or change the character of the neighborhood, among other criteria. No reasonable, enforceable conditions can get you to that point. As a result, you have no choice but to reject the application.

Yours truly,

Andrew Barbour

* * * * *

There being no further speakers, the public hearing was closed.

Mr. Long asked that Mr. Parr be allowed a few minutes to respond to the concerns voiced by the neighborhood, but the Board declined.

Mr. Long read the following comments:

Mr. Parr, I hope that the wedding reception held on your property was a success and proved profitable. Your barn is certainly a wonderful venue for such an event, and it is an excellent example of the kind of innovative re-use of old farm buildings that the County has been trying to encourage. If, after that first event, you decide to go forward and operate your barn as a commercial events venue, you will certainly have our support.

Mr. Chairman, for the record, and so I am not accused of plagiarism, my opening comments were a paraphrase of a letter dated October 14, 2008, written by Mr. Andrew Barbour to Mr. William Parr regarding the use of his barn.

Gentlemen, that letter eloquently summarizes the opportunity we have before us this evening. Mr. Parr has brought us an application that does, in fact, highlight assets which are among the most unique in our community. He certainly does this as an entrepreneur, seeking to benefit from ownership of the property and those assets. In doing so, I firmly believe that his venture shall prove to be a net benefit to his entire community.

Mr. Chairman, we have heard now numerous times from numerous people about their opposition to the project. I have been asked to take into account the effect of the applicant's use of his own property on a ten-year-old child's life, on a common driveway, on a business, on homesites almost a mile away. These opponents have been very vocal and passionate in their objections, and they do make a few good points.

First, Mr. Chairman, we need to establish the basis for the application. Does it, in fact, propose a use which is congruent with the wishes of the County as a whole? For that, we must turn to the Comprehensive Plan.

Section 3.2.1 of the Comp Plan says that we should "encourage agri-tourism activities to preserve open space." Section 3.4.1 says that we as a Board should provide for "tourist draws" which include, among other things, "agritourism events and activities." Section 3.5 speaks of new business development, and says we should encourage new businesses to start up in areas already designated – most of those areas being zoned Ag. In that same section, specifically 3.5.4., we read that we should "encourage the reuse of existing buildings" (#9), while "providing for small businesses and home occupations" (#13).

Those speakers we have heard this evening have posited that the property is ineligible for the proposed use due to its status as a farm. That raises questions in my mind, Mr. Chairman, since staff has confirmed that his parcel is, in fact, zoned Agriculture and meets the requirements to be considered a working farm. Additionally, the property contains upon it structures which have traditionally been used for farming – by my own extended family, I might add.

The same speakers have also complained that the use does not fall under the category of Agri-Tourism, that it is, in fact, commercial. It would appear, Mr. Chairman, that they are incorrect in that statement, as Category 2 of our Zoning Use charts specifically designate as Agritourism Items 5: Concerts and Special Events (regularly scheduled); 10: Festivals and Fairs; and 15:

Holiday and Seasonal Events. Further, the Virginia Tech Cooperative Extension refers to “weddings, receptions” and “holiday festivals” as prominent examples of agri-tourism. Lest we forget, Mr. Chairman, we’ve also just recently approved a commercial use directly next door to the subject parcel.

Gentlemen, I am not here to defend the applicant, since he has done that very well himself. I am here to perform my duty to my constituents, by making the best decision possible for the applicant, his neighbors, and this county, just like the rest of you.

On what basis do we make that decision? We base it on the simple oath that we all took upon assuming office – to uphold and defend the Laws of the Commonwealth and the Constitution of the United States. I will remind you, gentlemen, that within those documents is enshrined the idea of right to property, or the right of an owner to enjoy his property and utilize it to his advantage. That right is central to our free market economy, our way of life, and yes, even liberty itself.

The applicant has a right to enjoy his property. Legally, under our own ordinances, he has a right to his requested use upon working through this minor-special use process. Staff has reported as much. However, the use of his property must not infringe upon the rights of others to enjoy their own property. I have striven, Mr. Chairman, to take that into account. Fortunately, so has the applicant, by agreeing to spend nearly fifty thousand dollars of his own money to (a) mitigate the impact of his use on his immediate and extended neighbors, and (b) to ensure that this use takes place entirely upon his own property. Gentlemen, what more can we legally ask of him?

Indeed, it would seem that the entire opposition to the applicant arises from a single source, which has managed to convince others to join its cause. Yes, there were valid complaints about previous infractions that did occur, but those complaints, in my opinion, have been addressed by the applicant to the best of his ability. The remainder seem to be based a case built upon half-truths, speculation, and distortions of rules which were supported before they weren’t.

Gentlemen, I present to you a case study of the cause of this county’s present economic predicament. It is the treatment of entrepreneurs and businessmen, laid bare for all to see these past few months and 9 public hearings, which would cause even the grittiest of professionals to scoff at our process. It has happened before and every one of us knows it – a businessman gets a taste of which it is like to move through the permit process and throws in the towel. Why should he be savaged at the very beginning before the real work actually begins? Why should he navigate the labyrinth of paperwork and studies embedded in our zoning ordinance, only to be met with hostility and isolationism at the Commission level?

Fortunately, the applicant has borne the brunt of these incessant attacks with grace, determination and logical rebuttal of all arguments. His return? A complete and unreasonable denial of his efforts to reach a compromise either with his neighbors or with the Planning Commission.

I submit to you, gentlemen, that with a different set of neighbors, the applicant would have no

trouble with this process under the law. With the set of neighbors he currently possesses, well, you all can see the travesty that has taken place.

Will we, this Board of Supervisors, like the Planning Commission, base our decision on emotional presumptions and worse-case scenarios? Will we too, be swayed by the insults to the applicant's character, the horror stories of possibilities to come? Will we vote for another victory for the NIMBY attitudes for which Northampton is famous?

Or will we recognize that the applicant has rights to his property? Will we acknowledge that he has, in fact, agreed to conditions above and beyond what has been expected of him to mitigate any possible impact on his neighbors? Will we support entrepreneurship and the establishment of another small business in this county? Will we allow him to use to the advantage of our entire community his portion of the unique assets with which we are so blessed? Will we recognize that what the applicant is proposing is actually condoned in our own foundational documents? I truly hope, Mr. Chairman, that tonight we break the stranglehold cycle of the past, and support Mr. Parr's application.

* * * * *

Mr. Murray said that he believed that if Mr. Parr's barn was located in the middle of a 200-acre farm, we would not be having this conversation. He said that it was sad to pit neighbor against neighbor but that the Board's job was to balance many things.

Mr. Tankard said that he support entrepreneurs and business owners but that some farms were better suited than others for uses like the one proposed by Mr. Parr and that we need to be mindful of the needs of the agriculture industry as referenced earlier in Mrs. Jones' comments.

Mr. Bennett said that if considerations were to be made, possibly the neighbors may not object such as limiting the events to a smaller number of guests and/or limiting the times of the events.

Chairman Randall said that everyone has the right to operate a business but that the neighbors have to be considered as well.

Motion was made by Mr. Long that the Board approve Special Use Permit 2011-05 with the 24 conditions as contained in the packet and that the events be limited to 350 people and that there be no greater than six events in a calendar month. There was no second offered; the

motion died.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that Special Use Permit 2011-05 be denied. All members were present and voted “yes,” with the exception of Mr. Long who voted “no.” The motion was passed.

Chairman Randall called to order the final public hearing as follows:

(16) Zoning Text Amendment 2011-07: The Northampton County Board of Supervisors intends to amend the Northampton County Code, Chapter 154 Zoning Code, Appendix A-Use Regulations, Category 3 Commercial Uses in the WV-WC & NB Waterfront Village-Waterfront Commercial and Neighborhood Business Districts; Category 8 MF-Multi-Family Residential Uses in the WV-WC & NB Waterfront Village-Waterfront Commercial and Neighborhood Business Districts; and by amending Appendix B-Densities, Lots Sizes and Dimensions pertaining to side yard setbacks.

The Chairman asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission was recommending approval of the petition with certain additions and modifications and she discussed these items with the Board as they were detailed in a memorandum to the Board dated June 10, 2011 and set out below:

TO: Northampton County Board of Supervisors
FROM: Sandra G. Benson, AICP
Director of Planning & Zoning
SUBJECT: Planning Commission Recommendations – ZTA 2011-07
DATE: June 10, 2011

The Northampton County Planning Commission met in regular session on June 7, 2011 , with all members. The Commission conducted a public hearing and formulated recommendations on the following matter:

Zoning Text Amendment 2011-07: The Northampton County Board of Supervisors intends to amend the Northampton County Code, Chapter 154 Zoning Code, Appendix A-Use Regulations, Category 3 Commercial Uses in the WV-WC & NB Waterfront Village-Waterfront Commercial and Neighborhood Business Districts; Category 8 MF-Multi-Family Residential Uses in the WV-WC & NB Waterfront Village-Waterfront Commercial and Neighborhood Business Districts; and by amending Appendix B-Densities, Lot Sizes and Dimensions pertaining to side yard setbacks.

Supervisor Spencer Murray provided an introduction to the Board's proposal. The commission heard public comments as follows:

- 1) Camden Whitehead, a property owner in Oyster, stated that the residents support the vision and that the special use and variance processes are appropriate tools for evaluating development in the villages. He noted that his yard in Oyster is often subject to flooding.
- 2) Art Schwarzschild, resident of Willis Wharf, noted that only about 2 miles or 1% of the county's shoreline is currently designated for water-dependent uses. Mr. Schwarzschild stated that he is not opposed to compatible development that fits with the villages' vision statements, such as a fuel dock, bait and tackle shop, and other marine-related uses, but that in his opinion residences, restaurants, and art studios are not water-dependent.
- 3) Charles Donnell, resident of Oyster, stated that he is opposed to condo development which would not even provide many construction jobs.
- 4) Peter Kafagian of Willis Wharf referenced the memo of justification included in the application and stated disagreement with the "dire economic conditions" cited. He stated that a number of the proposed uses are not water-dependent and expressed the opinion that the proposed changes conflict with the visions of the two waterfront village communities.
- 5) Tom Walker, property owner in Willis Wharf, stated that he supports the proposed amendments with the exception of allowing multi-unit residential use in the commercial zone. He stated that the special use permitting process would be expected to provide adequate consideration of issues such as sewage treatment and stormwater management.

Comments received from Chris Currier, Steve Parker for The Nature Conservancy, and Jane Kafagian were read for the record. These written comments have been provided to the Board.

Attached is a copy of the proposal as submitted with the application which has been formatted to set forth the commission's recommendations on the specific components of the petition. In addition, the commission recommends addition of the following definition:

WATERFRONT SERVICES: These businesses provide a service to the public waterborne traffic. They provide dock space that is open to and accessible from land and water to all public waterborne traffic when the establishment is closed and may be reserved for the patrons of the establishment only during the hours that the establishment is open for business.

The commission reviewed the intent statement for the Waterfront Village-Waterfront Commercial District (WV-WC), at which time it was acknowledged that a strict interpretation would allow only water-dependent uses in the district, although a more permissive interpretation would allow other uses as long as there is provision for water-dependent uses. The commission discussed the fact that there is limited land available in the WV-WC and Waterfront Village-Neighborhood Business (WV-NB) Districts and that many of the existing parcels are small, which will be a limiting factor for future development. During their discussion the commission

acknowledged that there is a need for additional services and retail offerings to the boating public. The commission also generally concurred that the WV-NB District is the more appropriate location for commercial uses in the villages.

Regarding the proposed addition of language to Appendix B, the commission voted unanimously to recommend omission of the note as drafted, as it seemed confusing and they had heard no justification for the note.

* * * * *

ZTA 2011-07 Planning Commission Recommendations as of June 7, 2011: The following is a redlined/strike-through version of the proposal submitted as a proposed zoning text amendment. The proposed additions, deletions, and modifications reflect the Planning Commission’s recommendations pursuant to a public hearing conducted on June 7, 2011.

**Proposed Text Changes
Changes in Appendix A – Use Regulations**

Category 3 Commercial Uses

In Waterfront Village/WC:

8. Art Studio, up to 2,500 sq. ft.	_____	to	_____	R
9. Art Studio, over 2,500 sq. ft. up to 5,000 sq. ft.	_____	to	_____	R
10. Artisan Studio, up to 2, 500 sq. ft.	_____	to	_____	R
11. Artisan Studio, greater than 2,500 sq. ft. to 5,000 sq. ft.	_____	to	_____	R
30. Conference/Retreat Center, up to 10 guest rooms, with _____ Accessory goods/services	_____	to	_____	M/S
31. Conference/Retreat Center, 11-25 guest rooms, with _____ Accessory good/services	_____	to	_____	M/S
43. Flexible term rental units	_____	to	_____	M/S
47. Guide/Outfitter Services, Waterfront Service , w/accessory goods/services	S	to	_____	M/S
71. Other retail establishment, Waterfront Service , under 2,500 sq. ft.	-	to	_____	M/S
72. Other retail establishment, 2,500 – 5,000 sq. ft.	_____	to	_____	M/S
81. Restaurant, over 2,500 sq. ft. or any with drive thru service	_____	to	_____	M/S
82. Restaurant, any with outdoor seating, no drive thru	_____	to	_____	M/S
83. Restaurant, Waterfront Service , less than 2,500 sq. ft. , no drive thru service	-	to	_____	M/S

Add as new use:

**Waterfront Inn, up to 10 rooms w/common boat slips as practical M/S
(Defined as: A commercial establishment with onsite parking where overnight lodging and/or food service are offered to guests.)**

In Waterfront Village/NB:

8. Art Studio, up to 2,500 sq. ft.	M/S	to	R
9. Art Studio, over 2,500 sq. ft. up to 5,000 sq. ft.	-	to	R -M/S
10. Artisan Studio, up to 2, 500 sq. ft.	R	to	R
11. Artisan Studio, greater than 2,500 sq. ft. to 5,000 sq. ft.	M/S	to	M/S
30. Conference/Retreat Center, up to 10 guest rooms, with Accessory goods/services	S	to	M/S
			No change recommended
31. Conference/Retreat Center, 11-25 guest rooms, with Accessory good/services	-	to	M/S -S
43. Flexible term rental units	S	to	M/S

Category 8 SF-Single Family Residential Uses

In Waterfront Village/WC:

10. Combination Live-Work Unit w/allowable business/ Commercial use	M/S	to	M/S
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Category 8 MF-Multi-Family Residential Uses

In Waterfront Village/WC:

8. Mixed-Use structure, residential/commercial, up to 4 single- Family dwelling units	-	to	M/S
			No change recommended

In Waterfront Village/NB:

8. Mixed-Use structure, residential/commercial, up to 4 single- Family dwelling units	S	to	M/S
			No change recommended

Changes in Appendix B- Densities, Lot Sizes, and Dimensions

Clarification: Side Yard Setback

~~In the WV WC, the allowable principal attached structures measured from shared property lines = 0 ft.; all other principal structures = 20 ft.; accessory structures = 20'. Zero lot line development and shared lot line development shall be permitted.~~

No additional notes or language recommended; existing chart which constitutes Appendix B shall control.

* * * * *

Mr. Camden Whitehead, an owner of property in Oyster, commended the Planning Commission for its work and urged the Board to approve the amendment, calling it “thoughtfully and sensibly considered”.

Mr. Tom Bonniwell, a Willis Wharf property owner, said that he thought the proposal was more than what the citizens of Willis Wharf wanted in the community.

Mr. Walkley Johnson said that the Board should be concerned with conjoining recreational and commercial ventures and thought that the proposed new definition of “Waterfront Services” needed to be further considered and reviewed.

Mr. Greg McGee, an Oyster property owner, referenced an e-mail he had provided earlier, supporting the Planning Commission’s recommendation. Said e-mail is set out below:

“To Members of the Board of Supervisors for Northampton County,

As a resident and property owner in Oyster, I was alarmed when I was told first hand by a major investor that he/she had been approached about becoming involved in the building of a time share project on what I think is the proposed development location currently being discussed in Oyster. As I am sure you are aware, a similar type project is now being advertised and marketed as under development adjacent to the Aqua Restaurant in Bay Creek. I am supportive of water use related businesses as previously proposed on this site, but am seriously concerned and opposed to any possibility of condos or particularly time share condos being developed and sold on this or any property in Oyster. I think it is extremely important that we maintain the integrity and history associated with these unique sea side villages such as Oyster.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Greg McGee
6492 Broadwater Circle
Oyster Village
Cape Charles, Va 23310”

Mrs. Jane Kafigian of Willis Wharf questioned the definition of “waterfront in’ and said

that she does not feel that it would be an appropriate use at the waterfront. She was also unsure of a conference center with 11-25 rooms.

Mr. Art Schwarzschild, a resident of Willis Wharf, said that this amendment was developed after a series of public meetings where the community visions were discussed and was concerned that it would seriously impact the value of life for the residents of Oyster and Willis Wharf. He stated that this appears to have been pushed through quite quickly and that the Planning Commission's recommendation appears to be a reasonable compromise. He also offered to answer questions about the Anheiser-Busch Research Station located in Oyster.

The County Administrator read into the record the following correspondence:

Please read this letter into the public record at the June 14, 2011, Board of Supervisors meeting.

To the Northampton County Board of Supervisors:

The often repeated argument that the Waterfront Village W/C district zoning is restricting the economic development of the County should not be taken as a fact – it is an opinion that stands in the face of other viewpoints about waterfront development. Historic waterfronts are dying out – not from a lack of economic development but from its opposite – unrestrained and incompatible development. While the economic benefit of a hotel or condominium project in a historic waterfront indeed brings a limited economic benefit to a property owner and can provide some limited employment, it is by no means equal to the overall economic impact of the preservation of the historic village as a community-wide and even regional economic benefit. Preserving the historic cores of places like Mystic, Connecticut, Lewes, Delaware, Edenton, North Carolina and many others has been the core catalyst for a much bigger regional economic benefit. Contrast this to the economic benefit of places like Ocracoke, NC, or Hilton Head, SC. Despite the economic success they conferred on individual property owners, these have come at the expense of the local culture and population, and have failed to provide a rising economic tide that floated all local boats.

The County has a choice – a choice that is monumental at this critical time, despite the seemingly harmless impact of changing a few definitions in a zoning ordinance. By changing these definitions, the county would be setting a course towards erasing the historic character and culture of these villages. Once the dam is breached – which it will be with the first incompatible use allowed to develop – the tide of copy-cat uses will not be something that can be stemmed by zoning or policy band aids. If, however, the county chooses to hold the line on ensuring that only water-dependent uses are allowed, it will have set the stage for the kinds of compatible and historically sensitive investments in the villages that will provide a much larger overall economic benefit to the residents of Northampton County. That benefit can come from the changing perception of the county in the “marketplace” of east coast waterfront villages. Whether Oyster

and Willis Wharf are perceived as true bastions of a rare and precious resource – authentic historic places on the water – or whether they are perceived as others in a line of places that have succumbed to rampant waterfront sameness of development up and down the East Coast – can be and likely will be determined by the simple voting to change a few definitions in the zoning ordinance. This change in perception can have repercussions on the whole county and can set the course for the county losing its uniqueness and becoming a continuation of east coast commercial waterfront sprawl, bringing low wage employment, high infrastructure costs and high taxes that displace the local population.

Instead of making broad changes to the zoning text in the WV/WC district, why not consider a specific development proposal, working with the applicant to ensure it is compatible with the unique character of our historic villages? Opportunity is knocking, but not if we destroy what makes us special.

Sincerely,
Sarah Morgan
6553 Broadwater Circle
Oyster, Virginia

* * * * *

To The Northampton County Board of Supervisors

June 14, 2011

I respectfully ask that you consider the recommendations from the Planning Commission carefully and uphold their recommendation for Appendix B- Densities, Lot Sizes, and Dimensions. Many of the Uses requested by the Northampton Board of Supervisors are in conflict with the Northampton County Comprehensive Plan when referencing Waterfront Villages.

As an Oyster resident I am fully supportive of the Waterfront Village Zoning and Uses that are currently in the zoning ordinance and support redevelopment among those guidelines. I am wholeheartedly supportive of the Oyster Vision that was created by the residents, watermen, developers, business owners, landowners & stakeholders with help from professionals and county staff.

I feel that making these text changes without careful review and attention to Uses and the changes to Appendix B for a particular site or development proposal isn't a good idea. It appears that you are serving one property without regard to the surrounding properties and communities that would be affected in the WV Zoning district. Additionally, Uses "By Right" are not the norm in our zoning tables. Most uses are by Special Use Permit.

Oyster residents, as reflected in the Comprehensive Plan, would like for the harbor to remain a traditional working waterfront and for our commercial waterfront to serve water dependant uses. The text amendments you are proposing are being rushed and all of this is very confusing to

citizens in this County. It is your public duty to have informed comments.

The recommendation should be to hold the line on all changes to the Waterfront Village zoning district but to work with any applicant on a specific development proposal to welcome development, but only if it meets with the stated vision of the county through its comprehensive plan as the will of the people of the county.

Respectfully,
Donna H. Fauber
Waterfront Village of Oyster
6545 Broadwater Circle
Cape Charles, VA 23310

* * * * *

Dear Mr. Bennett,

I live at 13037 Ballard Dr, Willis Wharf. I was in attendance at the Public Hearing held last week by the Northampton County Planning Commission regarding the proposed ZTA 2011-07. I am in agreement with many of the comments made by the waterfront village residents in both Willis Wharf and Oyster.

I support the vision statements of the Waterfront Villages.

I recognize that economic development is certainly a concern of this county, but we need to approach the so-called "development" with care, recognizing the importance of our aquaculture business and the unique environment in which we live.

After reading the recommendations of the Planning Commission, I support their recommendations and ask that the Board of Supervisors follow their recommendation.

Thank you for representing the interests of Willis Wharf.

Thelma Negretti, Resident

* * * * *

June 14, 2011

Northampton County Board of Supervisors
Re: Zoning Text Amendment 2011-07

Dear Mr. Chairman,

The zoning proposal being considered tonight is unusual having been put forth by your Board rather than by an applicant. Even more unusual, your Board severely restricted the time allowed

for the Planning Commission’s consideration of the proposal – while with no applicant awaiting the results of the public process, it is difficult to see the need for such haste.

As you are aware, the county’s Comprehensive Plan is currently under review. As a part of that work, consultants for the county have been working with residents of the tow Waterfront Villages, Oyster and Willis Wharf, to review their existing Community Vision statements which are a part of the Comp Plan. However, almost concurrent with that review work, the Board’s decision to put forth this proposal to alter the Waterfront Commercial and Neighborhood Business zoning districts in the Waterfront Villages would appear to ignore those Vision Statements.

The results of the consultants’ work with the communities are now in hand, and those results (quoting from page 4 of the consultant report) “recognize that both villages are bound to change, along with changes in the economy, technology, state and federal regulations, and demographics. However, despite such external changes, the villages wish to maintain their essential quality and character as small, seaside villages with economies based on the local land and water resources rather than evolving into higher intensity commercial or residential resort communities.”

The Planning Commission’s recommendations to you, after hearing from a number of village residents and having lengthy Commission discussion, seem to be consistent with the revised Vision Statements for the Waterfront Villages.

Therefore, we urge you to withdraw your proposal in order to allow the necessary time for the Comprehensive Plan revision currently underway to be completed – and then we further urge you to encourage potential users of Waterfront Village commercial and neighborhood business zoning districts to make their own requests for any changes they may find desirable so that they can be considered by the public process in relation to a specific development proposal.

A rush to judgment now would forestall the opportunity for careful consideration as such cases may arise and would conflict with the wishes of the Waterfront Village residents who have relied upon the Comprehensive Plan process to maintain their village character and keep their villages from “evolving into high intensity commercial or residential resort communities.”

This statement was approved by the CBES Executive Committee.

Sincerely,

/s/ John T. Ordeman
Secretary”

* * * * *

Mr. Murray read the following comments:

Zoning Text Amendment 2011-07
Northampton County Board of Supervisors
June 14, 2011

Comments of Supervisor H. Spencer Murray
District #4

Mr. Chairman:

Before I speak directly to the proposed text amendment and my vote, I want to briefly answer the question, “Why is the BOS the applicant in proposing this text amendment to the Planning Commission?”

When I voted for the ZO, I believed it would be an enabling, flexible document under constant review, not just every five years along with the Comprehensive Plan. The Code of VA allows for three ways to amend the Zoning Ordinance (ZO).

First, a citizen or a business can initiate a request for a change through the Planning Commission. Unfortunately, over the last few years there have been more businesses closing their doors than applying to start new ones. Existing businesses are struggling to stay in business, so improvements to the ZO have not occurred through this option.

Second, the Planning Commission itself can recognize the need for a change and after a public hearing can recommend that change to the BOS for approval. The Planning Commission has devoted extensive time to the complicated issues of wind and solar regulation, town edge plans, etc., but outside of these new issues, has not had time to review uses and districts for other improvements.

Third, the BOS can initiate an amendment to the Planning Commission for public hearing and recommendation. Although not historically done often in Northampton, this is a common practice in other VA counties and fully allowed by law.

So, with the first or second option not happening with much frequency, the only way the ZO can be a flexible, enabling document that promotes growth and responds to opportunities is for the BOS to recommend changes to the Planning Commission for study, public hearing and their recommendation.

That is exactly the case with Text Amendment 2011-07.

If the ZO is not an enabling, flexible and responsive document, then managed growth in Northampton will not occur. If we do not provide restaurants and services in Northampton, citizens will continue to drive to Accomack County or across the Bay thus losing the tax revenue that could remain local.

We will never fully compete with range of choices and services offered across the bay, but if we are serious when we say, “buy local”, we need to authorize businesses that will keep money here and then support them.

Without accommodating change, fresh capital will not come to Northampton.

I do not know what or if any development or redevelopment in the Waterfront Villages will occur if these changes are approved. The zoning maps show a total of 1.28 acres of WV/NB in Oyster and 4.13 acres in Willis Wharf so under current zoning not much development can happen there. WV/WC shows more acreage but development will be limited by wetlands and a host of other factors. My belief is that it will always be largely aquaculture related.

Finally, let me say that I have only one interest at heart and that is for Northampton County once again to be a vibrant and prosperous community.

Mr. Chairman, I am prepared to make a motion after other BOS discussion and when you are ready.

Sincerely,

/s/ H. Spencer Murray
Supervisor, District #4

* * * * *

Motion was made by Mr. Murray, seconded by Mr. Trala, that Zoning Text Amendment 2011-07 be adopted as recommended and amended by the Planning Commission and outlined in the memorandum and proposal from Sandra Benson dated June 10, 2011 (and set out below), with the following exceptions:

- 1) The Board chose not to add the definition for *Waterfront Services* as proposed by the Planning Commission.
- 2) The Board chose not to add *Waterfront Inn* as a new use.

Changes in Appendix A – Use Regulations

Category 3 Commercial Uses

In Waterfront Village/WC:

- | | | |
|---|----------------|---|
| 8. Art Studio, up to 2,500 sq. ft. | _____ to _____ | R |
| 9. Art Studio, over 2,500 sq. ft. up to 5,000 sq. ft. | _____ to _____ | R |
| 10. Artisan Studio, up to 2,500 sq. ft. | _____ to _____ | R |
| 11. Artisan Studio, greater than 2,500 sq. ft. to 5,000 sq. ft. | _____ to _____ | R |
| 30. Conference/Retreat Center, up to 10 guest rooms, with | | |

Accessory goods/services			to	M/S
31. Conference/Retreat Center, 11-25 guest rooms, with				
Accessory good/services			to	M/S
43. Flexible term rental units			to	M/S
47. Guide/Outfitter Services, Waterfront Service , w/accessory				
goods/services	S		to	M/S
71. Other retail establishment, Waterfront Service ,				
under 2,500 sq. ft.	-		to	M/S
72. Other retail establishment, 2,500-5,000 sq. ft.			to	M/S
81. Restaurant, over 2,500 sq. ft. or any with drive thru service			to	M/S
82. Restaurant, any with outdoor seating, no drive thru			to	M/S
83. Restaurant, Waterfront Service , less than 2,500 sq. ft. ,				
no drive thru service	-		to	M/S

Add as new use:

~~Waterfront Inn, up to 10 rooms w/common boat slips as practical M/S
 (Defined as: A commercial establishment with onsite parking where overnight
 lodging and/or food service are offered to guests.)~~

(This proposed new use was not adopted by the Board.)

In Waterfront Village/NB:

8. Art Studio, up to 2,500 sq. ft.	M/S	to	R
9. Art Studio, over 2,500 sq. ft. up to 5,000 sq. ft.	-	to	R-M/S
10. Artisan Studio, up to 2,500 sq. ft.	R	to	R
11. Artisan Studio, greater than 2,500 sq. ft. to 5,000 sq. ft.	M/S	to	M/S
30. Conference/Retreat Center, up to 10 guest rooms, with			
Accessory goods/services	S	to	M/S
	No change recommended		
31. Conference/Retreat Center, 11-25 guest rooms, with			
Accessory good/services	-	to	M/S S
43. Flexible term rental units	S	to	M/S

Category 8 SF-Single Family Residential Uses

In Waterfront Village/WC:

10. Combination Live-Work Unit w/allowable business/ Commercial use	M/S	to	M/S
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Category 8 MF-Multi-Family Residential Uses

In Waterfront Village/WC:

8. Mixed-Use structure, residential/commercial, up to 4 single- Family dwelling units	-	to	M/S
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No change recommended

In Waterfront Village/NB:

- 8. Mixed-Use structure, residential/commercial, up to 4 single-Family dwelling units S to M/S
No change recommended

Changes in Appendix B- Densities, Lot Sizes, and Dimensions

Clarification: Side Yard Setback

~~In the WV-WC, the allowable principal attached structures measured from shared property lines = 0 ft.; all other principal structures = 20 ft.; accessory structures = 20'. Zero lot line development and shared lot line development shall be permitted.~~

No additional notes or language recommended; existing chart which constitutes Appendix B shall control.

* * * * *

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

Tabled Item

- (17) Consider accepting all bids received as a result of the March 1, 2011 Delinquent Tax Auction Event.

It was the consensus of the Board to leave this item on the table.

Action Items:

- (18) Consider adopting a resolution which removes “unknowns” from the tax rolls for the tax years 2000-2007.

RESOLUTION

WHEREAS, it is the intent of the Northampton County Board of Supervisors to present a factual report of the total delinquent real estate taxes owed to the County; and

WHEREAS, there exist certain properties with “unknown” ownership which distort that report; and

WHEREAS, the Northampton County Board of Supervisors believes it to be in its best interest to eliminate the “unknowns” from the tax rolls, thereby creating a truer picture of the delinquent taxes which remain outstanding; and

WHEREAS, the Northampton County Commissioner of the Revenue is authorized to make exonerations for the most recent three-year period.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors hereby authorizes the Northampton County Treasurer to “write off” those certain “unknown” property taxes for the tax years 2001-2007.

The County Administrator indicated that this was a “house-keeping” item adopted by the Board over the past few years but it was the consensus of the Board not to adopt the resolution, believing that the “unknown” items should remain on the tax rolls.

(19) Consider proposed policy re: Line of Duty Act

The County Administrator presented the following recommendation to the Board:

MEMORANDUM

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: June 10, 2011
RE: Line of Duty Act

As you are aware, the 2011 Budget Bill presented and adopted by the Virginia General Assembly and Governor McDonnell included language that shifted the funding responsibility of the Line of Duty Act from the state to localities, effective July 1, 2011. Within that language, it provided the ability of localities to remain with the Virginia Retirement System (VRS) for the financial administration of this program and a fee schedule was provided to localities to that effect or localities have the choice to opt out of the VRS Line of Duty Act Fund to self-fund this responsibility. Localities have until July 1, 2012 to opt out of the VRS Fund; otherwise, they are permanent members of that fund.

The covered entities that receive benefits under the Line of Duty Act are any full/ part-time/ volunteer public safety employees (law enforcement, corrections, emergency medical personnel, firefighters) that are considered an integral part of the county’s safety program. This includes all of the county departments charged with public safety (Sheriff, Regional Jail, EMS) but also the volunteer companies of the county.

The County has received a proposal from VACoRP (the insurance arm of VACo) to fund the Line of Duty Act for the County and its eligible entities. VACoRP has informed us that in order

for us to opt-out of the VRS Fund we must utilize the VRS-prepared resolution which contains language that VACoRP does not believe is within the parameters contained in the 2011 Budget bill language, specifically the clauses of the resolution focused on repayment of any obligations incurred and expended by VRS on our behalf in FY2011 through this fund.

VACoRP will be continuing to challenge this item and if the Board adopts this resolution we will include specific language in our communication to VRS that indicates our challenge to this provision of the resolution.

I believe we are at minimal risk to this issue since we have verified that we have no current claims at this time.

Based upon the proposal from VACoRP, I am recommending the Board adopt the enclosed resolution that will remove our county from the VRS Line of Duty Act Fund and move us to a self-funded program offered by VACoRP.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the following resolution be adopted, to opt-out of the VRS coverage in regards to the Line of Duty Act. All members were present and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set out below:

RESOLUTION

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the “Fund”) for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the County of Northampton to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of Northampton hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities,

- Northampton County Sheriff's Department
- Northampton County Emergency Medical Services Department
- Eastern Shore Regional Jail
- Community Fire Station, Inc. (located in Exmore)
- Cheriton Volunteer Fire Company, Inc. (located in Cheriton)
- Cape Charles Volunteer Fire Company, Inc. (located in Cape Charles)
- Northampton Fire & Rescue, Inc. (located in Nassawadox)
- Eastville Volunteer Fire Company, Inc. (located in Eastville)
- Cape Charles Rescue Service, Inc. (located in Cheriton)

to the best of the knowledge of the County of Northampton Board of Supervisors, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the County of Northampton agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of the County of Northampton on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, the County of Northampton agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that the County of Northampton shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

* * * * *

In response to a question from Mr. Long, Ms. Nunez indicated that the County will be paying for this coverage for the County's responders.

(20) Consider PDR Program Option Agreement

This item was not contained in the agenda packet and therefore will be discussed at the June work session.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Trala, seconded by Mr. Murray, that Mr. Mike Ward be

reappointed to the Northampton County Planning Commission for a new four-year term commencing July 1, 2011. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that Mr. Mike Zodun be reappointed to the Eastern Shore of Virginia Broadband Authority for a new term of office commencing July 1, 2011. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Murray read the following statement:

Northampton County Board of Supervisors
June 14, 2011

Mr. Chairman, Fellow Supervisors, and Citizens of District #4,

I am announcing tonight that I will not be seeking reelection on November 8 or whatever date is approved for an election post redistricting and approval by the U.S. Department of Justice. I will continue to serve out my term until a new supervisor is elected and sworn in.

I feel it is necessary to make this announcement at this time so that citizens in District #4 who might consider becoming a candidate have time to make this important decision.

My own reasons for not seeking reelection are 100% due to personal and family considerations.

It has been a great honor to serve and I thank the citizens of Northampton for their understanding and support.

Sincerely, H. Spencer Murray, Supervisor, District #4

* * * * *

(21) Mr. Tankard presented the following two requests for the Board’s consideration:

(A) Proposed Policy – dedication of revenue stream for School Capital Improvement Plan

“I am introducing a potential policy that the Board may adopt and I would like to formally present for the Board's consideration this evening. I would hope that it would be voted on at its July regular meeting. I introduce the following policy consideration:

“Upon completion of the debt service for the two elementary schools during this fiscal year, the Board dedicates same stream of funds toward the school Capital Improvement Plan. At this time these funds will amount to approximately \$630,000. Perhaps, the Board would also commit to a 5% escalation provision that would increase the contribution by that amount each year.

“I will have more financial details with the July meeting packet.”

(B) Johnsongrass Control Program

“For the Board's consideration, and I hope that it will move to the Action Agenda for July, I propose the following:

“The Board respectfully requests that the Johnsongrass Committee meet with both the Extension Agent, and Johnsongrass Control coordinator in the month of July and also in August for the purpose of coordinating efforts in eradicating this noxious weed. The committee should be able to provide valuable information pertaining to the location of Johnsongrass. I hope also that the Committee can create effectiveness standards for the program so that they can evaluate the effectiveness of the County sponsored program.

“Additionally, I would like to be in attendance at those meetings and request that Mr. Jeff Walker be added to the committee.”

* * * * *

It was the consensus of the Board that both of these items be added to the July Action Agenda.

At this time, Mr. Bennett disclosed that he was the owner of two parcels of real estate in the Culls community, neither of which would benefit from the proposed Culls Community Development Block Grant project.

Recess:

Motion was made by Mr. Trala, seconded by Mr. Murray, that the meeting be recessed until 5:00 p.m., Monday, June 27, 2011, in the auditorium of the former Northampton County Middle School, 7247 Young Street, Machipongo, Virginia, in order to conduct the regular work

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

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR