

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 12th day of July, 2011, at 4:00 p.m.

Present:

Samuel J. Long, Jr., Vice Chairman

H. Spencer Murray

Richard Tankard

Oliver H. Bennett

Laurence J. Trala

Absent:

Willie C. Randall, Chairman

The meeting was called to order by the Vice Chairman.

Closed Session

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

*District Four Waste Collection Site*

(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 with the exception of Mr. Randall 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 Vice 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. Walter Clemons, the newly-appointed Division Superintendent of the Public School System, introduced himself and indicated that he would be providing periodic, focused reports to the Board.

(2) Mr. Ron Matthews of the Northampton Public Golf Association, updated the Board on an upcoming tournament to provide funding assistance as well as a grant application to the USDA. He stated that the golf course should be done by the end of the year.

(3) Ms. Elaine Meil, Executive Director of the Accomack-Northampton Planning District Commission, presented information to the Board with regard to the Chesapeake Bay TMDL. She indicated that she would like to have guidance from the County on strategies to be implemented.

Consent Agenda:

(4) Minutes of the meetings of May 23, June 8, 14, 27 and 30, 2011.

Following a correction to the June 14<sup>th</sup> meeting minutes wherein one of the votes had not been detailed, motion was made by Mr. Murray, seconded by Mr. Bennett, that the consent agenda be approved as corrected. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

County Officials’ Reports:

(5) Mr. Mack Cook, Interim Finance Director, presented the following Budget Amendment and Appropriation which stated in part:

“The School Board has requested approval for the transfer of \$26,795.00 from Instruction to Technology in the 2012 approved budget to fund the lease of seventeen (17) Promethean Boards (“Smart Boards”) and related equipment for classroom instruction.

“The Sheriff Office has received notice that it has been awarded a Byrne Justice Grant in the amount of \$3,965.00 toward the purchase of one (1) in-car camera system for the purchase price of \$5,030.00. The balance of \$1,065 will be paid from funds appropriated in the 2012 approved budget. Request is made to accept the grant for the stated purpose.

“Eastern Shore EMS Council has invoiced the County \$11,819.07 for services rendered during the fiscal year ended June 30, 2011 in connection with the Four for Life Program. The approved 2011 budget reflected a revenue estimate of \$11,148.00 and an appropriation of \$11,148.00. Actual revenue received by the County in May 2011 was \$11,819.07. Request is made to amend the FY 2011 budget to reflect an increase of \$671.07 in Four for Life funding (revenue) and an additional appropriation (expenditure) of \$671.07 for payment to Eastern Shore EMS Council.”

<u>Account Number</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
100-0026-44075	Four for Life	671.07	
100-3203-52375	ES Emerg. Medical Services Council	671.07	
100-0035-45350	Byrne Justice Asst. Grant	3,965.00	
100-3102-55950	Police Supplies – Other	3,965.00	
910-6450-56590	School Technology	26,795.00	
910-6000-56555	School Instruction Expenses		26,795.00

\* \* \* \* \*

“Your approval is respectfully requested for the following budget amendments and supplemental appropriations.”

“A. For the year ending June 30, 2010, the School District generated a surplus in its Operating Fund of \$531,573. This Board has previously approved the use of this surplus to fund capital improvement needs of the Northampton School District identified in the School’s FY 2012 Budget as proposed uses of the FY 2010 Carry Forward Fund Balance (page 10). Permission is respectfully requested to fund the following capital items from the General Fund’s Unreserved Fund Balance:

- |   |                  |
|---|------------------|
| 1. Occohannock Elementary School – playground equipment & mulch | \$ 13,334        |
| 2. Northampton High School – flat roof repair                   | \$110,454        |
| 3. Northampton High School – remaining ADA compliance           | <u>\$ 62,513</u> |

Total capital expenditures proposed to be funded from FY 2010 Carry Forward Fund Balance	\$186,301 =====
--	--------------------

Upon funding items 1, 2, 3, the balance of the School’s FY 2010 Carry Forward account is estimated at \$48,272.

“B. Funding from the School’s Capital Improvement Fund is respectfully requested for the following capital expenditures identified in the School’s FY 2012 Budget (page 10).

- |   |                  |
|---|------------------|
| 4. Kiptopeke Elementary School – chiller replacement          | \$143,125        |
| 5. Kiptopeke Elementary School – playground equipment & mulch | \$ 13,334        |
| 6. Northampton High School – replace office flooring          | <u>\$ 10,000</u> |

Total capital expenditures proposed to be funded from the School’s Capital Improvement Fund	\$166,459 =====
---	--------------------

Upon funding items 4, 5, and 6, the balance in the School’s Capital Improvement Fund is estimated at \$1,734.

\* \* \* \* \*

“Your approval is respectfully requested for the following budget amendments and supplemental appropriations.

“Supplemental appropriations are included for cost associated with Officer who has been authorized by the Drug Enforcement Administration to work overtime for which costs will be reimbursed by the Federal Government. Maximum amount of associated costs shall not exceed \$10,000 for the fiscal year ending June 30, 2011.”

\* \* \* \* \*

Motion was made by Mr. Murray, seconded by Mr. Trala, that the budget amendment and

appropriation in the amount of \$26,795.00 be approved. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the budget amendment and appropriation in the amount of \$3,965.00 be approved as presented. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Tankard, seconded by Mr. Murray that the budget amendment and appropriation in the amount of \$671.07 be approved as presented. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Tankard, seconded by Mr. Murray that the budget amendments and appropriations in the amounts of \$186,301 and \$166,459 be approved as presented. All members were present with the exception of Mr. Randall 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 an amount not to exceed \$10,000 be approved as presented. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

(6) Ms. Sandra Benson, Director of Planning, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities, and Kings Creek Water Sampling and Analysis.

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. Felton Sessoms, First Baptist Church of Cape Charles.

The Pledge of Allegiance was given.

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

- (i) 7/25/11: Work session – Topic to be announced
- (ii) 8/22/10: Work session – Topic to be announced
- (iii) 9/26/11: 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:** July 7, 2011  
**RE:** Bi-Monthly Update

**I. PROJECTS:**

A. Construction Projects – Status Reports:

1.) County Administration Renovations:

Work is still progressing on schedule. Doors are being installed, continued interior work progressing; permanent power should be installed by end of next week which will allow the building to be closed up and interior finish work to commence. We are below budget at this time. We are currently anticipating a completion date of September 20, 2011.

2.) Court Services/Probation Services Construction:

Work is progressing on schedule. Permanent power is now installed to the site and interior work is rapidly progressing (painting, fixtures). Installation of pump station is occurring this week. We are on budget at this time. We are anticipating a completion date of August 25, 2011.

B. ESVA Public Services Authority Update:

The ESVA PSA met on Tuesday, June 21, 2011. The PSA has voted to apply for the FY2012 Virginia Clean Water Revolving Loan Fund administered through the Department of Environmental Quality for the Northern Node project. This is in line with the Board of Supervisors' prior actions directing the ESVA PSA to focus on the medical community's needs relative to wastewater. This application is due on July 15, 2011.

The next meeting of the ESVA PSA is Tuesday, July 19, 2011.

C. 2011 Redistricting:

On July 5, 2011, we received correspondence from the Department of Justice approving our submitted redistricting plan that moves us from 6 supervisors to 5 supervisors as well as the establishment of the polling places for each of the newly defined districts. The Voter Registrar has been provided a copy of this correspondence and is moving forward with the required computer changes and voter notifications in advance of holding our regularly scheduled election in November (November 8, 2011). Candidates for the open supervisor seats (Districts 4 & 5) are welcome to file their Intent to Run paperwork with the Registrar's office at any time and submission of petitions with signatures can be submitted but may be delayed for processing until after July 15, 2011 while the Registrar is running final compliance checks on the voter records in accordance with the new districts. The deadline for submission of all paperwork for a candidate to be placed on the November ballot is August 23, 2011.

D. Tall Ships Initiative/OpSail:

This matter was discussed at the Board's work session on June 27, 2011 with the discussion focused on 1) the funding contribution identified in the Cape Charles FY12 Budget (\$5,000) as well as the in-kind contribution Cape Charles will provide per ship visit, assuming a 3 to 4 day stay (\$3,500); and 2) the entity that the County will contract with to oversee this initiative. There was considerable discussion concerning the pros and cons of entering into a contract with the Eastern Shore of Virginia Tourism Commission and the Board requested that this item be deferred until our July meeting to continue this discussion.

Since that last meeting, Supervisor Murray has had a discussion with Jeff Holland in his capacity as President of the Northampton County Chamber of Commerce. Mr. Holland informed Mr. Murray that an organization was formed in 2010 called the ESVA Festivals as a non-profit organization designed exclusively for the purpose of promoting the Eastern Shore of Virginia as a destination for visitors to view and enjoy the Shore's nature, wildlife and natural resources. The objectives of the Organization are to work with the local governments, businesses, organizations and individuals to bring visitor to the area and these objectives shall be accomplished by creating, promoting and presenting events in Cape Charles, on the Eastern Shore of Virginia, and the greater geographic region which focus on our nature, wildlife and natural resources.

This organization has been used to oversee the Birding Festival last year. Per request of the Board, I have included their forming documentation for review. I have updated Cape Charles Town Manager Heather Arcos on this matter and have asked her to speak with the members of this organization (of which she is one of the members) about their willingness to take on this initiative. She will be in attendance at the Board meeting to provide that information.

*Vice Chairman Long recognized Ms. Arcos who indicated that the Town of Cape Charles supported the Eastern Shore Tourism Commission being named as a lead agency in this project. Speaking as a Director of the Eastern Shore of Virginia Festivals group, Ms. Arcos indicated that they are willing to entertain a proposal from the Board in reference to their participation in this initiative.*

*Vice Chairman Long then recognized Ms. Lynn Lochen, the state-appointed tourism advocate who indicated that her goals were to assist with tourism and economic development on the Eastern Shore. She said that she would be willing to act as a consultant to whatever agency was selected. She called the Board's attention to three points in determining this path:*

- (a) selection of the right organization;*
- (b) measuring the return-on-investment;*
- (c) regionalism.*

*Mr. Murray indicated that he would take these three points to heart and sees no group being excluded from this initiative. He hoped that the Board would direct the County Administrator to work with Ms. Arcos and the Northampton Chamber of Commerce and the Eastern Shore of Virginia Festivals (ESVF) group in pursuing this matter.*

*Mr. Tankard said that ESVF does not have a long track record and is unsure if this is the correct group to serve as lead agent. He said that he was more comfortable with funding going to the Eastern Shore Tourism Commission based on its ability to leverage state resources and its longer track record. He also stated that he felt "guarded" about funds being disbursed to private individuals as had been recommended previously by Mr. Kabler.*

*In response to a request for guidance to the County Administrator, Mr. Trala, Mr. Bennett and Mr. Long agreed with Mr. Murray's recommendation to submit a proposal to Eastern Shore of Virginia Festivals. Mr. Tankard said he would recommend that the Tourism Commission receive the funding, thereby taking this burden off of the County Administrator.*

E. Alternative Onsite Sewage System (AOSS) Regulations

On June 9, the Virginia Board of Health approved the final Alternative Onsite Sewage System regulations. There are 3 changes of note between when the regulations were published in December 2010 for public comment and what the final version adopted by the Virginia board of Health and they are as follows:

- The operator (licensed maintainer) of the AOSS is no longer required to notify the local health department when his maintenance contract with a homeowner is terminated. This will make it harder for the local health department to keep track of the required annual inspection of the AOSS by the operator.
- Professional engineers can seek waivers from certain performance requirements in the regulations for AOSS they design. Currently, such systems enjoy a pre-existing statutory exemption from some of the Health Department's regulations.
- Nitrogen reduction requirements for new AOSS in the Chesapeake Bay watershed are delayed until July 1, 2013 or two years after the effective date of the regulations, whichever occurs later.

The final regulations must now be reviewed by the Secretary of Health and Human Resources, the Department of Planning and Budget, the attorney general, and the governor. Once that review is complete, the regulations will be published in The Virginia Register and will go into effect 30 days after publication.

#### F. State Stormwater Regulations

The Virginia Soil and Water Conservation Board, at its May 24, 2011 meeting, approved new statewide stormwater regulations. These new regulations will undergo administrative review by the Governor's Office. They will then be submitted to the Virginia Register for a 30-day final adoption period with an effective date sometime in early October.

Highlights of the new regulations include:

- Phosphorus standard for new construction – set to meet the Chesapeake Bay TMDL Watershed Implementation Plan agreement that new construction would not add to nutrient loadings.
- Redevelopment – on sites over an acre with no increase in impervious surface, there needs to be a 20% phosphorus reduction. For sites under an acre, there needs to be a 10% phosphorus reduction.
- Grandfathering – any project that currently has permit coverage, plus has secured local permits and funding have until June 30, 2019 to meet the new rules.
- Time Limit for approval of plans – any project with current coverage only can keep coverage for the remainder of the current permit cycle and then the two full cycles to follow.
- Local Program – Under the previous version of the regulations, an approved local stormwater program would issue coverage under the general permit and enforced under the Virginia Stormwater Act. Now, these same approved programs will operate and be enforced under a local ordinance that includes elements of the stormwater regulations.

They will issue a local land disturbance permit after assuring the applicant has state coverage.

G. Intersection South of Cape Charles Light:

At the request of Granville Hogg, Representative Lynwood Lewis convened a meeting with VDOT representatives, County officials, Granville Hogg and the property owners in and around the intersection of the Food Lion Shopping Center to discuss the problems associated with this intersection and what options and/or remedies are available to correct this issue.

VDOT will examine this median crossing and the width of road leading up to and away from this median crossing relative to ownership to see if an expanded turn lane can be added. In addition, they will review their records regarding property ownership at the light, particularly the area adjacent to the Dollar General Store and will look at what would be involved to create an access road from the shopping center area to Seaside Road.

*Motion was made by Mr. Murray, seconded by Mr. Bennett, that the County Administrator be directed to write to the Virginia Department of Transportation as well as Senator Northam and Delegate Lewis, indicating that the Board of Supervisors believes that the speed limit at this intersection should be reduced from 55 mph to 45 mph in the area between the Sunoco Service Station to the Parsons Circle (near the boat storage facility) intersection. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.*

H. Revision of Emergency Operations Plan:

I issued a Request for Proposals for revisions/updates to the County's Emergency Operations Plan to bring it into compliance with the National Incident Management System (NIMS) as required. Proposals were received on Wednesday, July 6, 2011 and are currently being reviewed by our review committee: Hollye Carpenter (Emergency Services Coordinator), Sandra Benson (Emergency Services Deputy Coordinator), David Doughty (Sheriff) and me (Emergency Services Director). Please note that we have received a grant to fund the update of our Emergency Operations Plan.

***We will have completed our review and will provide a recommendation at your Board meeting on Tuesday, July 12, 2011 for consideration and award.***

*At this time, the County Administrator distributed a memorandum which detailed the recommendations of the committee. It was noted that of the six responses which had been received, it was the recommendation of the committee that the County Administrator be authorized to negotiate a contract with Delta Development Group of Mechanicsburg, PA, as the first-ranked respondent, up to the amount of its proposal, to prepare a*

*revision to the County's Emergency Operations Plan and its associated annexes, and that if these negotiations are unsuccessful, the County Administrator is authorized to negotiate a contract with the second-ranked respondent, James McGowan of Onancock, Virginia.*

*Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board accept the recommendation of the Committee. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.*

**I. Ambulance Billing:**

I have issued a Request for Proposals for our new service of Ambulance Billing, associated with our new ambulance. Proposals are due in on Wednesday, July 13, 2011 and will be reviewed for a recommendation to be provided at the Board's subsequent meeting.

**II. MEETINGS**

**III. GRANT OPPORTUNITIES**

**A. EDA Jobs and Innovation Accelerator Challenge:**

I was contacted by Mike Thielke of the Eastern Shore Entrepreneurship Center which operates under the auspices of the Mid-Shore Regional Council of Maryland. He stated that his agency, along with other regional agencies on the Delmarva Peninsula, had been working on a grant application from EDA for the Jobs and Innovation Accelerator Challenge. The focus of their application is on an airspace/aerospace cluster for the Delmarva region. He requested authorization to include Northampton County in their overall grant application which I provided said authorization.

EDA has provided \$33 million for this grant and expects to make awards of \$1.5 - \$2 million for each successful application. The purpose of this grant program is to help regions achieve the demonstrated benefits of collaborative, cluster-based regional development. This initiative represents the implementation of White House policy priorities to accelerate bottom-up innovation in urban, rural and blended geographies, as opposed to imposing one size fits all solutions.

The objectives of the Jobs Accelerator are to:

- Accelerate the formation of new high-growth businesses and growth of existing businesses;
- Accelerate the creation of high-wage jobs;
- Advance the commercialization of research, including Federally-funded research;
- Support the deployment of new processes, new technologies, and new products to grow sales and create jobs;

- Enhance the capacity of small businesses in the cluster, including small and disadvantaged businesses;
- Increase exports and business interaction with international buyers and suppliers;
- Develop the skilled workforce needed to support growing clusters; and
- Ensure diverse workforce participation in clusters through outreach, training and the creation of career pathways.

It is anticipated that this will be a highly competitive process; the structure of our grant application around the Wallop's area will hopefully provide an advantage in the review of the application.

**B. Virginia Department of Housing and Community Development – Building Collaborative Communities Grant:**

The state has announced the “Building Collaborative Communities Grant” program, a new effort designed to assist regions in creating and sustaining new economic opportunities across Virginia. The program will promote regional economic collaborations in economically distressed areas that stimulate job creation, economic development, and build community capacity and leadership. The state has provided \$200,000 and will award a maximum of 3 grants. Applications are due by July 27, 2011. Applications must contain a minimum of 2 counties. Northampton County is a distressed community, under the definition maintained by DHCD.

This grant opportunity has already been presented to the ANPDC Economic Development Committee that has been working on the Comprehensive Economic Development Strategy (CEDS) to determine support as well as to define possible activities for application in compliance with the grant requirements. This group is supportive of being the lead entity through ANPDC to engage in a community process focused on regional collaboration in developing a long-term vision and plan for economic development.

I am requesting Board of Supervisors' authorization and support to participate in said grant application.

*Motion was made by Mr. Murray, seconded by Mr. Trala, that the Board authorize the County Administrator to participate in the grant application as described. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.*

**IV. OTHER**

- A. I met with Phil Custis regarding the Randy Custis Park. He has requested financial assistance from the County to share in the cost of funding an Executive Director position for the Randy Custis Park. He stated that the park has contributed greatly to recreational opportunities for the youth of our

county and has been done under the volunteer efforts of many people. However, formal management needs to be developed to ensure the continuity of this organization. In addition, he is looking for assistance to establish signage for the park on Route 13 at no cost and is requesting help from the County in raising this issue with VDOT.

*Mr. Trala and Mr. Bennett agreed with the idea of providing financial assistance to the Randy Custis Park. Mr. Tankard suggested that the Randy Custis Park activities could be brought under the County's Parks & Rec department through an expansion of staff and questioned if the County department "could do it better?" Mr. Murray agreed with Mr. Tankard; Mr. Tankard reminded the Board of its policy not to make charitable contributions. Mr. Long thought that the Randy Custis Park group should remain independent.*

*It was the consensus of the Board to direct the County Administrator to have further discussions with Mr. Custis and with the County's Parks & Rec Advisory Board on this matter as well as to work with VDOT on the signage issue.*

\* \* \* \* \*

Citizen Information Period:

Mr. Robert C. Richardson of Seaview said that he believed the County was in the worst shape that he had ever seen with depopulation of the county due to lack of jobs. He said that the County cannot rely on tourism.

Mr. G. F. Hogg, Jr., referenced the earlier comments regarding stormwater regulations and said that fecal coliform levels also need to be address. He also said that the Kings Creek TMDL study was on-going.

Public Hearings:

Vice Chairman Long called to order the following public hearing:

(8) **Zoning Text Amendment 2011-08:** The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, §154.083 Statements of Intent for Overlay Zoning Districts to add a new section to be known as **(D) WIND ENERGY OVERLAY DISTRICT**; and to include a new section to be known as **§154.166 WIND ENERGY OVERLAY DISTRICT**. The amendment includes a map delineating areas for placement of such facilities.

He asked if there were any present desiring to speak.

Ms. Benson indicated while that the Planning Commission had recommended approval of this petition, legal counsel had determined that additional public notification was needed in order to include a zoning map amendment as well as the text amendment.

Ms. Roberta Kellam, member of the Northampton County Planning Commission but speaking as a private citizen, asked the Board to follow the Planning Commission's recommendation.

Mr. Robert Richardson of Seaview said that this was an example of the County not encouraging green energy production. He recommended that the matter be tabled.

Mr. Steve Parker of the Nature Conservancy, read comments as follows:

"The Nature Conservancy greatly appreciates this opportunity to comment on the proposed wind turbine zoning text amendment and overlay district.

The Nature Conservancy supports the overlay district as approved by the Northampton Planning Commission on July 5, 2011. The Northampton County Board of Supervisors, Planning Commission and staff are to be praised for taking a leadership role in addressing this important issue. The proposed text amendments and overlay district will help the local economy and tax base by accommodating wind energy in the County using a clear, scientifically established overlay district that protects migratory song birds and raptors in their most vulnerable habitats.

For over three decades, scientific studies have shown that lower Northampton County hosts one of the densest concentrations of land birds, song birds, hawks, falcons, and eagles on Earth during the fall migration. These birds arrive in the late summer and early fall to rest and feed here on their way to the Caribbean and South America after nesting up north. I have provided images from NASA's most sophisticated N-Doppler radar depicting the emergence of thousands of birds one evening from the forests of the southern end of the County. They are heading from the bayside, across the peninsula and barrier islands and then out to sea. Next stop is Cuba or the Central America. They spend most of their time at and near tree top level, in and around protected lands and farms along the shoreline. It is here that they are most vulnerable to turbine blades moving over 100 mph at heights of 100-700 feet. It is here that Northampton County is wisely proposing an overlay district.

Wind turbines may have the potential to be an important part of a sustainable energy future in Virginia. At the same time, Northampton County's unique concentrations of millions of birds is already a proven economic powerhouse: tourism is one of the Eastern Shore's largest industries;

over \$100-million has already been invested by public and private sources, including over 120 private landowners, in preserving and restoring wildlife habitats; the Chincoteague National Wildlife Refuge generates over \$61 million annually in regional economic activity; nearly 500,000 people visit Kiptopeke State Park every year. The draft overlay district properly recognizes the importance of balancing land uses within the County that will reduce conflicts while allowing for multiple economic efforts to thrive while protecting waterfront property values.

Wind turbines and birds have a very mixed history, with evidence mounting of high death rates where turbines are located amidst high concentrations of birds. And in Northampton County, bird deaths would not only be bad for birds, but also bad for business. Notoriety concerning bird kills can spread quickly in the press and among travelers, particularly the thousands of birders who visit the Eastern Shore every year.

The draft ordinance and overlay district not only protect birds and important tourism revenues, they should also help wind energy developers and private landowners avoid the kinds of migratory bird kills for which they could be held liable under the Endangered Species Act or Migratory Bird Treaty Act. The potential exposure has been spelled out by the US Fish and Wildlife service. The overlay district is based on sound scientific knowledge, compiled from multiple sources. The entire seaside and lower bayside shorelines of Northampton County are clearly shown as a “red zone”, indicating high densities and vulnerabilities of bird populations. By reinforcing this good science with a reasonable overlay district and solid text amendments, the County is providing responsible guidance to industry and landowners, lowering the risk of costly future litigation, delays and interruptions to operations. This foresight by the County is to be commended and should serve as an example to other localities around the state.

It is noted that there has been a MET Tower application for a possible wind energy project that appears to be within the overlay district. Given that this property is adjacent to Rt. 13 and the application was made before the overlay district was in place, it seems reasonable that the County could permit this one project to proceed.

The Nature Conservancy is the largest conservation organization in the world, with over 1-million members and operations in 50 states and 33 foreign countries. We are a non-profit charitable organization whose mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. The Virginia Coast Reserve was established 40 years ago in Northampton County with the acquisition of 14 barrier islands, which are generally open to the public as a free recreational resource. We also own mainland farms near Oyster and Nassawadox, as well as along Pocomoke Sound on the Accomack bayside. We pay local real estate taxes on all these properties. The agricultural fields of our mainland properties are leased to local farmers. The Conservancy has 11 employees and utilizes over 50 local businesses and contractors to accomplish our conservation work. With the help of local, state, federal and other private landowners and partners, over 133,000 acres are protected as productive farm land, working forests, water quality filters and wildlife habitats on Virginia’s Eastern Shore.

We urge the Board of Supervisors to endorse the proposed text amendments and the overlay

district.

/s/ Stephen N. Parker, Director  
The Nature Conservancy's Virginia Coast Reserve''

\* \* \* \* \*

The County Administrator read the following comments from Mr. Mike Ward:

"I am contacting you regarding the proposed Wind Energy Overlay District, which was recommended for approval to the Board of Supervisors by the Planning Commission. I am writing you to explain the reasons why I opposed recommending Board approval of this Overlay District.

The proposed Overlay District incorporates a map prepared by the Commonwealth's Department of Environmental Quality which divides portions of Northampton County into a number of Coastal Avian Protection Zones. According to the DEQ, these zones were created "To assist small wind energy project applicants wishing to construct and operate wind turbines in Virginia's coastal areas to identify those zones which are critically important to avian resources, help guide pre-construction field surveys, and aid in the development of mitigation plans designed to offset significant adverse impacts to wildlife." (5-2 2011 Draft CAPZ Narrative Guidance, page 2)

It is important to note that under the DEQ's rule, small wind energy farms, which are defined as being under 100 megawatts of electric generation, would be allowed in each and any of the zones established in the map, and the purpose of the rule is to specify the nature and extent of the type of information that an applicant is to submit and the studies the applicant may need to perform in order for a permit to be approved.

Unlike the DEQ rule, the proposed Overlay District being considered by the Board of Supervisors would go much farther than the DEQ's rule, and effectively prohibit any wind farm in Zones 2, 3 and 4. Zones 2 and 3 essentially apply mainly to lands off-shore, including the barrier islands and near shore marshes. However, Zone 4 covers a significant portion of the southern land mass of the Easter Shore, extending from Savage Neck to Wise Point, including all the land south of Cape Charles and Cheriton. Additionally, while as noted, the DEQ's rule applies to small scale wind farms of less than 100 megawatt electric generating capacity, the proposed ordinance would prohibit any large scale or utility scale wind turbine, which is defined in another ordinance currently being considered by the Planning Commission as being 1 megawatt or larger.

As I stated during the Planning Commission's deliberations on the proposed overlay district, my concern is including the entirety of Zone 4 within the area which would prohibit any wind farm, or, if the second wind energy ordinance is eventually submitted to the Board, any wind turbine in excess of 1 megawatt. Zone 4 encompasses a significant portion of the land mass of Northampton County, and while I recognize that the area is an important aviary area, I do not believe that a total prohibition of wind farms or wind turbines is necessary or appropriate in order to protect this entire area, as delineated on the map, which would include a parcel which has already been identified as the possible location for a Met Tower which would measure winds as a first step towards the selection of a location for a possible wind farm.

While I concede that, given their present design, wind turbines pose a danger to birds, I don't think we can impose a zero tolerance, and there needs to be a balance. Intuitively, there is a conflict, but no one presented any specific evidence quantifying the level of danger which distinguishes the different zones. Clearly, there are millions of birds on the shore and it's an essential part of the ecosystem and migratory flyway, especially the very southern part of the county. But most birds fly well above 500 feet, and the danger mainly arises when they are landing and taking off, and they use the cover of the trees to escape predators. But wind turbines generally are not located near trees, which disturb the air currents. And I have never been presented with any study or report of a mass kill of birds running into wind turbines. It was this lack of evidence distinguishing the magnitude of the conflict between the various zones and the failure to acknowledge the additional requirements that could be imposed to mitigate the potential damage, as done in the DEQ guidelines, that led me to vote against recommending this ordinance to the Board. At a minimum, I think there needs to be a greater study of the extent of the potential impact in zone 4 in order to determine if it needs to be extended as far north as proposed.

As opposed to a total prohibition in all the specified zones, as provided for in the proposed Wind Energy Overlay District, I favor the approach incorporated in the DEQ's rule, which provides a case by case study of each application, which would include identifying the affected species and migration staging area, and field studies of actual or likely occurrences of these resources, or, as provided in DEQ's rule, reliance on existing scientific analysis of reflected on the Coastal Avian Protection Zone map, and subjecting each application to a major special use permit, which would include the opportunity to impose appropriate mitigation actions.

Additionally, the proposed ban on any wind turbines in the Overlay District is based upon the current technology of wind turbines, but new technologies and designs are being developed, especially in the lower range of generating capacity, which in themselves could do much to mitigate the potential danger to birds, and I believe the county should provide an opportunity for their consideration should they become economical.

/s/  
Michael J. Ward”

\* \* \* \* \*

The following comments were also read into the record:

“Sandra Benson  
Northampton County Planning Department  
P. O. Box 66  
Eastville, Virginia 23347

cc: Northampton County Board of Supervisors and Northampton County Planning Commission

Re: Zoning Text Amendments 2011-08 (Wind Energy Overlay District) and 2011-09 (Standards for Wind Turbines, Large and Utility Scale)

The development of renewable energy is important for the future of the nation and the health of the environment. However, this development must be undertaken while protecting Northampton County's citizens and treasured landscapes and wildlife. Only through attention to potential ecological threats, monitoring, mitigation and open dialogue will sustainable development be met, for if wind energy facilities are designed and constructed in the wrong locations they can have significant negative impacts.

Northampton County, particularly the southern tip and the coastal edges, is internationally important because of the habitat it provides to a large and diverse migratory bird population. It is estimated that 4-6 million Neotropical songbirds and 10-12 million temperate songbirds pass through this area each fall. Because of the international importance of Northampton County to these wildlife resources, we need to be particularly careful in the design and placement of wind turbines and other wind-related structures.

I applaud Northampton County for developing an Overlay District for placement of wind turbines. The proposed Overlay District uses science-based information to recommend placement of wind turbines and other wind-related structures thereby minimizing the impacts of these structures in such a biologically significant area. I recommend that the Board of Supervisors pass the Overlay District as proposed by the Planning Commission.

In regards to the proposed Standards for Wind Turbines (Large and Utility Scale) I recommend that a risk assessment study be required prior to installation of wind facilities and that risk assessment be continued during at least the first four years after installation/operation to delineate risks. The proposed ordinance requires post-construction fatality monitoring for two years. However, two years may not be enough to truly characterize a project, especially where episodic events (e.g. foggy or low-cloud nights during migration) can go unnoticed. I further recommend that the ordinance go a step further and delineate what the response should be if high mortality is detected (e.g. have permittee develop adaptive management plans with identified fatality reduction methods or mitigation alternatives identified). Also, is there a threshold where turbines would be decommissioned?

Because of the wildlife resources which use Northampton County, the County not only has a unique opportunity to be a leader in research of potential impacts of wind turbines, but the County is well positioned to be a research center for developing mitigation alternatives of wind turbines to migratory birds.

Performance Standard # 13 is a good standard; however, an exception should be included that allows changing the appearance of wind turbines if it benefits wildlife. For example, painting rotor blades to decrease bird strikes if research shows this is advantageous.

When making siting decisions, Northampton County should weigh the cumulative impacts of multiple wind farms on birds and bats and their habitats across the landscape (i.e., proximity of wind farms to one another and to foraging, nesting and stopover sites and pattern of habitat fragmentation). This point is touched on in Performance Standard # 20, but the existing language should be strengthened and include cumulative impacts of wind farms.

Finally, the recently added verbiage to this Ordinance regarding wind energy test facilities is a concern to me. The Planning Commission just recently learned of this new potential use in the County (and in the United States as a whole) and verbiage to accommodate this use was added 'on the fly' during a recent Commission meeting with direct input by the industry. I feel the Planning Commission and the Board of Supervisors should research this use more fully before adding it to this Ordinance, especially given that the turbine height is nearly double what this Ordinance was written for (750-feet versus 400-feet). Perhaps it would be better to split the test facilities from this Ordinance and make a separate ordinance for test facilities. This would make sense since the main purpose of utility and large scale wind turbines is to supply electricity to off-site customers while the main purpose of test turbines is not to produce electricity, but rather to test and certify new turbines.

Thank you for the opportunity to provide these comments.

Respectfully submitted,

Susan M. Rice  
Refuge Manager  
Eastern Shore of Virginia National Wildlife Refuge”

\* \* \* \* \*

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

Motion was made by Mr. Murray, seconded by Mr. Trala, that Zoning Text Amendment 2011-08 be tabled. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

Mr. Tankard stated that while he does support the ordinance, he feels that a lot of effort had been put into a proposal that probably is not very likely. He felt that research and testing facilities would be better received by the public and was the next logical step after MET towers.

Vice Chairman Long called to order the next public hearing as follows:

(9) **Zoning Text Amendment 2011-09:** The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, **§154.003 DEFINITIONS** to include new definitions pertaining to wind energy facilities; to add a new section to be known as **§154.114 STANDARDS FOR WIND TURBINES, LARGE AND UTILITY-SCALE**; and to amend Appendix A – Use Regulations, by deleting in Category 4, Community Service Uses, Item 35 Wind Farm and by adding in Category 3, Commercial Uses, and Category 4, Community Service Uses, to allow by major special use permit Large and Utility-Scale Wind Turbines in the A/RB Agriculture/Rural Business and EI Existing Industrial

Zoning Districts.

Mr. Long asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission has not provided its recommendation at this time and therefore, the Board is unable to act tonight.

Mr. Murray stated that he hoped the Planning Commission would plan and develop wind testing facilities regulations.

Ms. Roberta Kellam replied that information on testing facilities had not been received by the Planning Commission until the day before the public hearing. She suggested that the Board consider the future hiring of consultants/legal counsel experienced in energy matters.

Mr. Steve Parker said that the Nature Conservancy had met with Camesa recently and agreed that test facilities are very different from the energy generating turbine installations. He would like to see responsible wind energy procedures in place.

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

It was the consensus of the Board to table action on this matter pending receipt of Planning Commission recommendation.

Mr. Tankard reiterated that wind test facilities would be welcomed and encouraged the Planning Commission to proceed in this regard, noting that he was supportive of the position suggested by Planning Commissioner Mary Miller in that separate regulations be developed for test facilities and acknowledged the efforts of the Planning Commission to date.

Vice Chairman Long called to order the following public hearing:

(10) **Ten-Year Review of Elkington AFD:** Elkington AFD is located along Savage Neck Road (SR634) extending along Elkington Road (SR 665), Old Castle Road (SR 665), Kirwan Hall Lane (SR 705) and Courthouse Road (Bus. Rt.13) just south of the Town of Eastville.

AN ORDINANCE RENEWING  
AN ORDINANCE ENTITLED

ELKINGTON  
 AGRICULTURAL AND FORESTAL DISTRICT  
 AFD 92-07  
 AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, notice to renew an Agricultural and Forestal District near Eastville known as “Elkington Agricultural and Forestal District” was filed with the Northampton County Board of Supervisors on February 15, 2011 and

WHEREAS, in accordance with Sections 15.2-4307, -4308, and -4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on amending such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending renewal of the Elkington Agricultural and Forestal District at a meeting held on May 19, 2011, and,

WHEREAS, the Planning Commission on July 5, 2011, received the report of the Advisory Committee and considered the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as renewed and amended, the "Agricultural and Forestal Districts Act" (the Act).
2. There is hereby renewed the "Elkington Agricultural and Forestal District," hereinafter "the District".
3. The District shall include the following parcels.

<b>Property Owner</b>	<b>Tax Map No.</b>	<b>Parcel No.</b>	<b>Acreage</b>
JLA LLC	66-7-D	14317	51.21
	<del>66-7-C</del>	<del>14316</del>	<del>12.89</del>
	<del>66-A-10A</del>	<del>5879</del>	<del>4.50</del>
Elizabeth Willis (Estate)		15809	59.80
Elizabeth Willis (Estate)		15808	137.02
Elizabeth Willis (Estate)		16129	211.00
Elizabeth W. Dodd & Kendall W. Kellum	57 (A) 55	5524	85.00
Elizabeth W. Dodd & Kendall W. Kellum	57 (A) 58	5534	100.00
Elizabeth W. Dodd & Kendall W. Kellum	67 (A) 6	5532	38.96
Elizabeth W. Dodd & Kendall W. Kellum	67 (A) 8	7720	73.00
Judith E. & R.F. Cashwell	67 (A) 7	9870	40.00
Judith E. Cashwell for JRS, L. L. C.	67 (A) 13	10945	139.00
Richard & Catherine H. Hubbard	67 (A) 9A	13516	32.20



H. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District. The underlying zoning for each parcel shall apply for parcels zoned Agriculture/Rural Business, Village-1, and Waterfront Village-1; for parcels within the District that are subject to other zoning classifications, any use of land, other than agricultural or forestal activities, shall require a minor special use permit except as provided for in Section 3. F. above. No special use permit shall be approved for any use within the District that is in conflict with the policies and purposes of the Act.

I. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with §15.2-4314 of the Code of Virginia and §58.1-3237 Rollback Taxes of the Virginia State Code as amended.

\* \* \* \* \*

Mr. Long asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission and Planning Commission were recommending approval of the renewal of the Elkington AFD.

Mr. Robert Richardson of Seaview called AFD's a "corporate welfare program" and stated that it was unfair to County taxpayers.

Mr. Garrison Brown requested the Board's favorable consideration on the renewal of this district.

Mr. Ralph Dodd also requested approval of this petition and relayed comments from Northampton County Farm Bureau President Steve Sturgis for support of all of the AFD petitions under consideration by the Board.

Ms. Elizabeth Brown spoke in support of the renewal of Elkington AFD.

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

Mr. Murray and Mr. Tankard spoke in support for the AFD renewal with Mr. Tankard

noting that land use taxation is the fairest form of taxation and that the Comprehensive Plan encourages the retention of farmland.

Mr. Bennett stated that the County was not financially able to consider these applications and Mr. Trala reminded the Board of the policy statement adopted by the Board last fall wherein it cautioned prospective AFD applicants that budget considerations may force the Board to deny any applications.

Motion was made by Mr. Tankard, seconded by Mr. Murray that AN ORDINANCE RENEWING AN ORDINANCE ENTITLED “ELKINGTON” AGRICULTURAL AND FORESTAL DISTRICT, AFD 92-07, AND IMPOSING CERTAIN CONDITIONS THEREON be adopted as proposed. All members were present with the exception of Mr. Randall and voted “yes,” with the exceptions of Mr. Trala and Mr. Bennett who voted “no.” The motion was passed.

Vice Chairman Long called to order the next public hearing as follows:

(11) **Addition to Happy Union AFD:** A. Stephen Boyer has applied to add 74 acres of land located on Nassawadox Creek near the terminus of Wellington Neck Road (SR 609) and described as being Tax Map 14, double circle 13, parcel H.

AN ORDINANCE AMENDING  
AN ORDINANCE ENTITLED  
HAPPY UNION 90-01  
AGRICULTURAL AND FORESTAL DISTRICT  
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application for the creation of an Agricultural and Forestal District near Bridgetown was filed with the Northampton County Board of Supervisors on July 14, 1990; and an application to amend said District was filed with the Board of Supervisors on February 2, 2011 and

WHEREAS, in accordance with Sections 15.2-4307, 4308, and 4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a

report recommending approval of amending the District at a meeting held on May 19, 2011, and,

WHEREAS, the Planning Commission on July 5, 2011, received the report of the Advisory Committee and considered the application to amend at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act."
2. There is hereby amended the "The Happy Union Agricultural and Forestal District" hereinafter "District".
3. The District shall include the following parcels.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel No.</u>	<u>Acreage</u>
Francis A. Shelton	14-A-22	5634	236.60
Don & Bonnie Miles	13-7-A	4456	12.98
<b>Stephen Boyer</b>	<b>14-13-A</b>	<b>1152</b>	<b>74.0</b>
<b>Total Acreage:</b>			<b>323.58</b>

Provided, however:

- A. That all lands lying within fifteen (15) feet of the rights-of-way from any state road shall be excluded from the District.
- B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # I. herein.
- C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.
- D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.
- E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in §58.1-3237 Rollback Taxes of the Code of Virginia. Sale or gift of a portion of land in a district to a member of the immediate family as defined in §15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

G. No parcel of land with the District shall be rezoned to any Hamlet, Waterfront Hamlet, residential, commercial or industrial classification during the period which said parcel remains within the District.

H. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District. The underlying zoning for each parcel shall apply for parcels zoned Agriculture/Rural Business, Village-1, and Waterfront Village-1; for parcels within the District that are subject to other zoning classifications, any use of land, other than agricultural or forestal activities, shall require a minor special use permit except as provided for in Section 3. F. above. No special use permit shall be approved for any use within the District that is in conflict with the policies and purposes of the Act.

I. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with §15.2-4314 of the Code of Virginia and §58.1-3237 Rollback Taxes of the Virginia State Code as amended.

\* \* \* \* \*

Mr. Long asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission and the AFD Advisory Committee were recommending approval of this application.

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

Motion was made by Mr. Murray, seconded by Mr. Tankard that AN ORDINANCE AMENDING AN ORDINANCE ENTITLED “HAPPY UNION 90-01” AGRICULTURAL AND FORESTAL DISTRICT AND IMPOSING CERTAIN CONDITIONS THEREON

be adopted as proposed. All members were present with the exception of Mr. Randall and voted

“yes,” with the exceptions of Mr. Trala and Mr. Bennett who voted “no.” The motion was passed.

Vice Chairman Long called to order the next public hearing as follows:

(12) **Addition to Milford AFD:** Shelton Alley has applied to add 303.71 acres. The property is described as being Tax Map 99, double circle 4, parcels 1 through 8 and A located on the east side of Seaside Road (SR 600) between Seaview and Capeville.

AN ORDINANCE AMENDING  
AN ORDINANCE ENTITLED  
MILFORD FARM  
AGRICULTURAL AND FORESTAL DISTRICT  
AFD 09-25  
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application to amend an Agricultural and Forestal District near Seaview was filed with the Northampton County Board of Supervisors on February 15, 2011, and

WHEREAS, in accordance with Sections 15.2-4307, -4308, and -4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval to amend the District at a meeting held on May 19, 2011, and,

WHEREAS, the Planning Commission on July 5, 2011, received the report of the Advisory Committee and considered the application to amend at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is hereby amended pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act" (the Act).
2. There is hereby amended the "Milford Farm Agricultural and Forestal District," hereinafter "the District".
3. The District shall include the following parcels.

<u>Property Owner</u>	<u>Tax Map &amp; Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Kemper Goffigon, III	92-A-43	2659	135.87
Cary G. Cridlin	99-A-6B	13311	32.77
	99-A-6	9702	79.57

William Cridlin	99-A-6A	9877	14.00
Shelton H. Alley	99-4-1	15536	37.83
	99-4-2	15537	32.43
	99-4-3	15538	13.30
	99-4-4	15539	138.85
	99-4-5	15540	23.52
	99-4-6	15541	17.19
	99-4-7	15542	18.45
	99-4-8	15543	18.12
	99-4-A	15544	4.02
	<b>Total Acreage:</b>		<b>565.92</b>

Provided, however:

- A. That all lands lying within fifteen (15) feet of the rights-of-way from any state road shall be excluded from the District.
- B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # I. herein.
- C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.
- D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.
- E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.
- F. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in §58.1-3237 Rollback Taxes of the Code of Virginia. Sale or gift of a portion of land in a district to a member of the immediate family as defined in §15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.
- G. No parcel of land with the District shall be rezoned to any Hamlet, Waterfront Hamlet, residential, commercial or industrial classification during the period which said parcel remains within the District.
- H. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings

thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District. The underlying zoning for each parcel shall apply for parcels zoned Agriculture/Rural Business, Village-1, and Waterfront Village-1; for parcels within the District that are subject to other zoning classifications, any use of land; other than agricultural or forestal activities; shall require a minor special use permit except as provided for in Section 3. F. above. No special use permit shall be approved for any use within the District that is in conflict with the policies and purposes of the Act.

I. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with §15.2-4314 of the Code of Virginia and §58.1-3237 Rollback Taxes of the Virginia State Code as amended.

\* \* \* \* \*

Mr. Long asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission and AFD Advisory Committee were recommending approval of this petition.

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

Motion was made by Mr. Murray, seconded by Mr. Tankard that AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "MILFORD FARM", AGRICULTURAL AND FORESTAL DISTRICT, AFD 09-25, AND IMPOSING CERTAIN CONDITIONS THEREON be adopted as proposed. All members were present with the exception of Mr. Randall and voted "yes," with the exceptions of Mr. Trala and Mr. Bennett who voted "no." The motion was passed.

Vice Chairman Long called to order the next public hearing as follows:

(13) **Addition to The Hermitage AFD:** Charles Frederick Von Canon and the Von Canon Family Limited Partnership has filed to add 152.88 acres of land. The property is described as Tax Map 83, double circle A, parcels 12 and 16 and is located on the north side of Stone Road (SR 183) along Von Canon Road with frontage on Kings Creek.

AN ORDINANCE AMENDING

AN ORDINANCE KNOWN AS  
 THE HERMITAGE  
 AGRICULTURAL AND FORESTAL DISTRICT  
 AFD 09-02  
 AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, applications to amend an Agricultural and Forestal District near Cherrystone were filed with the Northampton County Board of Supervisors on February 8, 2011, and

WHEREAS, in accordance with Sections 15.2-4307, -4308, and -4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on amending such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of amending the District at a meeting held on May 19, 2011, and,

WHEREAS, the Planning Commission on July 5, 2011, received the report of the Advisory Committee and considered amending The Hermitage Agricultural and Forestal District at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act" (the Act).
2. There is hereby amended the "The Hermitage Agricultural and Forestal District," hereinafter "the District".
3. The District shall include the following parcels, for which the ordinance known as The Hermitage remains in full force and effect.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Fred Von Canon	83-A-12	7351	33.00
Von Canon Farms LLC	83-A-16	8082	119.88
George & Virginia Savage Family Limited Partnership, Thomas J. & Malvina Family Limited Partnership	83-A-13	5178	228.53
George & Thomas Savage, and Rosa Mae Meade	84-A-12	5182	14.24
Granville F. Hogg et als	83-A-10 83-A-26	14332 9033	4.19 67.40

	83-A-28A	2963	57.72
	83-A-28B	15817	54.88
	83-A-28C	15818	2.00
George & Virginia Savage Family Limited Partnership, Thomas J. & Malvina Family Limited Partnership	83-A-6	5181	74.00
Mark & Jody Bundy	91-3-A	725	23.43
	90-A-7A	1047	41.19
	90-1-D	1046	2.00
Boggs Creek, LLC	91-3-C	12149	2.49
	91-3-B	12148	25.02
Patricia N. Ferguson	75-A-23	4297	19.72
	75-A-3D	14182	18.50
	75-A-23E	14208	5.28
	76-A-16D	14506	3.00
Curtis H. Jones, Jr. for Major Ltd., A Va. Corp.	83-A-1	9799	160.0
	83-A-4	9798	12.0
Denis & Mary Lee Wood	83-A-3	7817	98.0
Robert A. Scott, Sr.	84-A-51	5421	89.0
	84-A-54	5447	50.0
Karl G. Wagner, Jr.	91-A-11	7254	101.99
Ballard Brothers Fish Co.	83-7-D	15784	64.16
	83-7-E	15785	28.44
The Leonard O. Oden Revocable Living Trust & The Virginia B. Oden Revocable Living Trust	75-8-2	4427	16.21
	75-8-1	15997	15.45
	75-8-3	15998	5.52
	75-8-4	15999	7.95
	75-8-5	16000	7.06
	75-8-6	16001	7.29
	75-8-7	16002	8.45
	75-8-8	16003	9.30
Jefferson Dental Laboratories	75-A-27	3361	33.56
	75-A-27A	15996	5.50

**Total Acreage:**

**1,514.35**

Provided, however:

A. That all lands lying within fifteen (15) feet of the rights-of-way from any state road shall be excluded from the District.

B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # I. herein.

C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.

D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.

E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in §58.1-3237 Rollback Taxes of the Code of Virginia. Sale or gift of a portion of land in a district to a member of the immediate family as defined in §15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

G. No parcel of land with the District shall be rezoned to any Hamlet, Waterfront Hamlet, residential, commercial or industrial classification during the period which said parcel remains within the District.

H. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District. The underlying zoning for each parcel shall apply for parcels zoned Agriculture/Rural Business, Village-1, and Waterfront Village-1; for parcels within the District that are subject to other zoning classifications, any use of land, other than agricultural or forestal activities, shall require a minor special use permit except as provided for in Section 3. F. above. No special use permit shall be approved for any use within the District that is in conflict with the policies and purposes of the Act.

I. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this

District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with §15.2-4314 of the Code of Virginia and §58.1-3237 Rollback Taxes of the Virginia State Code as amended.

\*\*\*\*\*

Mr. Long asked if there were any present desiring to speak.

Ms. Benson indicated that the AFD Advisory Committee and the Planning Commission were recommending approval of this petition.

Mr. Dexter Phillips, speaking on behalf of the Von Canon parcels, indicated that he currently leased this farmland and asked for the Board's favorable consideration.

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

Motion was made by Mr. Tankard, seconded by Mr. Murray that AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS "THE HERMITAGE" AGRICULTURAL AND FORESTAL DISTRICT, AFD 09-02, AND IMPOSING CERTAIN CONDITIONS THEREON be adopted as proposed. All members were present with the exception of Mr. Randall and voted "yes," with the exceptions of Mr. Trala and Mr. Bennett who voted "no." The motion was passed.

Vice Chairman Long called to order the next public hearing as follows:

(14) Conduct a public hearing on AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE DESIGNATING ORGANIZATIONS TO BE AN INTEGRAL PART OF THE OFFICIAL SAFETY PROGRAM OF THE COUNTY OF NORTHAMPTON, VIRGINIA". The purpose of this amendment is to add the Northampton County Department of Emergency Services to the list of active personnel recognized as an integral part of the official safety program of the County.

**AN ORDINANCE TO AMEND AN  
ORDINANCE ENTITLED, "AN ORDINANCE DESIGNATING  
ORGANIZATIONS TO BE AN INTEGRAL  
PART OF THE OFFICIAL SAFETY PROGRAM OF THE  
COUNTY OF NORTHAMPTON, VIRGINIA**

BE IT ORDAINED by the Board of Supervisors of Northampton County, that AN ORDINANCE DESIGNATING ORGANIZATIONS TO BE AN INTEGRAL PART OF THE OFFICIAL SAFETY PROGRAM OF THE COUNTY OF NORTHAMPTON, VIRGINIA, adopted by the Board on June 4, 1973, be amended as follows:

1. That Northampton County Department of Emergency Medical Services be added to the list of active personnel recognized as an integral part of the official safety program of the County of Northampton.

2. That the company names of the recognized organizations be updated to read as follows:

Cape Charles Rescue Service, Inc.  
Cape Charles Volunteer Fire Company, Inc.  
Cheriton Volunteer Fire Company, Inc.  
Community Fire Company, Inc.  
Eastville Volunteer Fire Company, Inc.  
Northampton Fire & Rescue, Inc.  
Northampton County Department of Emergency Medical Services

3. That all remaining portions and provisions of AN ORDINANCE DESIGNATED ORGANIZATIONS TO BE AN INTEGRAL PART OF THE OFFICIAL SAFETY PROGRAM OF THE COUNTY OF NORTHAMPTON, VIRGINIA are reenacted and reaffirmed hereby.

\* \* \* \* \*

Mr. Long asked if there were any present desiring to speak.

The County Administrator indicated that this amendment was required in order to bring all County public safety organizations in compliance with NIMS regulations.

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

Motion was made by Mr. Murray, seconded by Mr. Bennett, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE DESIGNATING ORGANIZATIONS TO BE AN INTEGRAL PART OF THE OFFICIAL SAFETY PROGRAM OF THE COUNTY OF NORTHAMPTON, VIRGINIA be adopted as proposed. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously

passed.

Mr. Long called to order the next public hearing as follows:

(15) Conduct a public hearing to solicit public input concerning a proposed amendment to the Enterprise Zone. The proposed amendments will include deletions of properties with non-commercial zoning and the inclusion of properties as requested by private property owners.

He asked if there were any present desiring to speak.

Ms. Nunez reported that the purpose of this public hearing was to amend our Enterprise Zone map to be more reflective of the commercial and industrial zoning currently in place in the County as well as to consider specific requests from private individuals. She reminded the Board that most of the following list of proposed deletions had been acted upon by the Board last year but had been rejected by the State because the percentage of zone affected was contrary to state regulations. These deletions are being proposed again as well as a reconfiguration of Enterprise Zone parcels in the Bay Creek subdivision. Proposed additions include properties along Bay Avenue in the Town of Cape Charles as well as two parcels on Bayside Road in the Hare Valley area. These affected properties are set out below:

**Proposed Deletions**

MAP_PIN	Owner	TotAcres	LegDesc1
90-16-117	BAY CREEK SOUTH LLC	0.336	LOT 117
90-16-118	MAMAC LLC	0.281	LOT 118
90-16-119	BAY CREEK SOUTH LLC	0.264	LOT 119
90-16-120	BAY CREEK SOUTH LLC	0.264	LOT 120
			LIGHT HOUSE PARCEL
90-17-LHP	BAY CREEK L L C	0.195	2
90-16-121	BAY CREEK SOUTH LLC	0.286	LOT 121
90-16-122	BAY CREEK SOUTH LLC	0.286	LOT 122
90-16-123	BRANCH BANKING AND TRUST COMPANY	0.286	LOT 123
90-16-124	BAY CREEK SOUTH LLC	0.286	LOT 124
			LIGHT HOUSE PARCEL-
90-16-LHP	BAY CREEK L L C	0.149	1
90-A-1D			
			1D-8D PALMER
90-2-1D	BAY CREEK SOUTH LLC	129.4	COURSE

90-16-125

BAY CREEK SOUTH LLC

0.285  
132.318

LOT 125

Total

MAP_PIN	Owner	Acreage
105-A-28	BRADSHAW, EDWARD T	50.23
21A1-5-10	NOTTINGHAM, CLYDE JOSEPH & NOTTINGHAM, CHARLES &	0.16
21A1-5-11A	SATCHELL, ANNIE	0.06
21A1-5-11B	NOTTINGHAM, CLYDE JOSEPH & NOTTINGHAM, CHARLES &	0.05
21A1-5-12	SATCHELL, ALBERT (DEC'D)	0.17
21A1-5-13	CONOR, ROSE ANN	0.17
21A1-5-14	PERKINS, HENRY JR (DEC'D)	0.17
21A1-5-2	CONSOLIDATED MEDICAL SERVICES INC	0.11
21A1-5-3	JONES, LARRY N & BARBARA ANN	0.12
21A1-5-4	JONES, LARRY N & BARBARA A ETALS	0.12
21A1-5-5	SESSOMS, MARY E	0.14
21A1-5-6	SESSOMS, MARY E	0.16
21A1-5-7	WHITECROSS, NEVILLE E (DEC'D) & SHERYL D	0.23
21A1-5-8	COLLINS, BRENDA L SESSOMS &	0.20
21A1-5-9	COLLINS, BRENDA L SESSOMS &	0.13
21A1-A-111A	STURGIS, WILLIAM J II ETALS	0.18
21A1-A-178	WASHINGTON, LORENZO & MARGARET N	0.39
21A1-A-179	LFN LLC	0.32
21A1-A-189	BROADWATER LODGE #71 AF & AM	0.15
21A1-A-190	SCOTT, DAVID R & ANDREA D	0.18
21A1-A-191	BROWN, DANIEL A & LAUREN M & BROWN, GARRISON M II	0.39
40A-1-A	WYATT, HIAWATHA JR	0.61
40A-1-B	WEEKS, JOSEPH W & MARY HELEN	0.26
40A-1-C	THOMAS, MARGARET ANN COLLINS	0.43
40A-1-D	WESCOTT, MARGIE SAMPLE	0.43
40A-1-E	WESCOTT, MARGIE SAMPLE	0.43
40A-1-F	RIDDEL, JENNIFER J	0.62
40A-2-1	HAFER, MITCHELL L &	0.47
40A-2-2	HAFER, MITCHELL L &	0.27
40A-2-3	THOMAS, FRANCES M & ALEXANDER H SR	0.28
40A-2-4	THOMAS, FRANCES M & ALEXANDER H SR	0.44
40A-2-5	THOMAS, FRANCES M & ALEXANDER H SR	0.20
40-A-30	MADONIA, BATISTA J SR & EVELYN M	4.19
40-A-30A	RODRIGUEZ, FRANCISCO & MARIA L	1.62
40-A-31	SMITH, ULYSSES S & VIRGINIA A	9.28
40-A-31A	LINDEMAN, HENRY E & MICHELE L SPRAY	5.82
40-A-61	CANONIE ATLANTIC COMPANY	1.20
40A-A-1	MONTALVO, BONIFACIO J & MARIA IRMA	0.47
49-A-16	NEWMAN, MARK M & SHERYL L	2.56

49-A-18	WYATT, HIAWATHA JR	0.25
49-A-19	WYATT, HIAWATHA JR	0.03
49-A-20	BURNS, LAURA R	0.18
49-A-21	BURNS, LAURA R	0.27
49-A-22	MCALLEN, NATALIE C &	0.37
49-A-23	SCHAUM, JEROME B & MARILYN C	0.39
49-A-24	FLOYD, H ALLEN III &	0.44
49-A-25	WEHREBERG, PHYLLIS T & SAMUEL B	0.47
49-A-26	ERICSON, ERIC ETALS	2.34
49-A-27A	ERICSON, ERIC ETALS	1.36
49-A-28	STORCK, ROY E & TERRY	3.88
58A1-3-5	STEELMAN, J DAVID STEELMAN II & JEAN PAGE	1.00
58A1-A-23	CROCKETT, JOHN D & DIANE	0.33
58A1-A-31	STURGIS, EDGAR S III	0.59
58A2-1-8	NOTTINGHAM, JOHN M III & AMY R	0.25
58A2-A-22	HOLLAND, EDWARD SR (DEC'D)	0.31
58A2-A-24	DUER, JOAN HOLLAND	4.41
83A3-2-2-79	LOPER, MARTIN GERARD & FRANCES JOHNSON	0.10
83A3-2-2-79A	ROBINS, VILETTE T	0.07
83A3-2-2-80A	ROBINS, VILETTE T	0.06
83A3-2-2-80B	SMITH, RANDOLPH W & GENEVA M	0.06
83A3-2-2-83	SMITH, RANDOLPH W & GENEVA M	0.12
83A3-2-2-84	CREDLE, GARY	0.12
84-4-E1	DORMIN LLC	3.63
84-4-E2	DORMIN LLC	1.54
84-8-29	BECO TOWER HILL LLC	2.41
84-A-153A	MORRIS, PHILIP J	5.77
84-A-57	WENDELL, FRANCIS E JR & KIMBERLEY STARR	3.22
84-A-86	MORRIS, PHILIP J III & IRENE G	1.57
84C2-11-A	RABIL FAMILT LLC	4.30
84C2-14-A	TRAVIS, ARAMINTA EVANS	0.35
84C2-14-B	NEWMAN, RAY E	0.15
84C2-18-A	CHERITON VOLUNTEER FIRE CO INC,	2.52
84C2-3-1	BURDEN, DAVID A	0.20
84C2-3-2	BURDEN, DAVID A	0.18
84C2-3-3	OUTTEN, PAGE ROBBEN & DANA R	0.19
84C2-3-4	OUTTEN, PAGE ROBBEN & DANA R	0.21
84C2-3-5	PARTIN, DIANE R & DAVID G	0.16
84C2-3-5A	MEARS, WAYNE LEE & MARY LENA	0.12
84C2-3-6	MEARS, WAYNE LEE & MARY LENA	0.13
84C2-A-3	WILKINS, HELEN H	1.10
84C2-A-33	MOORE, ADA RODRIGUEZ	0.33
84C2-A-34	NORTHAMPTON POST NO 56, AMERICAN LEGION	1.14

84C2-A-37	WIDGEN, JOHN W JR	3.24
84C2-A-38	THE PGW FAMILY TRUST OF 2001	3.60
84C2-A-39	LEMOND, LARRY E & STEPHANIE I	1.05
84C2-A-4	KELLAM, ANNE L &	1.44
84C2-A-40	HENEGHAN, HENRY J JR & JO ANN	1.23
84C2-A-41	GARRETT, NANCY WESCOAT HARWOOD	0.67
84C2-A-42	THE YVONNE WHITE & EARL THOMAS BAGWELL REV LIV	0.52
84C2-A-43	BURGESS, BETTY H &	0.63
84C2-A-45	BURGESS, BETTY H &	0.56
84C2-A-46	SANDLIN, WAYNE H & KIMBERLEY P KRAEMER	0.65
84C2-A-5	KELLAM, ANNE L &	1.05
84C2-A-6	LANSDALE, JOHN ELBRIDGE & HUTCHINSON, WILLIAM E	0.21
84C2-A-7	HOLROYD, DESSIE SMITH	0.28
84C2-A-79	CHERITON BAPTIST CHURCH, TRUSTEES FOR	1.47
84C2-A-8	NEWTON, DIANE JESSIE	0.27
84C2-A-80	FITZGERALD, WADE H JR & GAIL K	0.45
84C2-A-81	FITZGERALD, WADE H JR & GAIL K	0.53
84C2-A-82	CHERITON, THE TOWN OF	0.43
84C2-A-87	RIPPON, JOHN DOUGLAS	0.18
84C2-A-88	RIPPON, JOHN DOUGLAS	0.25
84C2-A-89	FILLMAN, CHARLES L & JEAN G	0.27
84C2-A-90	LEWIS, RICHARD D SR & EVELYN D	0.22
84C2-A-92	TATEM, TERRI L	0.29
84C2-A-93	MENDISADD INC	0.37
84C2-A-95	CHERITON METHODIST CHURCH TRUSTEES	1.98
84C3-A-18	WILLIAMS, SHELDON LEE & KATHLEEN GAIL	15.10
84C3-A-19	WILLIAMS, SHELDON LEE & KATHLEEN GAIL	5.33
	Total	172.27

### **Proposed Additions**

MAP_PIN	Owner	TotAcres
83A3-2-2-91A	WILLIAMS, MILLER J JR & LINDA R	0.098
83A3-2-2-92A	SONG, MIJA S & WING, KEITH	0.108
83A3-2-2-93A	BAY AVENUE PROPERTIES LLC	0.117
83A3-2-2-94A	PARHAM, DAVID J & MARGARET M	0.127
83A3-2-2-95A	DICKINSON, W ANDREW III & LAGO, DAYNA MARIE	0.136
83A3-2-2-96A	BROWN, JEFFREY N & MELANIE A	0.145
83A3-2-2-97A	BAY AVENUE PROPERTIES LLC	0.155
83A3-2-3-12	SAM & ELVIS LLC	0
83A3-2-3-13	SAM & ELVIS LLC	0
83A3-2-3-14	LEWIN, DALE C	0

83A3-2-3-15	GORDON, RONALD H. & MARY R.	0
83A3-2-3-16	HART, DONALD L JR & SHARON BETH JACKSON	0
83A3-2-3-18A	RESTEIN, JOSEPH J III & BAILEY, JANE RESTEIN &	0
83A3-2-3-17A	RESTEIN, JOSEPH J III & BAILEY, JANE RESTEIN &	0
83A3-2-3-17B	THE EDWARD W RALEIGH REVOCABLE TRUST &	0
83A3-2-3-18B	THE EDWARD W RALEIGH REVOCABLE TRUST &	0
83A3-2-6-10A	DUNTON, BRENDA ELIZABETH &	0.1567
83A3-2-6-11	J & M ENTITY LLC	0
83A3-2-6-9A	MAYER, HENRY J & SANDRA L	0.3018
83A3-3-1	MORRIS, HENRIETTA S T	0
83A3-3-2	PRUITT, JAMES A JR & ETTA KAYE	0
83A3-2-7-10	WALKER, WILLIAM A & ANN HAYWARD	0
83A3-2-7-11	WALKER, WILLIAM A & ANN HAYWARD	0
83A3-2-7-12	WALKER, WILLIAM A & ANN HAYWARD	0
83A3-2-7-13A	WALKER, WILLIAM A & ANN HAYWARD	0
83A3-2-7-13B	FOX, STEPHEN K	0
83A3-2-7-14	FOX, STEPHEN K	0
83A3-2-7-8	KINCANNON, CHARLES D & SUSAN H	0
83A3-2-7-9	KINCANNON, CHARLES D & SUSAN H	0
83A1-2-10-13	SAVAGE, GEORGE J. JR. & VIRGINIA C.	0
83A1-2-10-14	SAVAGE, GEORGE J. JR. & VIRGINIA C.	0
83A1-4-S	PARR, JULIA C	0
83A1-4-T	TEW, WALLACE G & VIOLET J	0
83A1-4-U	TEW, WALLACE G & VIOLET J	0
83A1-2-11-5	COSTA, LORI A &	0
83A1-2-11-6	COSTA, LORI A &	0
83A1-2-11-7	WELLS FARGO BANK NA AS TRUSTEE ON BEHALF OF THE	0
83A1-2-11-8	MEEHAN, MAUREEN E	0
83A1-2-11-9	SAGE, CAROL B	0
90-15-M1B2	BAY CREEK L L C	0.517
90-15-M1B1	BAY CREEK SOUTH LLC	3.71
76-A-16C	NOTTINGHAM, JOHN M JR	6.12
15C-A-17	SHORE HOLDINGS INC	0.53
15C-A-18	SHORE HOLDINGS INC	0
90-15-M2	BAY CREEK SOUTH LLC	31.85
	Front frontage, etc.	94.51
	total	138.58

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

Motion was made by Mr. Tankard, seconded by Mr. Murray, that the Enterprise Zone be

amended to reflect both the additions and the deletions as proposed and set out above. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

Vice Chairman Long called to order the final public hearing of the evening, as follows:

(16) Conduct a public hearing to consider leasing of the following described properties, including the ground on which they sit, and certain real estate surrounding those buildings, together being part of Tax Map 58A1-A-6, to-wit:

(A) That certain one-story structure, known as the 1899 jail, located on the Courthouse Green, 16404 Courthouse Road, Eastville, Virginia.

(B) That certain two-story structure, known as the 1914 jail (16396 Courthouse Road), located on the Courthouse Green, 16404 Courthouse Road, Eastville, Virginia.

The Board proposes to lease same to the Town of Eastville.

He asked if there were any present desiring to speak.

The County Administrator indicated that this public hearing was being held as a result of discussions from last month’s work session with the Mayor of the Town of Eastville. She noted that a lease agreement is currently being drafted by legal counsel.

Eastville Mayor Jim Sturgis was present and offered to answer any questions of the Board.

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

No action was required by the Board.

Action Items:

(17) Proposed Policy – dedication of revenue stream for School Capital Improvement Plan – as proposed by Mr. Tankard at the June 2011 meeting

Motion was made by Mr. Tankard, seconded by Mr. Murray, that the following policy statement be adopted with regard to funding for the school’s capital improvement plan:

Upon completion of the debt service for the two elementary schools during this fiscal

year, the Board dedicates the same stream of funds toward the School's Capital Improvement Plan. At this time, these funds will amount to approximately \$630,000. This policy is contingent on the Board and the School Board agreeing on a Capital Improvement Plan and its review by both boards.

All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed. Mr. Tankard said that this policy shows "our good faith to fund their CIP".

(18) Johnsongrass Control Program – as proposed by Mr. Tankard at the June 2011 meeting.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that a meeting of the Johnsongrass Control Committee be convened during the month of July in the hopes that a priority list and plan of action for the eradication of this noxious weed can be developed. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed. Mr. Tankard noted that he would like to be included in the meeting as well as Mr. Jeff Walker.

(19) Consider adjustments to Local Creation Boards & Committees

The Board reviewed the listing of boards and committees which had been created by local authority and specifically discussed those which had not met in the last twelve months. Motion was made by Mr. Tankard, seconded by Mr. Murray, that the Community Housing Committee be dissolved, as their purpose is made redundant through the efforts of the Planning District Commission and Regional Housing Alliance, etc. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.

(20) Discussion relative to VDOT Rural Roads Addition Fund

Mr. Tankard suggested that the Board consider placing a new road [access road from South Bayside Road into the Food Lion Shopping Center near Cape Charles], to be constructed under the Rural Roads Addition Fund, on the County's Six Year Plan and establishing a 10% funding stream for this construction. The County Administrator reminded the Board that the

annual public hearing and input session for the Six Year Plan has already passed for this year and suggested perhaps that this could remain an internal priority until next year's cycle. She agreed to check with VDOT on proper procedure for this type of amendment.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Mr. Brian Terry be appointed to the Northampton County Aquaculture Committee, replacing Mr. J. H. West. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that Mr. John Read be appointed to the Eastern Shore of Virginia Broadband Authority for a term of office commencing July 1, 2011, replacing Mr. Dimitri Plionis. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that Mr. Pete Lalor reappointment to the Eastern Shore of Virginia Broadband Authority be confirmed, for a new term of office commencing July 1, 2011. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.

Noting that funds were available in the contingency line item, the County Administrator indicated that she planned to allocate an additional \$2,000 to each of the five fire companies for Fiscal Year 2011 (returning their allocation to the original \$21,000 per fire company) as requested by Vice Chairman Long at a previous meeting. Motion was so made by Mr. Murray, seconded by Mr. Trala. All members were present with the exception of Mr. Randall and voted "yes" with the exception of Mr. Tankard who voted "no." The motion was passed.

Recess:

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, July 25, 2011, in conference room #2 of the former Northampton County Middle School, 7247 Young Street, Machipongo, Virginia, in order to conduct the regular work session. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

\_\_\_\_\_ CHAIRMAN

\_\_\_\_\_ COUNTY ADMINISTRATOR

DRAFT