

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 13th day of July, 2010, at 4:00 p.m.

Present:

Laurence J. Trala, Chairman

Willie C. Randall, Vice Chairman

Richard Tankard

H. Spencer Murray

Oliver H. Bennett

Samuel J. Long, Jr.

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.

Granville Hogg v. Board of Zoning Appeals of Northampton County

All members were present with the exception of Mr. Tankard 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 that purpose as set out in paragraphs 1 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.

Mr. Tankard arrived at 4:05 p.m.

Mr. Trala offered the invocation.

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.

Consent Agenda:

- (1) Minutes of the meetings of June 8, 15 and 28, 2010.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the minutes of the meetings of June 8, 15 and 28, 2010 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

- (2) Consider A-95 Review entitled, “Culls Community Housing Preservation Grant”; applicant: Northampton County.

Motion was made by Mr. Tankard, seconded by Mr. Long, that an A-95 Review entitled, “Culls Community Housing Preservation Grant” be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

- (3) Ms. Glenda Miller, Director of Finance, noted that there were no budget

amendments or appropriations this early in the fiscal year but distributed the Top 40 Personal Property and Real Estate Delinquent Tax Lists. She also noted that the County's auditors, Robinson, Farmer, Cox, will be on-site at the end of the month.

(4) Ms. Sandra Benson, Director of Planning, presented the Planning & Zoning departmental update including activity reports for the following projects: Board of Zoning Appeals and Staff Activities. She also distributed a recommended fee schedule for Planning & Zoning fees which the Board will consider during the Action Items Agenda tonight.

(5) Mr. Pat Coady, Executive Director, Eastern Shore of Virginia Broadband Authority, arrived later in the meeting and made comments relative to other matters. His Broadband Report will be heard at the August meeting.

The Board recessed at 5:45 p.m. for a dinner break.

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

The Pledge of Allegiance was given.

(6) Ms. Hollye, Emergency Services Coordinator, reported on the BP Deepwater Horizon Oil Spill which occurred on April 20th on the Gulf Coast. She noted that a conference call was held in June amongst interested federal, state and local authorities which resulted in two plans being developed to deal with oil spill contingency/response planning for vessel decontamination and shoreline impacts. She further stated that at this point, Virginia's shores have a 1 in 500 chance of being impacted. If Virginia is impacted by the spill, impact could be by tar balls but no visible oil in the water is expected. All impacted agencies will be continuing to monitor the situation to work that local watermen and fishermen are kept up to date on any developing concerns.

(7) Ms. Katie Nunez, County Administrator, presented the following work session

agenda schedule for the Board's information:

- (i) 7/26/10: Work session –
Topics: Stormwater ordinance presentation
Jeff Flournoy – E911 – FCC issue/radio communications
Closed Session: Eastville Boundary Adjustment Request
- (ii) 8/23/10: Work session –
Topics: Joint meeting w/ School Board
(budget, CIP, communication)
- (iii) 9/27/10: 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: July 9, 2010
RE: Bi-Monthly Update

I. PROJECTS:

A. Regional wastewater/water projects- Subcommittee Report:

Our wastewater consultants will be in attendance to discuss the status of the project to date and to request authorization to submit a grant application for a component of the project ("Southern Node") to the Department of Environmental Quality (DEQ). I have enclosed resolutions from the towns of Cheriton and Cape Charles relative to the submission of this grant. While we are still in the formative stages for the PSA, the County would need to be the applicant for this grant.

All of the towns have agreed to utilize the same counsel for the submission to the State Corporation Commission for the expansion of the ESVA PSA. I have received all of the documents and am working to get this submission to the State Corporation Commission.

We have launched a page on our County website dedicated to the wastewater project. It is currently found under the County Administrator's webpage but a link will added to the homepage to access the Wastewater Project page.

Lastly, I have enclosed a press release from Hurt & Proffitt regarding changes to personnel.

Mr. Eldon James, wastewater consultant, updated the Board on the project and noted that they are now finalizing the draft PER which should be available tomorrow. He distributed a fact sheet entitled, "Why are the towns and county looking to build new wastewater treatment facilities"

which included the following answers:

*For economic opportunities in the towns;
For water quality on the sea and bay sides;
To protect the only source of drinking water;
For proper and affordable disposal of septage countywide;
To replace failing septic systems in the towns;
And state and federal funding sources are available now.*

He also distributed documentation showing timeline; i.e., funding sequence, decision points and project check points.

These materials are on file in the Office of the County Administrator.

Mr. Tankard and Mr. Murray asked several questions of Mr. James.

Following Board discussion, motion as made by Mr. Long, seconded by Mr. Randall, that the following resolution be adopted. All members were present and voted "yes," with the exception of Mr. Tankard who voted "no." The motion was passed. Said resolution as adopted is set forth below:

**NORTHAMPTON COUNTY RESOLUTION
AUTHORIZING THE APPLICATION FOR FUNDING FOR A
REGIONAL WASTEWATER SYSTEM**

WHEREAS, the Town of Cape Charles is currently constructing a new wastewater treatment plant, and;

WHEREAS, the Town of Cape Charles is working cooperatively with the Town of Cheriton and the County of Northampton to explore implementation of a regional wastewater system to serve both towns and the surrounding area of Northampton County; and

WHEREAS, the Towns of Cheriton and Cape Charles and the County have previously agreed to cooperatively accept a planning grant from the Virginia Department of Housing and Community Development to define the project area, seek public input and conduct a Preliminary Engineering Study and Report to evaluate alternatives and costs; and

WHEREAS, the County of Northampton actively participated in the Public Service Authority Reformation Exploratory Committee with the Towns of Cape Charles, Cheriton, Exmore and Nassawadox; and

WHEREAS, the Exploratory Committee recommended reforming the Public Service Authority Board to include representation from each of the Towns and the County; and

WHEREAS, the four Towns and the County adopted ordinances on June 28, 2010 approving joinder of the Towns to the Public Service Authority and revision of the Articles of Incorporation; and

WHEREAS, the County of Northampton has appointed its representative to serve on the Public Service Authority Board when reformation is completed; and

WHEREAS, the funding application deadline for the first of several potential grant opportunities is July 16, 2010; and

WHEREAS, the Preliminary Engineering Study and Report was recently begun for a project to serve the Towns of Cheriton and Cape Charles and the surrounding County area which will determine whether environmental, economic and rate affordability benefits can accrue; and

WHEREAS, it is anticipated that the second funding application will be submitted to the US Department of Agriculture for the project serving Nassawadox, including the hospital, and Exmore as soon as practical; now

THEREFORE BE IT RESOLVED that the County of Northampton authorizes the Project Management Team in consultation with the County's wastewater consultants to prepare a funding application to the Virginia Department of Environmental Quality by the deadline of July 16 based on the most cost effective alternative as identified in the Preliminary Engineering Study and Report; and

BE IT FURTHER RESOLVED that, until such time as the Public Service Authority Board reformation is complete, the County of Northampton authorizes the submission of an application to the Virginia Department of Environmental Quality for project funding support; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to sign the all required funding application documents for the most cost effective regional wastewater system project identified in the Preliminary Engineering Study and Report.

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Mr. Tankard commented that the "body of evidence is still incomplete" and that the materials provided were "too deficient to have a cost benefit analysis". He noted that he had reservations in asking the County's taxpayers for funding when "we hardly know what we want to do."

Mr. Murray commented that any funds received should be transferred to the PSA.

B. Construction Projects – Status Reports:

- 1.) County Administration Renovations: Bids were received on June 30, 2010. Unfortunately, all bids were in excess of the budget for this project.

County staff has met with our architect to review the details of the bid and the project to determine how we should alter our scope of work or specifications that would assist in lowering the cost of the project. DJG, Inc. will now revise the documents and plan of work to have this project be re-advertised on August 1, 2010. As part of the review process, I would like to convene a special meeting of the Board the week of July 26, 2010 to fully review the project scope as amended.

The Board agreed to meet on Tuesday, July 27, 2010, at 5:00 p.m. to hear the architect's presentation.

- 2.) Court Services/Probation Services Construction: PMA, Inc. is still working on the revisions to the scope of work for this project. I will provide you a new calendar for bid issuance at our next meeting.

C. Burn Ban – Board Ratification

In accordance with County Code §97.11, I issued a suspension of open burning for the County due to existing weather conditions that have increased the potential for open burning posing a threat to life or property. The effective date for the suspension of open burning is July 8, 2010 and in effect until conditions have improved; the ban exempted controlled burning operations in connection with tomato harvesting, campfires conducted in designated campgrounds or other camping facilities, and brush-pile burning conducted by the County at the sanitary landfill.. Under the Code, the Board will need to ratify the suspension of opening burning, as declared by my office.

Motion was made by Mr. Murray, seconded by Mr. Tankard, that the Board ratify the actions of the County Administrator in imposing an Open Burn Ban for Northampton County. All members were present and voted "yes." The motion was unanimously passed.

D. Culls Community Housing Rehabilitation CDBG Application

My office was notified on June 29, 2010 that our CDBG application for housing rehabilitation for the Culls Community was not awarded grant funds. DHCD had received 35 competitive grant proposals totaling \$29,520,284; they awarded 24 grants totaling \$12,486,990, with the threshold cut-off for awards for projects that scored between 639 points up to the maximum of 1,000 points. Our project just missed the cutoff with a score of 635. ANPDC staff is in contact with DHCD to see how we might approach funding this project, possibly through unused CDBG funds from other projects as well as how to improve our score for any future application submissions.

E. Tax Delinquent Properties:

The next auction for delinquent property is on Tuesday, July 13, 2010.

Update on prior issue: As you may recall, several months ago the Board heard from Ms. Jennifer Riddel concerning faulty title she had received through the purchase of one of the auctioned delinquent tax properties. I received confirmation from our tax attorney, Mr. James Elliott, that a Final Order had been issued from Circuit Court on June 4, 2010 that extinguished any and all claims from any potential heirs or successors to the property in question which clears up any faulty title on the property.

F. VA Department of Health Fees:

The Virginia Department of Health announced fee increases for sewage disposal and private well applications, effective July 1, 2010. In addition, annual permit application fees for restaurants and tourist establishments will also increase effective July 1, 2010. I have enclosed a copy of the new fee structure for your information.

II. MEETINGS

Government Reform Commission: Governor McDonnell's Commission on Government Reform and Restructuring has announced a series of six town hall forums to be held throughout the state. These forums are designed to receive ideas from the public and local officials on ways to improve state government operations. They are seeking input on four topic areas:

1. Government Simplification & Operations: Examine the government's agencies and organizations to identify duplicative or redundant activity, best practices and operational inefficiencies.
2. Intergovernmental Relations: Examine the relationships between state and local government, between state and federal government and between local, state and federal government to improve outcomes for citizens; evaluate if there are any ministerial, administrative measures that can be eliminated to ease burdens on localities without eliminating the Dillon Rule.
3. Customer Service, Performance, Accountability & Transparency: Examine the relationship between Virginia State government and its citizens and how to make it easier for them to interact with their government; examine government's disclosure of performance information to the public and whether that performance information fairly and accurately describes the benefits accruing to the public from government activities.
4. Consolidation of Shared Services & Enterprise Architecture: Examine how government can gain efficiencies of scale and achieve cost reductions through the consolidation of common systems.

The meeting for our region is on Monday, July 19, 2010 at 6:30 p.m. at the Sandler Performing Arts Center, 201 Market Street, Virginia Beach.

III. GRANT OPPORTUNITIES

IV. OTHER

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The County Administrator also provided the following memorandum relative to the School budget.

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: July 7, 2010
RE: FY10 School Budget

On Monday, July 6, 2010, I met with School Superintendent Rick Bowmaster, School Finance Director Brook Thomas, School Board Chairman Kristin Webb, School Board Member Mickey Merritt, Board Chairman Larry Trala, and Board Member Oliver Bennett to receive information from the school concerning the following: (1) their estimates as to how the FY10 school budget was ending and whether there would be any unused funds, detailed out between operating line items and personnel related lined items (payroll, benefits); (2) the projections on revenue for the FY10 budget; and (3) additional information related to their last transfer request that was approved in April as it relates to their most recent transfer request in June concerning funds for fuel that was not approved by the Board.

- (1) Unused funds for FY10: Please note that the written information on each sheet is an estimate of what will be remaining once the fiscal year is completely closed. Since we are on a modified accrual accounting basis, any work or service provided through June 30, 2010 or any materials or supplies ordered prior to June 30, 2010 will be billed to the FY10 budget. Ms. Thomas has taken that into account in the development of her written estimate between the available balance in the computer-generated report and outstanding bills and invoices that will need to be charged to the FY10 budget.

For non-payroll operating expenses, the school is estimating returning \$60,937. For payroll related items, the school is estimating returning \$364,950.

In terms of the payroll related items, \$222,841 was generated through the changes to the VRS system for the fourth quarter by the General Assembly as part of the state budget (Object Codes 2210 – VRS Retirement; 2400-Group Life Insurance; 2750 – Retiree Health Care Credit); \$52,621.64 was the result of budgeted but not utilized health insurance contributions; and the remaining \$89,487.21 resides in various salary/wage line items.

- (2) Revenue Projections to Estimates for FY10: The first column lists the original revenue projection when the budget was adopted; the second column lists the actual revenue received year-to-date; the third column has identified revenue anticipated but not received yet; and the fourth column details the difference between column one and the

totals of columns 2 and 3. If more revenue is anticipated or has been received than was originally projected, it is shown with parenthesis. Two items of note in the revenue projections: (a) The state did release additional State Sales Tax Receipts based upon higher than anticipated sales tax receipts – this was announced mid-June; and (b) the Medicaid Other State Funds is the result of funds owed from FY09 that were released this month to the school. The state has authorized certain funds to be carried forward (with Board approval) which is detailed in Superintendent’s Memo #122-10 (see attached).

- (3) In June 2010, the School requested to transfer certain funds among categories. While the Board approved some of those transfers, the Board did not approve the transfers related to the fuel account and did not fully fund the transfer request for other line items related to supplies. The Board requested additional information to understand the activity of the fuel account, especially the detail from the transfer request the Board approved in April 2010. The School supplied the paperwork that details the lines that funds were transferred from and the lines that received those transfers from the April request. The School stated that the transfers out of certain line items in April was done based upon incomplete information, such as for the vehicle fuel line.

We did discuss the Board’s FY11 Budget Appropriation Resolution and the impact to the School. I specifically stated that the Board did identify the categories that the remaining reduction was applied and indicated that the Board would be receptive to considering a transfer request specific to the reduction (\$477,888) to different categories through a detailed request from the School.

We discussed the removal of the “carryover” provision. I stated that without a greater understanding of the school’s financial position for the close of FY10 that I did not recommend that this provision be included in the budget adoption but had confirmed with counsel that it is an action that the Board could take during the coming months, especially once the financial information was determined through the FY10 audit. Since the Board concurred with my recommendation, the provision was removed and the Board indicated that they would entertain requests from the School on this matter once the unused school funds had been finalized. The School has indicated an intent to make a full request to the Board relative to the unused FY10 school funds, possibly in three components: 1) carryover of revenue per School Superintendent Memo #122-10; 2) funding of a Sick Leave Buyout Fund; and 3) funds for the Capital Fund. We did have a discussion about the means to fund a sick leave buyout fund and explained that policies needed to be enacted and enforced at the school board level, not at the Board of Supervisors level; however, any funds achieved through that policy would be appropriated by the Board of Supervisors.

Lastly, there was discussion about the best manner to communicate between our respective boards and the manner in which meetings should be conducted at the staff level. I believe that Chairman Trala will be speaking on this matter more fully with the Board.

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Mr. Tankard asked that the Board members develop a list of expectations for the School Board in an order to have the Board of Supervisors formalize the communications process and speak as one body. The Board agreed to do so and scheduled a meeting for August 2nd for this discussion in anticipation of meeting with the School Board at the end of August.

Mr. Long noted that he was “dismayed” because the Board of Supervisors had publicly requested the School Board on numerous occasions for year-end estimates only to find out that at least some of the School Board had that knowledge as early as April.

Mr. Randall reminded the Board to keep their comments in perspective; and that year-end estimates were only that....estimates.

Citizen Information Period:

(8) At this time, the following individuals were recognized through the Spirit of Northampton awards for outstanding public service commitment. Resolutions of appreciation are set out below:

THE SPIRIT OF NORTHAMPTON AWARD

WHEREAS, the Northampton County Board of Supervisors’ Personnel Policies contain provisions for the Spirit of Northampton Award, recognizing those County employees who have contributed, by deed or example, in unusually significant fashions; and

WHEREAS, Mrs. Jean Gibbs Spencer has been nominated by the Northampton County Electoral Board and the General Registrar for this Award; and

WHEREAS, Mrs. Spencer was appointed as an Officer of Election in 1989 and has served as an Officer of Election for 21 years; and

WHEREAS, since 1989, Northampton County has held 48 elections with the assistance and dedication of Mrs. Spencer and her long-term commitment to the electoral process and to community service excellence.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby approve this Spirit of Northampton Award for Mrs. Jean Gibbs Spencer and her valuable contributions to the County.

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THE SPIRIT OF NORTHAMPTON AWARD

WHEREAS, the Northampton County Board of Supervisors' Personnel Policies contain provisions for the Spirit of Northampton Award, recognizing those County employees who have contributed, by deed or example, in unusually significant fashions; and

WHEREAS, Mrs. Audrey Blevins Gregory has been nominated by the Northampton County Electoral Board and the General Registrar for this Award; and

WHEREAS, Mrs. Gregory was appointed as an Officer of Election in 1988 and has served as an Officer of Election for 23 years; and

WHEREAS, since 1988, Northampton County has held 51 elections with the assistance and dedication of Mrs. Gregory and her long-term commitment to the electoral process and to community service excellence.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby approve this Spirit of Northampton Award for Mrs. Audrey Blevins Gregory and her valuable contributions to the County.

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THE SPIRIT OF NORTHAMPTON AWARD

WHEREAS, the Northampton County Board of Supervisors' Personnel Policies contains provisions for the Spirit of Northampton Award, recognizing those County employees who have contributed, by deed or example, in an unusually significant fashion; and

WHEREAS, Mrs. Christine Hubbard Mayhew has been submitted by the Northampton County Electoral Board and the General Registrar; and

WHEREAS, Mrs. Mayhew was appointed as an Officer of Election in 1980 and has served as an Officer of Election, Chief Officer of Election and currently serves as an Assistant Chief Officer of Election; and

WHEREAS, since 1980, Northampton County has held 64 elections with the assistance and dedication of Mrs. Mayhew and her long-term commitment to the electoral process and to community service excellence.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby approve this Spirit of Northampton Award for Mrs. Christine Hubbard Mayhew and her valuable contributions to the County.

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THE SPIRIT OF NORTHAMPTON AWARD

WHEREAS, the Northampton County Board of Supervisors' Personnel Policies contain provisions for the Spirit of Northampton Award, recognizing those County employees who have contributed, by deed or example, in unusually significant fashions; and

WHEREAS, Mrs. Mary Bailey Morris has been nominated by the Northampton County Electoral Board and the General Registrar for this Award; and

WHEREAS, Mrs. Morris was appointed as an Officer of Election in 1985 and has served as an Officer of Election for 25 years; and

WHEREAS, since 1985, Northampton County has held 51 elections with the assistance and dedication of Mrs. Morris and her long-term commitment to the electoral process and to community service excellence.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby approve this Spirit of Northampton Award for Mrs. Mary Bailey Morris and her valuable contributions to the County.

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THE SPIRIT OF NORTHAMPTON AWARD

WHEREAS, the Northampton County Board of Supervisors' Personnel Policies contain provisions for the Spirit of Northampton Award, recognizing those County employees who have contributed, by deed or example, in unusually significant fashions; and

WHEREAS, Mrs. Elizabeth Collins Riley has been nominated by the

Northampton County Electoral Board and the General Registrar for this Award; and

WHEREAS, Mrs. Riley was appointed as an Officer of Election in 1985 and has served as an Officer of Election and later as an Assistant Chief Officer of Election for a total of 25 years; and

WHEREAS, since 1985, Northampton County has held 56 elections with the assistance and dedication of Mrs. Riley and her long-term commitment to the electoral process and to community service excellence.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby approve this Spirit of Northampton Award for Mrs. Elizabeth Collins Riley and her valuable contributions to the County.

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The Northampton County Electoral Board and General Registrar were also present and presented each of the ladies with Certificates of Appreciation as well.

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THE SPIRIT OF NORTHAMPTON AWARD

WHEREAS, the Northampton County Board of Supervisors' Personnel Policies contain provisions for the Spirit of Northampton Award, recognizing those County employees who have contributed, by deed or example, in unusually significant fashions; and

WHEREAS, Mrs. Sandra Savage has been nominated by the Northampton County Building Official for this Award; and

WHEREAS, Mrs. Savage was hired by the County as Permit Technician in December 2006 and has consistently displayed an upbeat and positive attitude; and

WHEREAS, Mrs. Savage consistently does excellent quality work, looks for ways to help others, is an example of dependability and reliability and serves as an example for her fellow employees.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby approve this Spirit of Northampton Award for Mrs. Sandra Savage and her valuable contributions to the County.

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Mr. Robert Richardson said that he was opposed to the offshore drilling of oil and urged the Board to also oppose this operation. He then noted that wind generation is clean and green and that we should be welcoming this industry into the community.

Mr. G. F. Hogg, Jr., made the following comments:

“I have noted that the Board of Supervisors has discussed the legal matter of Granville Hogg v. Board of Zoning Appeals. (CASE NO.CL10000050-00 Matter deals with BZA approval of the Ice Facility south of the Cape Charles light).

I note we are at a turning point. It is a matter of traffic safety v. approximately \$200.00 in Sales Tax revenue to Northampton County. A majority of the Board has indicated the median crossing south of the Cape Charles stoplight was problematic before this addition.

You have received the report from VDOT. The Northbound Lane (NBL) traffic is approximately 10 MPH faster than SBL traffic. According to the study over 50% of the traffic was traveling in excess of 55 MPH.

The traffic pattern at the property in question is not being utilized as the plan presented during the BZA hearing. In addition, this brings into question parking at the adjacent restaurant.

The question is not if there is going to be an accident – the question is who will be involved.

The BZA is not charged with public safety. The Board of Supervisors is. BZA is not accountable to me – **YOU are.**

The signal sent is the Board is not as concerned over safety of its citizens as it is the \$200.00 in additional tax revenue.

As Mr. Tankard pointed out earlier, “you may not want hear it but it is a fact”. **It is time for you to demonstrate the leadership needed in the county. Is the BZA making the decisions or is the Board?”**

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Public Hearings:

The Chairman called to order the following public hearing:

(9) 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

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 the application at the Northampton County Planning Commission meeting held on June 1, 2010, and,

WHEREAS, the Planning Commission on June 1, 2010, 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 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-A-A	4456	12.98
A. Stephen Boyer	14-13-H	1152	74.00
Total.....			323.58 acres

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.

Ms. Benson indicated that the AFD Advisory Committee and the Planning Commission

were recommending approval of this petition.

Mr. Robert Richardson said that everyone, including small farms, should have access to the AFD program. He contended that it was a discriminatory program with no off-setting revenue stream.

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

Mr. Tankard stated that he supported the AFD program and that the subject parcel was well buffered and protective of the environment.

Mr. Randall disagreed with including the parcel as some of it was pastureland.

Motion was made by Mr. Tankard, seconded by Mr. Murray that AN ORDINANCE TO RENEW AND AMEND AN ORDINANCE ENTITLED HAPPY UNION 90-01 AGRICULTURAL AND FORESTAL DISTRICT AND IMPOSING CERTAIN CONDITIONS THEREON be adopted as presented. Mr. Tankard, Mr. Murray and Mr. Long voted “yes”; Mr. Trala, Mr. Bennett and Mr. Randall voted “no.” The motion failed.

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

(10) Addition to Mason Farm AFD: The Judith F. Burger Trust dated January 8, 2008 has applied to add 52.86 acres of land located on Nassawadox Creek and Cedar Cottage Road and is described as Tax Map 20, double circle 3, parcel A.

AN ORDINANCE AMENDING
MASON FARM
AGRICULTURAL AND FORESTAL DISTRICT
AFD 09-05
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application for the creation of an Agricultural and Forestal District near Franktown was filed with the Northampton County Board of Supervisors on February 10, 2009 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 the application at the Northampton County Joint Local Planning Commission meeting held on June 1, 2010, and,

WHEREAS, the Planning Commission on June 1, 2010 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 amended, the "Agricultural and Forestal Districts Act."
2. There is hereby amended the "Mason Farm 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>
Hermitage Farms Land LLC	21 ((A)) 36	5652	95
	20 ((A)) 71	1467	101.5
	20 ((5)) A	11025	5
Margaret O. James	20 ((A)) 40	3311	79.02
Arthur Carter, Marsha Carter, Kobi Carter & Malaika Carter Barlow	20 ((A)) 31	232	16.5
	20 ((A)) 58	11032	2
	20 ((A)) 59	240	29.2
	20 ((A)) 59A	9253	2
	20 ((A)) 60	229	31
	20 ((A)) 61	9254	3
	20 ((A)) 62	230	6
Laura Nottingham, Spencer Nottingham, Laura Savage & Alfred Nottingham	20-A-29	4318	56.80
Michael & Patricia Rouke	20-A-41	6370	101.66
The Judith F. Burger Trust dated January 8, 2008	20-3-A	1864	52.86

Total.....605.54 acres

Provided, however:

- A. That all lands lying within fifteen (15) of the rights-of-way from S. R. 609 Franktown Road, S. R. 617 Bayford Road, S. R. 618 Bayside Road, S. R. 710 Hallidon Drive, and S. R. 616 Cedar Cottage 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 # J. 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. Land lying within the District shall not be subdivided during the period that such District exists, except that with the prior approval of the Board, lots of not less than one (1) acre each may be subdivided for the purpose of permitting the construction of a residence for use by an immediate family member of the owner of such land. In the event that such family lots become owned, leased or otherwise principally occupied by anyone other than an immediate family member, then such lot shall be immediately subject to rollback taxes, plus interest, for the period beginning with the date of subdivision of the lot. Further, land may be subdivided and sold for continued agricultural or forestal use by another.
- G. 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.
- H. No parcel of land with the District shall be rezoned to any residential, commercial or industrial classification during the period which said parcel remains within the District.
- I. Any use of land within the District, other than agricultural or forestal activities, shall require a special use permit. Except as provided for in Section 3. F. above, no special use permit shall be issued for such property except for agricultural and forestal activities not in conflict with the policies and purposes of the Act.
- J. 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 Sections 15.2-4314 and 58.1-3237 Rollback Taxes of the Virginia State Code as amended.

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

Ms. Sandra Benson indicated that the Planning Commission and AFD Advisory Committee were recommending approval.

Mr. Robert Richardson indicated that his earlier comments also applied to this petition.

Mr. Bob Meyers said that it was not in the Planning Commission's purview to address tax implications when reviewing AFD petitions. He reminded the Board that only portions of parcels currently under cultivation or forested would actually qualify for land use taxation.

Mrs. Ann Snyder said that the Comprehensive Plan supports agriculture and forestry and that such are economic resources forming the backbone of the County's economy. She confirmed that pastureland is not given the land use taxation status. She asked for the Board's favorable consideration.

Mr. Ralph Dodd, farmer, real estate agent and officer for Northampton County Farm Bureau, stated that he supported the AFD Program and re-iterated Mr. Steve Sturgis' comments referenced in the Planning & Zoning report on this matter.

Mr. Dave Kabler, real estate broker, said that he was "aghast" at the lack of support for the AFD program and that farmers need every break they can get. He said that the Comprehensive Plan calls for retention of agriculture and he supported approval of the application.

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

Mr. Long said that farms are a large part of the Shore's economy and the Board should not turn a "blind eye" to the rich history of the County.

Mr. Trala noted that while he supported agriculture, there would come a time when the County just could not afford the program any longer.

Motion was made by Mr. Long, seconded by Mr. Murray that AN ORDINANCE AMENDING MASON FARM AGRICULTURAL AND FORESTAL DISTRICT AFD 09-05 AND IMPOSING CERTAIN CONDITIONS THEREON be adopted as presented. All members were present and voted "yes," with the exceptions of Mr. Trala and Mr. Bennett who voted "no." The motion passed.

The Chairman called to order the following public hearing:

(11) **Zoning Text Amendment 10-06 NHCO:** Turner-Floyd Grain, LLC has filed to amend the Northampton County Code §154.142 Front Setback/Yard Regulations by adding a new subsection (I): *In an Existing Industrial District, the front setback shall be reduced to twenty-five (25) feet when structures are situated on a private road that does not convey and is not planned to convey through traffic.*

He asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission was recommending approval.

Mr. Robert Richardson said that setbacks represent adverse taking of property by the County. He recommended approval of the petition.

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

Motion was made by Mr. Murray, seconded by Mr. Bennett, that ZTA 10-06 NHCO be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

Chairman Trala called to order the next public hearing:

(12) **Zoning Text Amendment 10-07 NHCO:** The Northampton County Board of Supervisors proposes to amend the Northampton County Code by repealing §154.113

STANDARDS FOR SOLAR ENERGY FACILITIES; incorporating the definitions in §154.113 (B) into §154.003 DEFINITIONS; and deleting the reference to “Solar Energy Facility, Large Scale” in Appendix A, Use Regulations, Category 4.

He asked if there were any present desiring to speak.

Ms. Benson noted that the Planning Commission was recommending approval of this petition.

Mr. Robert Richardson said that he was confused between items #12 and #14. The County Administrator offered him an explanation.

Mr. Pat Coady said that the degree of regulation appears to be excessive for passive (small) solar installations. For large systems, the screening and setback limits/locations also appear to be excessive. He said that the overall tone of the requirements is very restrictive.

Mr. Joe Jordan of Lincoln Renewable believes that the existing special use permit process is more business-friendly rather than the floating zone method and listed several reasons why he thought so including management of all stormwater on-site; property owner’s rights; lack of clarify where noise level is measured.

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

In order to simplify the conversation, motion was made by Mr. Murray, seconded by Mr. Bennett that item #14 be taken off the table. All members were present and voted “yes.” The motion was unanimously passed. Said item #14 is set out below:

(14) Zoning Text Amendment 10-05 NHCO: The Northampton County Planning Commission proposes to amend the Northampton County Code Section 154.084 *Statements of Intent for Floating Zone Districts*, specifically subsection (B); and Section 154.175 *Floating Districts* and also to add a new Section 154.179 *Solar Energy District (SED)*.

Mr. Murray said that he recommended approval of both petitions and to direct the Planning Commission to review residential uses of solar facilities in keeping with public

comment.

Mr. Long said that he recommended sending both petitions back to the Planning Commission to address the noted concerns as outlined. Mr. Randall indicated that he agreed with Mr. Long.

Motion was made by Mr. Tankard, seconded by Mr. Murray that the Board approve ZTA 10-07 NHCO and ZTA 10-05 NHCO. Mr. Tankard and Mr. Murray voted “yes”; Mr. Trala, Mr. Bennett, Mr. Long and Mr. Randall voted “no.” The motion failed.

Motion was made by Mr. Long, seconded by Mr. Bennett that ZTA 10-07 NHCo and ZTA 10-05 NHCO be tabled and to have staff work on this matters based on public comment and, if possible, to bring these matters back to the Board at the work session. All members were present and voted “yes.” The motion was unanimously passed.

Chairman Trala called to order the final public hearing:

(13) **Special Use Permit 10-07:** William & Elizabeth Smith have applied for a special use permit to allow a private in-ground pool in the Custis Farms Agricultural and Forestal District. The property, containing 65 acres of land, is described as parcel 21 of Tax Map 16, double circle A, located at 5518 Seaside Road just north of Nassawadox.

He asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission was recommending approval.

The applicant, Ms. Smith, offered to answer any questions of the Board.

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

Motion was made by Mr. Long, seconded by Mr. Bennett that SUP 10-07 as petitioned by William and Elizabeth Smith be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

Tabled Items:

(14) Zoning Text Amendment 10-05 NHCO: The Northampton County Planning Commission proposes to amend the Northampton County Code Section 154.084 *Statements of Intent for Floating Zone Districts*, specifically subsection (B); and Section 154.175 *Floating Districts* and also to add a new Section 154.179 *Solar Energy District (SED)*.

This matter was heard earlier by the Board.

(6) Ten-Year Review of Bridgetown AFD: Bridgetown AFD is located along Cedar Farm Road (SR 695) extending along certain portions of the north and south side of Bayside Road (SR 618) to a portion of the west side of Johnstontown Road (SR 618).

AN ORDINANCE TO RENEW
AND AMEND AN ORDINANCE ENTITLED
BRIDGETOWN 89-01
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 May 15, 1989; 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 renewal of the application at the Northampton County Planning Commission meeting held on June 1, 2010 and,

WHEREAS, the Planning Commission on June 1, 2010, 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 amended, the "Agricultural and Forestal Districts Act."
2. There is hereby renewed the "Bridgetown Agricultural and Forestal District" hereinafter "District".
3. The District shall include the following parcels.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Mallery Knee Pittman	29-A-14	314	30.00
	30-16-A1	3673	26.00

Greg Etheridge	30-1-B	13537	43.02
John & Ann Snyder	30-A-2	11102	0.99
	30-2-B	7860	23.85
Henry Houston Smith	30-A-25	5969	90.97
	30-A-3	11103	44.00
	30-A-4	11104	45.00
Frank M. McCraw, III, Elizabeth Long, Ann Snyder	29-A-13	3730	31.00
	30-A-1	3731	60.00
BAR-RAB LLC	30-2-A	11410	49.18
	30-16-A2	15718	10.95
	30-3-1	3676	86.04
	30-3-2	3678	23.54
	30-3-3	3679	0.07

Total.....564.61 acres

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.

Motion was made by Mr. Murray, seconded by Mr. Long, that this matter be taken off the table. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Long, that AN ORDINANCE TO RENEW AND AMEND AN ORDINANCE ENTITLED BRIDGETOWN 89-01 AGRICULTURAL AND FORESTAL DISTRICT AND IMPOSING CERTAIN CONDITIONS THEREON be adopted as presented. All members were present and voted “yes.” The motion was unanimously passed.

(16) Ten-Year Review of Happy Union AFD: Happy Union AFD is located along the north and south sides of Happy Union Drive (SR 692) with additional acreage located across Nassawadox Creek along Johnson Point Lane and Creek Court.

AN ORDINANCE TO RENEW
AND AMEND
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

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 the application at the Northampton County Planning Commission meeting held on June 1, 2010, and,

WHEREAS, the Planning Commission on June 1, 2010, 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 amended, the "Agricultural and Forestal Districts Act."
2. There is hereby renewed 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-A-A	4456	12.98
Total.....			249.58 acres

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.

Motion was made by Mr. Murray, seconded by Mr. Tankard, that this matter be taken off the table. All members were present and voted “yes.” The motion was unanimously passed.

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

RENEW AND AMEND AN ORDINANCE ENTITLED HAPPY UNION 90-01
ARICULTURAL AND FORESTAL DISTRICT AND IMPOSING CERTAIN CONDITIONS
THEREON be adopted as presented. All members were present and voted “yes.” The motion
was unanimously passed.

Action Items

(17) A Resolution to Create a Finance Advisory Committee

It was suggested by Mr. Randall that this matter be tabled again. The Board concurred.

(18) Consider resolution re: emergency medical services ambulance grant

Motion was made by Mr. Murray, seconded by Mr. Long, 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 OF GOVERNING BODY OF
NORTHAMPTON COUNTY

The Board of Supervisors, governing Northampton County, consisting of six members, in a duly
called meeting held on the 13th day of July, 2010, at which a quorum was present, RESOLVED
as follows:

BE IT HEREBY RESOLVED, that in order to facilitate obtaining financial assistance from the
Unites State of America, acting by and through the Rural Utilities Service, an agency of the
United States Department of Agriculture, the County of Northampton does hereby adopt and
abide by the covenants contained in the following agreements:

1. Form RD-400-4, “Assurance Agreement”
2. Form RD-400-1, “Equal Opportunity Agreement”
3. Form RD-1940-1, “Request for Obligation of Funds”
4. Form RD-442-7, “Operating Budget”
5. Form 1910-11, “Applicant Certification”
6. Form AD-1047, “Certification Regarding the Debarment, Suspension and Other
Responsibility Matters – Primary Covered Transactions”
7. Form AD-1049, “Certification Regarding Drug-Free Workplace”
8. Form RD 3570-3, “Agreement for Administrative Requirements for Community Facility
Grants”
9. FmHA 1040-Q, “Exhibit A-1, Certification Regarding Lobbying”
10. Form RD 3570-3, Grant Agreement”

BE IT FURTHER RESOLVED that Katherine H. Nunez, County Administrator be authorized to execute, on behalf of Northampton County, the above documents and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-named documents, is hereby entered into the permanent minutes of the meetings of this Board.

* * * * *

(19) Consider award of bid for construction of District One (Cheapside) Waste Collection Site.

Motion was made by Mr. Randall, seconded by Mr. Bennett, that the bid for the construction of the Cheapside (District One) Waste Collection Center be awarded to Beauchamp Construction (low bidder) for a sum not to exceed \$349,217.00.00. All members were present and voted “yes.” The motion was unanimously passed.

(20) Consider award of bid for Indiantown Park Improvements.

Following discussion by the Board members who expressed their concern that there had only been one bid received and citing some previous concerns with Mr. Wagner’s performance at the transfer station, motion was made by Mr. Long, seconded by Mr. Murray, that the one bid received be rejected and that the engineer be directed to re-issue the bid based on changes to the scope of work as outlined in the proposed change order for the Indiantown Parks improvements project. All members were present and voted “yes.” The motion was unanimously passed.

(21) Consider request for speed study from Eastville Mayor Jim Sturgis on Willow Oak Road and Courthouse Road.

Motion was made by Mr. Murray, seconded by Mr. Randall, that the Board forward the request to the Virginia Department of Transportation for a speed study on Willow Oak Road and Courthouse Road as requested by Eastville Mayor Jim Sturgis. All members were present and

voted “yes.” The motion was unanimously passed.

(22) Consider amendment to Enterprise Zone Policy Statement

At the request of Mr. Tankard, the Board agreed to table consideration of this item until August.

(23) Consider appointment of ad-hoc committee to study hunting on county property

At the request of Mr. Tankard, the Board agreed to table consideration of this item until August.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Tankard, seconded by Mr. Long, that the Board adopt the proposed Planning & Zoning fee schedule, effective July 14, 2010, as herein presented. All members were present and voted “yes.” The motion was unanimously passed. Said fee schedule as adopted is set out below:

Planning & Zoning Fee Schedule – Proposed July 2010

Plat Review

1-9 Lot Subdivision	\$100 + \$10/lot
10+ Lot Subdivision	\$300 + \$10/lot
Family Subdivision	\$50 + \$10/lot
Vacation of Recorded Plat	\$25
Resubdivision	\$25
Physical/Boundary Survey	\$0

Engineered Site Plan/Plan of Development

Note: Fees are based on area of land disturbance

1 acre or less	\$1,515
1.1-2.0 acres	\$1,765
2.1-5.0 acres	\$2,265
5.1-10.0 acres	\$2,765
10.1-20.0 acres	\$4,265
Each additional 10 acres	\$2,265

Re-Review Fees

Re-Review fees are assessed when:

- 1) Significant changes in the manner of runoff is managed or the site grading is re-configured to change how stormwater quantity/quality treatment is provided
- 2) A project submittal is reviewed (2) times and remains out of compliance with any applicable regulations.
- 3) Revisions to an approved project require re-evaluation of the stormwater calculations.

1 acre or less	\$265
1.1-2.0 acres	\$390
2.1-5.0 acres	\$515
5.1-10.0 acres	\$640
10.1-20.0 acres	\$765
Each additional 10 acres	\$140

Single Family Plan of Development

Parcel w/ Resource Protection Area (requires full Erosion & Sediment Control Plan)	\$75
Parcel w/o Resource Protection Area (Agreement in Lieu of a Plan)	\$50

Zoning Requests

Zoning Map Amendment	\$500
Zoning Text Amendment	\$250
Special Use Permit - Minor	\$250
Special Use Permit – Major	\$400
Variance & Buffer Exceptions	\$300
Zoning Appeal	\$250
Administrative Buffer Waiver-if separate from Plan of Development	\$50
Administrative Buffer Waiver – if part of Plan of Development	\$0
Water Quality Impact Assessment – if separate from Plan of Development	\$50
Water Quality Impact Assessment – if part of Plan of Development	\$0

Zoning Requests (continued)

Photometric Plan – if separate from Plan of Development	\$50
Photometric Plan – if part of Plan of Development	\$0

Documents

Comprehensive Plan (color) – without Appendices	\$50
Comprehensive Plan (color) – with Appendices	\$100
Comprehensive Plan (black & White) – without Appendices	\$25
Comprehensive Plan (black & White) – with Appendices	\$50
Zoning Ordinance	\$15
Subdivision Ordinance	\$5

Other Fees

Wetland Application	\$300 + advertising fee
Sign Permit	
2 sq. ft. – 10 sq. ft. sign area	\$15 per sign
11 sq. ft. – 20 sq. ft. sign area	\$25 per sign
21 sq. ft. – 50 sq. ft. sign area	\$50 per sign

51 sq. ft. – 64 sq. ft. sign area	\$75 per sign
Greater than 65 sq. ft. sign area	\$100 per sign

Site Evaluation Fee – Other than Resource Protection Area components: \$25.00
Site Evaluation Fee – Resource Protection Area components (except Non-tidal Wetlands):
\$25 for every 100 linear feet or portion thereof; distance determined by
aerial photography on file or plat (Note: Non-tidal wetlands must be
delineated by a qualified consultant.)

After-the-fact Permits – Double the regular fee

Copying Fees

Regular Copy: \$0.50 per page

* * * * *

Mr. Long requested that staff be directed to go back and look at the Zoning Ordinance’s use charts to see if additional minor special use permit uses could instead be considered by-right.

Motion was made by Mr. Murray, seconded by Mr. Tankard, that Mr. Mickey Merritt be appointed to the Northampton County School Board as At-Large Member with a new term of office effective July 1, 2010. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Tankard, seconded by Mr. Randall, that Mrs. Traci Johnson be reappointed to the Chesapeake Bay Alcohol Safety Action Program for a four year term commencing July 1, 2010. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Murray provided an update on finding a temporary greenbox site for District Four. He noted that the Eastville Town Council will be asked if they would be agreeable to the placement of 2-3 cans adjacent to the County’s maintenance shop on Courthouse Road (in the vacant parking lot there). Input is not expected until August.

Recess:

Motion was made by Mr. Long, seconded by Mr. Tankard, that the Board recess until 5:00 p.m., Monday, July 26, 2010 in the auditorium of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, for the purpose of conducting the regular work session. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR