

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held at the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 11th day of August, 2015, at 4:00 p.m.

Present:

Richard L. Hubbard, Chairman

Oliver H. Bennett, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Larry LeMond

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Trala, 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, committees:

(Planning Commission, Social Services Board, Bay Consortium Workforce Investment Board)

(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.

Eastville Inn Proposal

Drummond 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 such counsel.

*Eastern Shore Public Library Grievance issue
Personnel Policy Items*

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

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

The Chairman read the following statement:

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

Board and Agency Presentations:

- (1) Nick Pascaretti, Executive Director, Eastern Shore Broadband Authority: Update on Broadband

Mr. Pascaretti updated the Board on the Authority’s efforts, and shared the following powerpoint presentation:




Who is the ESVBA?

- The ESVBA is the [Eastern Shore of Virginia Broadband Authority](#)
- The ESVBA is a Public Authority, which is made of five board members. The ESVBA was created by a Joint resolution of Accomack & Northampton Counties under the Virginia Wireless Act on April 17, 2008.
- The ESVBA is similar to a utility and owns, operates, and maintains an open access network.

ESVBA Grant Funding	
Accomack County	\$ 200,000
Northampton County	\$ 66,000
Total Planning Phase Funding	\$266,000
Backbone Construction	
EDA/DHCD Funding	\$4,509,800
NASA 2008	\$1,786,000
NASA 2009	\$2,000,000
Total Backbone Funding	\$8,295,800
Community Network Construction	
Town of Parksley	\$ 450,400
Town of Cape Charles	\$ 489,900
Town of Onancock	\$ 200,000
Town of Chincoteague	\$ 479,500
CDBG-R Grant	\$1,000,000
Total Community Funding	\$2,619,800
Total ESVBA Grant Funds	\$11,181,600

What has ESVBA Accomplished?

- Constructed approximately 300 route miles of fiber.
- Repaying Accomack and Northampton Counties the initial start up money they provided
- Funds its capital program (network extensions, equipment upgrades, etc.) internally with revenues from operations.
- Lowered pricing in 2014 and again in 2015



Current Product Offering

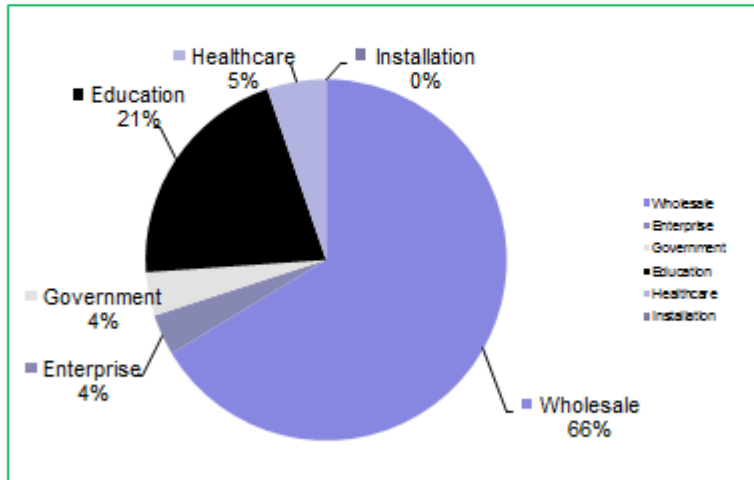
- Ethernet Transport (1Mb/s to 10,000 Mb/sec)
- SONET Transport (T1 to OC-192)
- Dedicated Internet (1Mb/s to 10,000 Mb/sec)
- WAN/MAN Networks



Some of ESVBA Customers


- NASA, Navy, & NOAA
- Northampton & Accomack Schools
- Virginia Beach City Public Schools
- Eastern Shore Rural Health
- Eastern Shore Community Services Board
- Northampton & Accomack Cty. Govt.
- Cellular Service Providers
- Riverside Healthcare Associates

Revenue by Sector as of 2-28-15

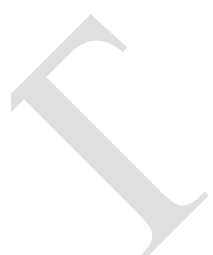



Wholesale Customers

- Local Service Providers
 - Chesapeake Bay Communications
 - Eastern Shore Communications
 - DNG Group
 - OnCall Telecom
- National Carriers
 - Cox
 - Windstream
 - Level 3.



Cost Management

- Not using “Turn-Key” Contract
 - Line Item Construction Contract & Procurement
 - In-house engineering, maintenance, & NOC
 - Use outside consultants to supplement ESVBA operations and to acquire knowledge
- 



Residential Broadband Incentives

- Broadband Initiative Program (BIP)
 - Available to Inc. Towns on ESVBA's network
 - Provide free & discounted services to towns
- WISP-EVPL Pricing Structure
 - Greatly reduces transport costs to towers
- Bloxom Tower- ESVBA will be installing a broadband tower
- Fiber extensions to new areas
- Potential Public Private Partnership

Questions?



**Bringing the power of
light to the Shore**



* * * * *

Supervisor Hogg asked what Northampton County needs to do in order to help provide broader service for the emergency medical services system. Mr. Pascaretti replied that he is working with the E-911 Commission for tower placement in southern Northampton County but also needs specifics for the best tower locations.

(2) Kerry Allison, Executive Director, Eastern Shore Tourism Commission: Update on tourism revenues generated on the Eastern Shore.

Ms. Allison distributed updated revenue estimates from the Virginia Tourism Corporation (Tourism Economic Metrics Cumulative 2009 to 2013), noting that the materials contained in the agenda packet did not include the Town of Chincoteague. In response to a question from Supervisor Bennett, she indicated that the Artisan and Oyster Trails have been designed to bring visitors to the County and to foster entrepreneurial opportunities. Mr. Hogg asked what could Northampton County do to better advertise its assets. Ms. Allison responded that while

signage and internet presence were important, there was also a need to re-do the Tourism Commission's Strategic Plan to connect all economic partners. When questioned about the outcome of the recent Tall Ships' event, it was noted that a summary report is typically received in the fall.

Consent Agenda:

- (3) Minutes of the meetings of July 14 and 27, 2015.
- (4) Consider approval of congratulatory letter to Ms. Susan Henry.
- (5) Consider adoption of "Constitution Week" proclamation.

PROCLAMATION

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2015, marks the two hundred twenty-eighth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America, designating September 13 through 19 as Constitution Week.

NOW, THEREFORE, I, Richard L. Hubbard, by virtue of the authority vested in me as Chairman of the County of Northampton, Virginia, do hereby proclaim September 17, 2015 as **CONSTITUTION DAY**, and the week of September 13 through 19 as **CONSTITUTION WEEK**,

And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the County of Northampton to be affixed this 11th day of August, of the year of our Lord two thousand and fifteen.

* * * * *

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the consent agenda be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

County Officials’ Reports:

(6) The following Budget Amendments and Appropriations were presented for the Board’s review:

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez, Interim Director of Finance
DATE: August 3, 2015
RE: Budget Amendments and Appropriations – FY 2015

Your approval is respectfully requested for the attached budget amendments and supplemental appropriations:

\$2,700.15 – This represents insurance claim reimbursements for the two remaining vehicles which were damaged during the 7/24/14 tornado (Sheriff’s Office and Animal Control). Please transfer these funds to the Sheriff’s Office Vehicle & Equipment Supplies line item (100-3102-55600).

\$38,250.00 - This represents a *correcting entry* for revenue received and booked as Tourism Infrastructure Grant (100.8108.52726) revenues in August 2014. These revenues should have been booked to the Tourism Fund itself (725.0044.48000).

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Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM:

TO: Board of Supervisors
FROM: Katherine H. Nunez, Interim Director of Finance
DATE: August 3, 2015
RE: Budget Amendments and Appropriations – FY 2016

Your approval is respectfully requested for the following budget amendments and supplemental appropriations as requested by the Northampton County Public Schools:

\$16,147.50 – This represents a budget appropriation increase to reflect a Project Graduation award received from the Virginia Department of Education and will be used to hold a Summer Academy to provide instructional remediation in SOL core content subject areas.

\$4,000.00 – This represents a budget appropriation increase to reflect a Pre-Kindergarten Camp Grant received from the Northampton County Education Foundation and will be used to hold a 6-week Summer Pre-K Camp at each elementary school to provide resources and supports to families and students with the goal of reducing or eliminating risk factors that lead to early academic failure.

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Motion was made by Mr. Bennett, seconded by Mr. Trala, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez, Interim Director of Finance
DATE: August 3, 2015
RE: Budget Amendments and Appropriations – FY 2016 - GRANT

Your approval is respectfully requested for the attached budget amendments and supplemental appropriations:

\$105,000.00 – This represents a FY 2015 grant which needs to be *carried forward* to FY 2016 from the Virginia Department of Emergency Management – Homeland Security, for the E-911 Commission’s Interoperable Communications Enhancement Project. No funds were received in FY 2015 when the Budget Amendment was initially approved by the Board (December 2014) and no expenditures have been made.

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Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez, Interim Director of Finance
DATE: August 3, 2015
RE: Budget Amendments and Appropriations – FY 2016

Your approval is respectfully requested for the attached budget amendments and supplemental appropriations:

\$14,890.00 – This represents funding contained within the FY 2015 budget which needs to be carried forward to FY 2016 and which will be used for the executive search for an Economic Development Director. Please transfer these funds to the County Administrator’s Professional Services line item (100.1201.50650).

\$14,710.00 - This represents funding contained within the FY 2015 budget which needs to be carried forward to FY 2016 and which will be used for the executive search for a Director of Finance. Please transfer these funds to the County Administrator’s Professional Services line item (100.1201.50650).

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Motion was made by Mr. Hogg, seconded by Mr. LeMond, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez, Interim Director of Finance
DATE: August 3, 2015
RE: Budget Amendments and Appropriations – FY 2016
– USDA GRANT OBLIGATION

Your approval is respectfully requested for the attached budget amendments and supplemental appropriations:

\$455,680.00 – This represents an administrative budget entry to document a decrease in the 2015-2016 School Operating Budget as per the direction of the Board of Supervisors relative to outright purchases of School Buses and Promethean Boards to partially satisfy the County’s obligation to USDA (rather than a lease-purchase of same). The Transportation Category will be reduced by \$297,886 and the Technology Category will be reduced by \$157,794

\$50,000.00 - This represents a transfer from Fund Balance to the Emergency Medical Services’ capital outlay vehicle line item (100.3205.58650) for funding needed to purchase a Quick Response Vehicle to partially satisfy the County’s obligation to USDA.

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Motion was made by Mr. Trala, seconded by Mr. LeMond, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

At approximately 6:20 p.m., the Board recessed for the supper break.

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

Mr. Bennett provided the Invocation.

The Board recited the Pledge of Allegiance.

Public Hearings:

Chairman Hubbard called the following public hearing to order:

(7) Special Use Permit 2015-10: Kiptopeke Villas, LLC has applied to operate a 200 square foot retail area inside of an approved restaurant. The use is identified as Other retail establishment, less than 2,500 sq. ft. (NCC 10/21/2009, Appendix A, Category 3: Commercial Uses, #72). The property containing 1.52 acres of land, is described as Tax Map 112, double circle A, parcel 69, is zoned H, Hamlet, and located in Kiptopeke.

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

Mr. Peter Stith, Long Range Planner, indicated that the Planning Commission was recommending approval of the petition.

It was noted that a letter had been received from Terry Ramsey indicating opposition to the project but if approved by the Board, that the Board consider a condition of the SUP that the applicant provide parking for recreational vehicles by paving the state right-of-way as shown on the site plan provided to the County dated March 19, 2015 and in doing so, adhere to VDOT requirements. Letters of opposition have been received from Charles J. Bruckner, Jr. and Kenneth Dufty. These letters were provided to the Planning Commission and are contained as information in the agenda packet.

The applicant, Mr. Angelo Manuel, said that the retail space will not affect any other aspect of the project and will provide a convenience for area guests. Arrangements have been made with nearby Chris' Bait & Tackle Shop for local product. He offered a letter of support from Mr. John R. Woolaver, III of Norfolk, which indicated that he was currently building a new home in Cape Charles and would like to see some retail stores close to his new home.

Mr. Charles Bruckner asked “what is the end game and what will this look like at the end”. He read aloud from his letter referenced in the above paragraph as follows:

“The proposal by the developer, Kiptopeke LLC to use 200 square feet of his restaurant for retail sales (Special Use Application 2015-10), is without question interesting; however, it begs the question: what is really in the plans for the triangular piece of property at the intersection of Arlington Road and Kiptopeke Drive? The developer presently has two approved Special Use Permits 2014-09 for three multi-family dwellings (four bedroom units) and 2015-02 for a 2500 square foot restaurant. I understand his desires for this retail service, but is he aware that the same types of items proposed for sale in his restaurant retail area are being sold in the Kiptopeke state Park store just down the street from his location, where there is ample parking for cars and trucks with boats and campers? Why would someone want to patronize a business that doesn't support the state park that they are using, while having a difficult time parking oversized vehicles on the street or in his parking lot? This is a legitimate safety concern and will further congest and erode the appearance of a residential area and the entrance to a beautiful state park.”

Ms. Debbie Campbell of Prettyman Circle asked if parking has been taken into consideration in light of the differences in parking requirements for diners vs. others.

Mr. Ken Dufty offered the following comments:

6182 Wardtown Road
Exmore, Virginia 23350

August 11, 2015

Northampton County Board of Supervisors
County Administrator Nunez
County Administrative Complex
Eastville, Virginia 23347

Re: Kiptopeke Villas, L.L.C. Special Use Permits 2015-10 and 2015-11

Northampton County Supervisors and County Administrative Nunez:

I am writing in regard to the above-captioned matter, specifically Kiptopeke Villas proposal to add retail space to their already approved Special Use Permit (SUP) for a restaurant on their 1.52 acre parcel near Kiptopeke and to site a food truck on the same parcel.

First let me say that as a lifelong small business person, I certainly do not oppose Mr. Manuel's plans or efforts to build a small apartment house, a restaurant with retail space, or to place a food truck on property he owns. Certainly Mr. Manuel's proposal to operate within the confines of conditions placed, or to be placed on his 4 Special Use Permits, is far more preferable than the plethora of invasive land uses that could potentially flood this county if the proposed new zoning ordinance is approved. This instant application gives the neighborhood residents a chance to air their concerns about the issues they have with this proposed project, thereby giving you the tools you need to ensure that Mr. Manuel's business interests are protected, while at the same time ensuring that the quality of life that this community has established and invested in is similarly respected.

However, there are a few additional comments that are worth making, and I appreciate the opportunity to do so tonight.

1. Precedent setting considerations

During the Northampton County Planning Commission's (PC) August meeting in which they deliberated the matter that is before you tonight, Commissioner Ward raised an interesting issue, and one that bears bringing forward. Mr. Ward informed his fellow Commissioners that the Supreme Court of the Commonwealth of Virginia had ruled that "when a land use permitted in one landowner is restricted to another similarly situated, the restriction is discriminatory... (and) constitutes a denial of equal protection of the laws." Citing Anton Scheffer v. City Council of Falls Church, Supreme Court record No. 090803.

Note that the approval of the 3rd and 4th Special Use Permits within a matter of months is, according to my research, absolutely unprecedented. But once you approve these two pending Special Use Permits without distinguishing them from any other generic multiple special use permits that might be sought on a similarly-zoned parcel, it may well very be possible that you will not be able to deny a use that may be more disruptive to the surrounding community than what Mr. Manuel is proposing here.

Therefore, in the interest of protecting residences from the approval of four special use permits from another developer on another similarly-zoned parcel, this Board could distinguish this approval from future cases by adding language to the approval that makes it clear that there are extraordinary circumstances that underlie this second, third and fourth "bite" of this land use approval applic.

Perhaps there are conditions that could be mutually agreed to by the BOS and Kiptopeke Villas, LLC that would distinguish this project and the pending multiple SUP approvals from future such attempts by other developers on another parcel.

The Court ruled in Scheffler that a local government can distinguish the approval of a land use consideration if the approval that is being used as precedent is differentiated from a generic application and based on "public health, safety, or welfare", and this language provides a protection from an argument that a future denial (if warranted) would not be overturned using the argument by a developer that he or she was being denied "equal protection under the law".

II. Demonstration that our current zoning ordinance is "business friendly"

The unprecedented approval of 4 Special Use Permits in a matter of months for different uses on the same parcel is proof positive that our existing zoning ordinance is not unfriendly to business, and merely needs flexibility applied, rather than being discarded.

III. Cumulative Impact Analysis

As many of you know, my work for nearly 9 years involved working for the county legislature on siting considerations and other environmental issues in our rural, agriculturally-based upstate New York county known as Rensselaer County. There we had to make our land use decisions within the margins of Article 8 of the New York State Environmental Conservation Law Article 8 (ECL Article 8) with regulations on these matters spelled out in Part 617.

Under that law, multiple approvals for a single site were impermissible and deemed "segmentation". The law evolved from miners who would purchase large tracts of land, and gain approval for their mining operation by asking for "small bite" individual permits for smaller tracts, sometimes as small as 10 acres. When that small parcel was for all intent and purposes stripped of its marketable resources, the mining company would again ask for another permit for another tract within the same land mass. The miner expected the impacts from each particular mining area to be reviewed separately and independently of the last. But the end result after several decades, the community around this mining parcel found itself living next to and around a massive pit, with the compounded dust, noise, and hydrologic impacts associated with a large industrial mine.

In this instant matter, it is incredibly important that you consider all of the impacts from the totality of the land uses in your deliberations. This is called a cumulative impact analysis.

For instance, each of the two Special Use Permits that you will consider tonight have additive impacts to the uses that you have already permitted on the site. A food truck will result in increased traffic and safety concerns. Addition of retail space in the restaurant

will result in increased traffic. When added to the additional activity from the 3-unit 4-bedroom apartment house on the same parcel, you need to take all of these individual uses together, and assess the impacts to the community from the combined projects

This is, indeed, a cumulative impact analysis. And while I am not saying that this approach will result in a denial of Mr. Manuel's application, it is possible that without such an analysis or a discussion of the combined impacts from all 4 Special Use Permits for this single parcel, it will again be precedent setting as mentioned above. Without such a consideration, future applicants wishing to submit multiple applications for multiple projects on a single parcel can point to this approval process and say "you didn't do it for him, and under the equal-protection tenet of the law, you cannot do it to me."

IV. Conclusion

As the saying goes, in this particular instance which is an application for a use that will in no way directly affect us over 20 miles to the north, we do not have a "dog in the fight" regarding local impact issues. However, what the BOS does or does not do on these pending applications could have a profound, precedent-setting implication on future land uses decisions and impacts to local neighborhoods throughout the county.

In closing, thank you for considering my thoughts on this matter. I trust that these comments are considered and received in the well intended manner in which they are submitted.

Sincerely,

Ken Duffy
(757) 442 7889



April 15, 2010

SUPREME COURT DECISION
ANTON SCHEFFER V. CITY COUNCIL
V. RECORD NO. 090803 FALLS CHURCH

for different treatment than others similarly situated."); see also Harris v. Zoning Comm'n, 788 A.2d 1239, 1258 (Conn. 2002) ("The thrust of the statutory requirement of uniformity is equal treatment."); Rumson Estates, Inc. v. Mayor & Council of the Borough of Fair Haven, 828 A.2d 317, 329-30 (N.J. 2003) ("Uniformity is not absolute and rational regulations based on different conditions within a zone are permissible so long as similarly situated property is treated the same."). As the drafters of the SSZEA noted, "The uniformity requirement is important, not so much for legal reasons as because it gives notice to property owners that there shall be no improper discriminations, but that all in the same class shall be treated alike." SSZEA §2, at 6 n.19; see also 1 Ustkin, supra, at § 6:25.

Moreover, we declared in Beff v. City Council of Charlottesville, 224 Va. 490, 495-97, 297 S.F.2d 810, 814 (1952) that the uniformity requirement "is in reality a statutory reaffirmation of the equal protection of the law guaranteed to all persons by the Fourteenth Amendment to the Constitution." Generally, under an equal protection analysis, "[w]hen a land use permitted to one landowner is restricted to another similarly situated, the restriction is discriminatory, and, is not substantially related to the public health,

safety, or welfare, constitutes a denial of equal protection of the laws." Rowe, 216 Va. at 140, 216 S.E.2d at 210.

With these principles in mind, we resolve the issue whether Ordinance 1799 violates Code § 15.2-2282 by examining the plain language of the statute. See Logan v. City Council, 275 Va. 483, 492, 659 S.E.2d 296, 301 (2008) ("We determine the General Assembly's intent from the words employed in the statutes."); City of Richmond v. Confere Club of Richmond, 239 Va. 77, 80, 307 S.E.2d 471, 473 (1990) ("Legislative intent is determined from the plain meaning of the words used."). Code § 15.2-2282 requires uniform zoning regulations "for each class or kind of buildings and uses throughout each district." (emphasis added). By its plain terms, the uniformity requirement applies only to those "buildings and uses" of the same "class or kind."

Schefer maintains that one-family dwellings are "buildings and uses" of the same "class or kind" and, therefore, the City must impose identical building height regulations on standard and substandard lots in the R1-B zoning district. We conclude, however, that this case is equally about two "kind[s]" of "uses" as contemplated by Code § 15.2-2282, that is residential use on standard lots and residential use on substandard lots. There is no dispute that the City uniformly applies its building height regulations for

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The following letter was read into the record from Mr. Terry Ramsey:

To: Northampton Board of Supervisors
From: Terry Ramsey (residence at 4192 Kiptopeke Drive)
Date: August 7, 2015
Subject: Special Use Permits (SUP) 2015-10 and 11 – Condition Needed to Ensure Parking Space for Recreational Vehicles

My key concern is Kiptopeke Villas is not required to provide safe and legal parking for recreational vehicles (including boat trailers). The applicant agreed to provide such parking for recreational vehicles in the April Board of Supervisors (BOS) meeting and displayed a site plan showing such parking. However, the special use permit (SUP) issued by the County for the restaurant does not require providing a parking area for recreational vehicles. VDOT does not require a business to provide parking. However parking on the VDOT right of way is only legal with VDOT permission.

I believe we will have an unsafe condition for the food truck to be operating with temporary facilities (e.g., power cords running to truck and no permanent rest rooms) in addition to inadequate parking. Also applicant will be allowed to operate during construction and I believe it is unsafe to attract the public to a food truck on a construction site. I object to the food truck after the restaurant is open as will look unsightly next to a nice restaurant building in a nice neighborhood. Also question why a food truck is needed and why all food and other retail cannot be sold in the restaurant.

I ask your support to include a condition for both SUPs to provide legal parking for recreational vehicles before any retail/restaurant/food truck business is open on the site. The site plan the applicant displays at the BOS and Planning Commission meetings shows a paved area for parking recreational vehicles. However the applicant has not agreed to pave the area for recreational vehicle parking before the food truck operates. While Kiptopeke Villas has an application into VDOT, it is only for removing the cement ovals and not to use the area to provide legal parking on the VDOT right of way. It begs the question why the applicant needs to remove the cement ovals if the applicant does not plan for patrons to park on Kiptopeke drive in front of the property. Parking on Kiptopeke drive is only legal with VDOT permission.

My point is simple. Ensure adequate, safe, legal parking for recreational vehicles by putting in writing and making binding the condition to provide the parking which the applicant shows on the site plan he displays. The current SUP and the SUP recommendation from the Planning Commission do not require the applicant to provide the parking for recreational vehicles shown on the displayed site plan. The need for adequate parking for recreational vehicles is as much for a food truck on a construction site as after the restaurant is open. In fact such parking may be more important during construction.

I have no objection to 200 square feet of retail within the restaurant, however the condition to pave the recreational vehicle parking area needs to be included in both SUPs before the BOS so that the requirement is tied to the restaurant which it currently is not.

Please add the following condition to both of the SUPs:

The applicant provide parking for recreational vehicles by paving the state right of way as shown on the site plan applicant provided to the County dated March 19, 2015, and in doing so adhere to VDOT requirements.

I thank you for your support and please let me know if there is any additional information I may provide.

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

Mr. Hogg questioned the difference between this special use permit application and a convenience store use. Mr. Manuel responded that he had no interest in competing with the state park and proposed to have only a few convenience items. Mr. Hogg said that he did not believe the proposed use is permitted within the Hamlet zoning.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Special Use Permit 2015-10 as petitioned by Kiptopeke Villas, LLC, be approved as presented. All members were present and voted "yes", with the exception of Mr. Hogg who voted "no". The motion was passed.

Chairman Hubbard called to order the following public hearing:

(8) Special Use Permit 2015-11: Kiptopeke Villas, LLC has applied to operate 2 Food Trucks not to exceed 200 square feet each and is identified in the Northampton Code as a Restaurant, including waterfront service, less than 2,500 sq. ft., no drive-thru service (NCC 10/21/2009, Appendix A, Category 3: Commercial Uses, #83). The property containing 1.52 acres of land, is described as Tax Map 112, double circle A, parcel 69, is zoned H, Hamlet, and located in Kiptopeke.

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

Mr. Peter Stith, Long Range Planner, indicated that the Planning Commission was recommending approval of the petition with the following conditions: (1) access and parking before and during construction of the restaurant shall be worked out with staff and the applicant during the zoning clearance process; (2) the food truck location will be within the building setback; (3) hours of operation will be the same as the restaurant; (4) limit the special use permit to 1 food truck; (5) access to the site will be in accordance with VDOT requirements; and (6) that the area adjacent to the bike lane be paved to accommodate large vehicles as shown on the site plan submitted by the applicant dated March 19, 2015. It was noted that this last condition will

not be imposed immediately but will be incorporated into the site development and construction of the restaurant.

It was noted that a letter had been received from Terry Ramsey indicating opposition to the project but if approved by the Board, that the Board consider a condition of the SUP that the applicant provide parking for recreational vehicles by paving the state right-of-way as shown on the site plan provided to the County dated March 19, 2015 and in doing so, adhere to VDOT requirements. Letters of opposition have been received from Charles J. Bruckner, Jr. and Kenneth Dufty. These materials were provided to the Planning Commission and are contained within the agenda packet.

Mr. Angelo Manuel, representing the applicant, said that he was prepared to modify his request to a single food truck. He said that once the restaurant is completed (anticipated to be April 2016), he would like to leave the food truck on-site to serve as overflow for the restaurant. The food truck would not interfere with landscaping, BMPs or other parking requirements.

Mr. Charles Bruckner read a portion of his letter referenced earlier as follows :

“With regard to the developer’s second Special Use Application 2015-11 for two 200 square foot food trucks during the construction of the restaurant to be later reduced to one food truck after the restaurant is in operation is again interesting, but totally out of character for this area. Please remember this area is primarily residential, the entrance to Kiptopeke State Park, and some beautiful agricultural land. Now the developer wants to bring in two food trucks, which are typically used in big cities where there is a high density population and insufficient food service facilities to accommodate the lunch-time customers. These are primarily mobile vehicles that meet a need each day and then are removed to prepare for the next day’s business. This is not the case with the applicant, and the food trucks will further congest an already busy and dangerous construction site with little or no infrastructure to support their business. Once again, the issue of parking for oversized vehicles will be difficult and more dangerous with the construction activities underway. Let me say, this is not a good business plan and not a way to generate additional tax revenue for Northampton County. It could only be described as a recipe for disaster.”

Ms. Kim Butler read a statement in which she questioned what would be the next revision and would it be rubber-stamped. She said that Pandora's box will be opened and new precedents will be set.

Mr. Bob Meyers asked if there were any operating ranges for the food trucks and whether they would be used only for this site or is outside travel allowed. He asked the Board to consider this as a condition if approval was granted.

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

Mr. LeMond said that he was concerned with the potential liability of the public entering an active construction site to patronize the food truck. Mr. Manuel said that the food truck area could be cordoned off and that the ultimate goal is to have the food truck on-site with the restaurant and would be hopeful that the truck would be allowed to move around to other sites as needed and as allowed by Health Department regulations.

Mr. Hogg questioned the definition of food truck vs. restaurant and noted that catering, one of the other possible uses of the food truck suggested by the applicant, was not allowed in a hamlet. Mr. Manuel disagreed with Mr. Hogg's interpretation of "catering", noting that the food would be prepared in the restaurant and then transported via the food truck. He then offered to limit the truck's presence only until the restaurant construction is commenced. Supervisor Hogg noted that he would like to see the petition sent back to the Planning Commission.

Motion was made by Mr. LeMond, seconded by Mr. Hubbard, that Special Use Permit 2015-11 as petitioned by Kiptopeke Villas, LLC, be denied. All members were present and voted "yes". The motion was unanimously passed.

Citizens' Information Period (only matters pertaining to County business or items on Board agenda for which a public hearing has not already been scheduled).

Mrs. Roberta Kellam stated that she was disappointed in the Board's action from last month relative to the information she had provided from Dr. Mike Chandler concerning PUDs.

Mr. Dave Kabler read the following letter:

“Thank you for the opportunity to address you tonight in regards to the proposed zoning ordinance. I am a real estate broker of 43 years, active here for the last 25, and my business is centered on attracting new investment to the Eastern Shore, mostly to Northampton County. Nearly every property transaction by my real estate office involves a purchase by folks new to the Shore who are considering relocating here either permanently or part-time. People like what they see here and invest hundreds of thousands of dollars in their new residence. Let me say that our customers and clients also like what they do not see here, especially a beautiful open countryside uncluttered by industrial chicken houses.

The Poultry Industry is expanding due to a growing world-wide market for chicken meat and it needs unspoiled areas for growth. The Accomack Planning Staff Report (see attached) presented to the Accomack Board of Supervisors states that Northampton County is targeted by the chicken industry for growth of new farms. Further, it also warns of citizen complaints as a result of a surge of new permits for chicken farms and houses. Lastly, it notes that each chicken house only generates \$1000. of annual real estate tax revenue.

Here I submit to you "Site Selection Factors for New Poultry Facilities," an industry guidelines document that discusses the many factors that must be considered, especially in regards to the location of chicken farms near homes. We can set high standards for regulation of this industry. We must regulate how many chicken houses that our county can support without the degradation of our environment, our standard of living, and the growth of our economy. Our core zoning standards will insure that the industry does not exceed our goals and expectations. Residential sales are known to falter in the proximity of chicken farms and chicken houses. The placement of chicken houses near residential areas, near flowing bodies of water, near commercial areas, near towns, churches and schools must be carefully considered and regulated. Not only must watersheds be considered, but windsheds must also be carefully evaluated to minimize citizen complaints about airborne pollutants. Any and all chicken houses should be screened from public view like the facility in Eastville.

What makes Northampton different from other rural counties is the lack of intensive chicken farms. Our careful regulation of the industry, especially as it may compare to Accomack's minimal regulation, will make our county stand out as a better choice for relocation. Take it from me, folks do not want to live in a place where there is the threat of chicken houses next door or even nearby. Regulations must create generous setbacks and screening, consider watersheds and windsheds, provide for suitable roads, adequate drainage of stormwater, and the storage and disposal of chicken litter. Our precious land bordered so closely with pristine waters deserves the best protections from this noxious industry.”

(The Planning Report from Accomack County as referenced above is on file in the Office of the

County Administrator.)

Mrs. Rebecca Geary, a former employee of the County, referenced a telephone call that she said had occurred sometime during the nine-months of her employment. The call came from Tyson and was directed to the former Economic Development Director Charles McSwain regarding possible business opportunities in the County. She said that she was very concerned about the possibility of intensive poultry operations in the County and urged the Board to keep the current setbacks in place.

Mr. A. J. Singh read the following letter:

“My name is A.J. Singh. I am the owner/operator of the Lankford Truck Plaza at 28412 Lankford Highway.

I have listened to the Audio recordings of your June 29, 2015, and July 27, 2015 meetings. I am in opposition to the rezoning of T.M. Parcel 112-A-14 and Parcel 112-A-16 for the reasons stated in Comment letter #124. Supervisor Hogg has reiterated my concerns to you and has informed you of additional information that was submitted for your consideration. Based on the recorded minutes and my further investigation, I find that you have been MISINFORMED on 2 or more occasions and I am requesting reconsideration.

You were informed of the existence of comment letter #124. I was directed to Chairman Hubbard in April 2015. A copy was not in the Board packet for your review. According to the County Administrator, all Board members received a copy of the 2015 letter as well as a copy of my previous letter of April 2014 and the citizen signed petition.

In review of the files in the Planning and Zoning Office and your current Board Information Packet for this meeting I find the following:

Document #124 has been re-numbered \$124 A and there is an additional document #124 B. “Request for Reconsideration” in your packet for this meeting. In addition, I learned that my first letter to Chairman LeMond and my second letter, April 2014, to Chairman LeMond that contained a petition with 110 signatures of persons within the District who were opposed to the rezoning were not in the file containing comments on the Proposed Zoning Ordinance. Therefore it leads me to believe the Board of Supervisors has neither seen #124B and the signed petition nor considered the WILL of the CITIZENS they were elected to represent. However Ms. Williams indicated you would receive a copy tonight.

You have been provided information on the history of TRAFFIC SAFETY ISSUES at the Lankford Truck Plaza and Cape Center. How there have been several fatalities at those locations and how there have been NO SIGNIFICANT TRAFFIC SAFETY ISSUES at those

OTHER REFUELING stations serving Tractor-Trailer traffic and vehicles pulling boats or mobile homes. It is evident, the common contributing TRAFFIC SAFETY factor is **direct access to a median crossing on U.S. 13**, whereas the extended length vehicular traffic utilizing the median crossing “BLOCKS” both lanes of north and south bound traffic.

There has been a significant increase in traffic since this project was reviewed 13 years ago.

You have been provided information on the LACK OF PROGRESS at the subject site and the failure of the parties to demonstrate “diligent pursuit” of the approved project.

The parcels are currently zoned AGRICULTURE and should continue to be zoned “AGRICULTURE” as “COMMERCIAL” zoning as Proposed for the subject parcels is inappropriate. My supervisor, area citizens and I have presented compelling evidence for “AGRICULTURAL” zoning. In addition, Supervisor Hogg has requested an opinion on “DILIGENT PURSUIT” from the Office of Attorney General to assist you in deliberation as to whether the parties have lost their “VESTED RIGHT” in their approved project.

In closing, I remind you it is the charge of the BOS to address Public Health, Safety, and Welfare of the citizens of this county. In my opinion Promoting such a Public Health and Safety hazard at this location is gross negligence on the part of county staff, any affiliated committees or commissions and the governing body.

I am requesting a written response from the Board members identifying the reason for their approval of “COMMERCIAL” zoning on the subject property.”

* * * * *

(It is noted for the record that the materials referenced in Mr. Singh’s comments above were provided to the Board of Supervisors in the packet of comments received following the March 2014 public hearing and are identified as comments #22 and #30, respectively.)

Mr. Andrew Barbour reported on a meeting that he had had with representatives of the poultry industry when he was a member of the Board some years ago. At that time it was determined that the costs far outweighed the benefits due in part to the distance from Northampton County to the Accomack processing plants.

Ms. Janet Sturgis asked why the County is trying to accommodate the chicken industry and said that not every agricultural endeavor is suited to our agricultural lands.

Mrs. Debbie Campbell, who noted that she was a former legislator, said that it was a lot harder to figure out the right thing to do and to think outside the box. She said that large

agricultural operations are not the way to do and offered to bring in professional resources to create good economic development.

Mrs. Mary Miller read the following comments:

“I speak tonight as a former Planning Commissioner.

I’d like to address the proposed Planned Unit Development Districts—PUDs—and how they even got into the rezoning document.

The Virginia Code requires that for a new District, you give reasonable consideration to “the trends of growth or change, the current and future requirements of the community”. I’m suggesting that this has not been done.

I’m aware that you, unlike the rest of us, don’t need to justify your rezoning. Based on the Code and the professional guidance you’ve received, you wouldn’t be able to justify the creation of a Planned Unit Development District, for any of the uses listed, anywhere in the county.

No justification for an Industrial PUD – You commissioned and paid for the Northampton County Competitive Assessment. When you read through it, right there, under recommendations for infrastructure: “No additional industrial parks are required...”

No justification for a Commercial PUD—We all sat here together a few weeks ago when a member of your own PSA, a Town Zoning Administrator, told you this: That even with highway frontage and sewer and water available, the Town was unable to attract even the lowest price chains, \$10 haircut shops or a Waffle House. Why? Because the traffic volume through the town, the highest in the county, wasn’t nearly enough to justify the chain’s investment.

No justification for a Residential PUD—You have the county Commissioner of the Revenue telling you this: That Northampton County has thousands of undeveloped residential building lots, and static sales of those parcels indicates no pressure for any additional residential lots. And yet, you’re not only proposing a new District with unrestricted density, you’ve also proposed massive increased housing density, around Towns and Waterfront Villages. That’s in addition to lots in the 5 Towns, 9 Villages, 28 Hamlets, and an uncounted hundreds of subdivision lots.

How do any of these examples fit “current trends and future county needs?” They don’t. So where did this PUD idea, come from? Where have you gotten the idea that unregulated Planned Unit Developments are what your people want?

Not from the messages you’ve received from the public---not from your own Competitiveness Report, not from the Commissioner of the Revenue’s office—not even from your own appointed CPAC survey—which told you, 3 years ago, two of the top things you need to do immediately—improve education and provide an emergency care facility.

A PUD puts another layer of bureaucracy in front of potential investors. And it also serves to sabotage the home and business investments of your taxpayers—the ones who have currently zoned property ready to develop. I request that you eliminate the PUD District—we don't need it, the community hasn't asked for it, and there is no way to justify it.”

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Dr. Art Schwarzschild compared the Board's most recent consensus draft of the proposed zoning ordinance amendments to a troublesome new car. He urged that the Board either keep the old zoning ordinance or get an entirely new one.

Mrs. Wendy Martin read the following comments:

“I'd like to submit the following remarks into the record together with my email to you of July 27th 2015 posing one question:

If you were to implement any amount of waste importation into the county for whatever purpose as proposed, how would it be monitored, by whom, and at what cost?

Many of us feel like a broken record after nearly 1 ½ years of repeated pleas to withdraw your rezoning proposal. While I defer to the facts & expertise provided you by your professionals and civic minded volunteers, a couple of thoughts have come to mind.

Is it time to redefine the term ‘farming’ which often seems to've morphed since the Virginia Right to Farm Act of 1981 into a corporate industry with elephantine equipment significantly reducing employment? Likewise there are few jobs in CAFOs. The Act as you may know triggered a loss of property rights to adjacent landowners.

Letting the factory farming corporate toe – declawed or not – in our door would likely take that a step further (witness Somerset Co MD's current zoning struggles) with the giant's increasingly expansive scale and resources, likewise a multiple blow to our fragile narrow county and her other industries as described since March 2014. The projected volume of chicken houses cited in Linda Cicoira's article (last Friday's ES Post p.2) to me indicates we'd soon ‘need’ a **processing plant** near or within our borders.

About 15 years after the Right to Farm Act the late Paul Bibbins, Sr., father of our renowned author-genealogist-historian Frances Bibbins Latimer, stood chatting alongside his fields. He was a gentleman farmer & dear friend of ours. With a sweeping gesture he conveyed his concern for Northampton's future to my husband and me: he predicted one corporate farm from end to end. That is what could happen if you bow to what is proposed. I sincerely believe we should respect this man's concern for there will be no turning back. With minimal formal education Paul Bibbins raised his twelve siblings. He and his wife Lillie sent their three children to college, and, although we haven't been able to follow all the grandchildren, one was valedictorian of her class at Princeton in their lifetimes.

Please turn your focus from rezoning to supporting our feeble infrastructure, our serious medical & educational needs and protect our diverse industries for a healthy economy.

Thank you for your time.

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Mr. Andy Teeling read several “future” news headlines which he maintained could be achieved by putting efforts towards education. He advised the Board to hire a public relations person to market the County’s assets.

Mr. Bob Meyers read the following comments:

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TO: Board of Supervisors, Northampton County, Virginia To Be Included In the Public Record for the August 11, 2015 Public Meeting

Last month Carl Nordstrom addressed you expressing severe disappointment that you, the Board of Supervisors have not acted on the pressing issues facing the County. I am going to expand on the substandard performance report he presented.

You have made little to no progress in addressing the major county-wide concerns expressed repeatedly by citizens, and community organizations. You have not even addressed the professional studies including the one you commissioned and paid for with our tax dollars. You have done nothing to replace the loss of local emergency services when the hospital moves from Nassawadox. You perpetuate deteriorating relationships with the towns. You preside over the huge void of a prepared workforce. Internet broadband is available in the County but you have done little to support extending its services to the majority of the county for businesses and to other areas where internet service is poor. You continue to refuse to address with solutions the declining enrollment in the public schools. The blindness you show to the stranglehold the lack of parental involvement has over the educational system is astounding.

Your County Staff without effective guidance has made excessive use of county Staff time and county resources on projects that had no buy-in from the community. The sewer projects, specifically your Southern Node pipe dream proposed by the PSA, have dragged on for years, with tens of thousands of county dollars spent on useless engineering for which you still have an open contract. And yet, when a citizen group exercised their initiative to break the \$600,000 USDA logjam that the Staff was incapable of doing, the Staff complained about their interference.

The proposed county rezoning has been ongoing for over two years and is still severely flawed. It also does not reflect the desires of the County residents and it continues to generate extensive community opposition. County Staff appears to pursue projects on their own, direct policy, set Agendas and create time lines. The series of expensive architects' plans generated for the Middle School by the Staff proceeded with no real strategy in place. The Economic Development department has not produced economic development to date and the Planning Department under it continues to spend a large amount of their energy on your rezoning proposal that has never been justified with any supporting data.

Information presented at the last meeting regarding industrial Confined Feeding Operations from a former employee, and now from Accomack, perpetuates the appearance of a lack of transparency between the county and special interest groups such as the poultry industry and real estate development interests. This seems to have resulted in very specific proposed changes in zoning density, lot coverage and land use which would greatly benefit only those industry sectors with total disregard for the residential community. You, as a Board, have permitted a top-down governing policy, shown by consistent refusal to provide opportunities

for public participation in forming government plans. The zoning proposal was based only on Board solicited sources, such as staff. Your ad hoc CPAC group was formed to undermine the Planning Commission that contained highly knowledgeable members with whom your desires clashed. It has ONLY been because of subsequent public pressure and community outrage that you have corrected some deficiencies.

The knowledgeable members of the Planning Commission have either not been reappointed or have resigned in disgust. That Commission is now dysfunctional. It has been staffed with those who have expressed openly in meetings that they are trying to provide the language the Board of Supervisors desires instead of using the Planning training they have received at a state level and for which our taxes have paid. Their recommendations are then passed to the Board of Supervisors who have no planning training and are then determining the land use and economic planning for the County. From a citizen's standpoint, you as a Board of Supervisors are a mirror image of the dysfunction of your own Planning Commission.

Finally, the public has paid for the extravagance in this building including an expensive audio system which you consistently neglect to use properly. The inability of the public to hear clearly what is being discussed at meetings has generated regular public remarks. Transcriptions of meetings have long, inderipherable gaps, caused by 2-3 people speaking at once, with side conversations muffling the speaker and Board members and the County attorneys still ignoring the microphones and speaking away from them.

Why have so many needs of the county residents not been addressed? Why has the county not moved forward aggressively to address the loss of an emergency medical facility? Why has the county not updated its website and started marketing the county's assets which your own Competitiveness Report advised you to do? Where are the workforce training opportunities the whole community knows we need? Why have you wasted so much of the citizen's time and not addressed the real priorities of the County even though there is one among you that continually tries to direct your attention to the real needs of the County?

As Mr. Carl Nordstrom stated succinctly at the last meeting, you have caused the loss of a tremendous amount of energy, expertise and staff time and -- wasted your time.

Gentlemen, you were elected to govern this county. It seems that you have lost control of the County government and the confidence of the citizens.

RH Meyers
7516 Prettyman Cir
Exmore, VA

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Mr. Ken Dufty said that no one wished the County ill-will, but that the proposed zoning amendments were the “poster child” for how not to govern. He urged the Board to keep the dialogue open.

E-mail correspondence from Ms. Martina Coker had been received and is submitted for the record as follows:

Comments for the Northampton County Board of Supervisors Meeting August 11, 2015
Martina Coker
Cape Charles, VA

I am unable to be present this evening but I would like my comments read into the record.

I remain concerned with the process by which you are proceeding with this proposed Rezoning. The process is not in compliance with the Code of VA and has the potential to be extremely detrimental to the financial health and wellbeing of the citizens of Northampton County. VA Code 15.2-2284 describes matters to be considered in the development of zoning ordinances and districts, including the future requirements of the community for land use and economic **and other studies**, transportation requirements of the community, requirements for schools, parks, playgrounds, recreational areas, amongst other issues. Mr. McSwain stated at a public hearing on March 11, 2014 that “We (the County) have limited studies on issues of that nature, however the planning process we went through for the past ten years gave us a lot of insight into those issues.”

Ironically, the proposed Zoning Ordinance is not supported by documented public input. The public overwhelmingly supports the protection and preservation of our community and natural resources, including our aquifer and surface water, the rural environment, and habitat.

Citizens also expressed concern about the loss of the hospital in our County and the resultant impact on emergency services. Enforcement of existing blight and litter ordinances is desired. High speed internet, accessible broadband, public transportation and the safety of Route 13 are all concerns of your citizens. This is public input based on the Public Input sessions held in 2012, and are similar to input upon which the current Comprehensive Plan and the related current Zoning ordinance is based.

The process utilized to develop this Rezoning has been incredibly chaotic and the changes proposed are not supported by public desire nor by data.

At the June 29, 2015 Board of Supervisor's meeting, Chairman Hubbard stated "If you currently have a house, I assume your intent was not to have a business next to you, like bait and tackle."

Many commercial uses that will adversely effect one's quality of life are proposed in this Rezoning, without adequate review of the impacts. This proposed Rezoning is so poorly thought through that basic protections that residents now enjoy are threatened by unintended consequences. Mr. McSwain acknowledged at the March 11, 2014 public hearing that the impact of the proposed changes on property values has not been analyzed. The majority of the County's revenue comes in the form of County Property taxes. How can you possibly go ahead with a document that has been patched and repatched over time and for which no analysis of the impacts on residential property values has been made?

A great deal of money has been wasted in staff time and the specter of legal challenges looms. You are threatening the primary source of the County's revenue with this document, along with the currently viable industries within the County. The success of tourism and aquaculture is well documented and both could be harmed by this rezoning. Towns are experiencing growth and desire to keep the Town Edge District the way it is now, to protect that growth. New businesses are starting at a healthy clip, as presented at a previous meeting, and new home starts and renovations are increasing. There has been no strategy presented that would indicate that this rezoning would provide more good paying jobs within the County, or help with other areas that need to be addressed such as medical care and broadband. Where is the rationale for this major overhaul??

It would be irresponsible for you to go forward with this rezoning document. Changes can be made to our current rezoning with Zoning Text amendments at any time, and some desired changes could have been made at least two years ago if staff had not asked Planning Commissioners Roberta Kellam and me to cease progress on a requested change and wait for this unnecessary overhaul.

Your constituents deserve a much more thought out and supported document than this unprofessional piece of work.

* * * * *

The following future meeting agenda was shared with the Board:

Work session/other meeting agendas:

- (i) 8/24/15: Work Session: Additional zoning ordinance amendments discussion and County Property Update
- (ii) 9/28/15: Work Session: Topic to be determined
- (iii) 10/26/15: Work Session: Topic to be determined

(9) The County Administrator's bi-monthly report was distributed to the Board as follows:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: August 7, 2015
RE: Bi-Monthly Report

I. Projects:

A. USDA Grant Obligation:

With approval by USDA of our scope of work to meet the obligation to USDA totaling \$599,734.80 as agreed by the Board at the June 30, 2015, we have been moving forward with meeting the requirements of this agreement. Procurement review of state contracts and/or cooperative purchasing contracts has been completed and approved by USDA for the purchase of the 2 school buses, the 34 Promethean Boards, the 15 Teacher Laptops, and the 2 Sheriff's Vehicles. Staff is still developing the procurement documents for the 2 generators for the elementary schools, the EMS Quick Response Vehicle, the CPR Instruction Kits for the School and the Sheriff's Vehicle Detailing Package (painting, radio install, etc.). Once those documents have been completed, they will be forwarded to USDA for their approval before we release them to obtain bid prices for those items.

The necessary budget amendments to appropriate the additional funds from the County's General Fund Unappropriated Fund Balance totaling \$433,607.42 as well as to remove the lease money that was included in the FY16 School Budget are included under the Finance Report for the 8-11-15 Board meeting.

B. 2016 Reassessment:

The Commissioner of Revenue's office is progressing on the 2016 Reassessment now that the new software (VISION) has been accepted and the staff is trained on the new software. However, we recognize now that meeting the deadline for completion of all work associated with the Reassessment most likely will not be met by December 31, 2015 so we would like to advance the request for a three month extension, as permitted by the Code of Virginia, Section 58.1-3257. I will be submitting the necessary correspondence to the Circuit Court requesting said extension. This extension does not impact the effective date of the Reassessment of January 1, 2016 but only provides us additional time for completion of that process, including all public notification and public hearings that are required as part of the Reassessment.

It was the consensus of the Board to request the three-month extension as allowed by the Code.

C. Willis Wharf Dredging Project:

Enclosed is a status report on the Willis Wharf Dredging Project prepared by Public Works Director Mike Thornes. We will not be dredging this fall as we anticipated due to several factors impacting us: 1) requirement of VMRC permit

that dredging only happen in September and October; 2) limited number of contractors for this type of work and their already committed schedule for this fall; and 3) finalizing the spoil site. We will move forward to lock down all elements of this project so that we will dredge next fall 2016.

D. Ad-Hoc Emergency Care Committee:

The Ad-Hoc Emergency Care Committee has been studying the characteristics of usage of county ambulances to determine if there can be some type of intervention to divert/prevent mis-use of the ambulance service and to reduce the “frequent flyer” usage. The assessment of the ambulance runs for the last 2 years indicates that there is a component of users to that service that are repeaters, at least two times or more (48% of runs were from this “repeater” category). The committee is proposing the development of a pilot program targeted at these “frequent flyers” and is requesting the Board to authorize the Ad-Hoc Emergency Care Committee to develop the parameters of this pilot program. The committee would be tasked with developing a budget along with recommendations for funding this program and develop draft agreements among the partners that would be needed to participate in this pilot program. Enclosed is a memorandum from Pat Coady, Chairman of this Committee, requesting Board approval to amend their charge.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the following resolution designating new charge for the Ad-Hoc Emergency Care Committee be adopted. All members were present and voted “yes.” The motion was unanimously passed.

RESOLUTION TO RE-AUTHORIZE THE AD-HOC COMMITTEE TO STUDY ALTERNATIVES TO PROVIDING EMERGENCY CARE IN NORTHAMPTON COUNTY

Whereas, Riverside Hospital Corporation of Newport News, VA has acquired Shore Memorial Hospital in Nassawadox, VA and renamed it as Riverside Shore Memorial Hospital; and

Whereas, Riverside Shore Memorial Hospital has obtained approval from the Virginia State Health Commissioner to construct a new hospital facility in Onley, VA and to close the hospital in Nassawadox, VA; and

Whereas, Riverside Shore Memorial Hospital has indicated that some services will remain in Nassawadox, VA but will not encompass the retention of the Emergency Room; and

Whereas, the relocation of the hospital, including the Emergency Room, will negatively impact the current delivery of emergency medical services in Northampton County; and

Whereas, the Northampton County Board of Supervisors wishes to explore all

alternatives to improve emergency medical services; and

Whereas, the Northampton County Board of Supervisors created an Ad-Hoc Committee to explore all options to provide emergency medical services to Northampton County including, but not limited to, the establishment of an emergency room, expand EMS Transport capabilities with associated staffing capabilities, and any other service offerings that could improve the provision of Emergency Care in Northampton County; and

Whereas, the Ad-Hoc Committee was composed of representation from the Board of Supervisors, representatives from the county that have experience and knowledge in the provision of medical services, financial experience and any other relevant areas; membership shall not exceed seven (7) members; and

Whereas, the Ad-Hoc Committee delivered a report to the Northampton County Board of Supervisors on February 11, 2014 which contained certain recommendations; and

Whereas, the Ad-Hoc Committee has previously been provided with five (5) charges; i.e., work tasks, under resolution from the Board on April 8, 2014.

NOW THEREFORE, BE IT RESOLVED, the Northampton County Board of Supervisors authorizes the Ad-Hoc Committee this new charge as follows:

6. Develop a twelve-month pilot program, known as the “EMS Utilization Intervention Program”, and to develop the framework with the medical partnership (EMS, Health District, Hospital, Rural Health, CSB, Social Services) agreements as well as funding support.

The committee will present interim reports as needed to the Board of Supervisors; a final report addressing each charge will be presented to the Board of Supervisors no later than December 31, 2015.

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E. Planning & Zoning Fee Schedule – Request for New Fee:

In discussions with legal counsel as we have been processing special use permits, we have noted that the approval of an SUP is reflected in a letter from the County Administrator’s office that contains the Board action (approval with any conditions and/or denial) which is placed in the applicant file and maintained within the County’s Planning Department files (either in the office or in the archived location for County files). Any approved SUP should be more readily accessible, especially as it relates to property and we have developed a document called SUP Agreement that can be filed with the Clerk of Court and then be more easily searched when property information is being researched. However, there is a filing fee in order to record this with the Clerk of Court of \$21. ***We are requesting the Board to add this filing fee of \$21 for SUPs to the Planning &***

Zoning Fee Schedule due at the time of filing said SUP application; said filing fee is refundable if the SUP is not approved.

Mr. Trala stated that he was not in favor of the additional fee.

Motion was made by Mr. Hogg, seconded by Mr. LeMond, that the Board approve the establishment of the new planning & zoning fee in the sum of \$21.00 as described above. All members were present and voted "yes," with the exception of Mr. Trala who voted "no." The motion was passed.

F. Planning Commission Recommendation on Agritourism

In a memorandum to the Planning Commission dated September 23, 2014, the Board tasked them with the responsibility of reviewing recently enacted state legislation as it relates to agritourism and developing a proposal to amend the zoning ordinance to incorporate agritourism in compliance with the state law.

Enclosed for your review is the Planning Commission completed recommendation. We will add this to your August 24, 2015 Work Session Agenda for discussion and a determination if you would like to send this to public hearing in cooperation with the Planning Commission to amend the zoning ordinance.

G. Update on House Bill 2 (HB2):

The General Assembly adopted HB2 which requires a data-driven scoring process for certain projects in the Six-Year Improvement Program for VDOT. VDOT has developed the process and applicable computer software and has been rolling out the training of the new software to all localities this summer. Janice Williams and I have gone through the training and I have registered on behalf of the locality as the Program Administrator. I have enclosed two documents from that training session: the Overview of HB2/HB1887 (which is the funding bill for transportation) and the HB2 Quick Guide. The deadline for submitting projects for this year's cycle is September 30, 2015. If we submit a project, it will be reviewed with all projects submitted in the region with decisions issued in late spring 2016. No project will commence until funding is available which is not until Fiscal Year 2017 through the General Assembly.

The new Cape Charles Access Road is already an approved project and does not have to be submitted through this process, according to our discussions with Residency Administrator Chris Isdell.

Mr. Hogg stated that he would like the Board to consider several possible projects:

- (1) Installation of a traffic light at the intersection of US Route 13 and SR 642 (Rittenhouse Lodge intersection)

- (2) Installation of a flashing signal at the intersection of US Route 13 and SR 646 (Townsend Drive)
- (3) Synchronization of the traffic light near the “blind curve” at Cheriton.
- (4) Feasibility study for the Food Lion intersection at Cape Charles. (This project will not be necessary if project #1 above is approved.)

It was the consensus of the Board to agree with the suggested projects.

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Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Trala, seconded by Mr. LeMond that Mr. John Williams be appointed to the Social Services Board, succeeding Mr. H. Spencer Murray. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. LeMond, seconded by Mr. Hogg, that Mr. Peter Stith and Dr. Art Schwarzschild be appointed to the Department of Environmental Quality Coastal Zone Management’s project team which is being formed to study elements, develop an RFP and select a qualified institution to conduct a study on the positive and negative impacts of land protection on the Eastern Shore. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hogg, seconded by Mr. Bennett, that Mr. Greg DeYoung be appointed to serve on the Ad-Hoc Emergency Care Committee, replacing Ms. Linda Ashby. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hogg that Dr. Art Schwarzschild be appointed to fill the At-Large vacancy on the Northampton County Planning Commission. There being no second, the motion failed.

With regard to comments heard at the last regular meeting relative to the staging of cargo freighters off of Cape Charles, it was the consensus of the Board that letters be sent to our

legislators relative to this concern.

(10) Mr. Hogg: Request for Attorney General Opinion

Mr. Hogg stated that this matter was discussed earlier and that he would be in contact with the County Attorney.

Recess

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the meeting be recessed until 5:00 p.m., Monday, August 24, 2015, in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, for the regular work session. All members were present and voted "yes." The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR