

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 10th day of August, 2010, at 4:00 p.m.

Present:

Laurence J. Trala, Chairman

Willie C. Randall, Vice Chairman

H. Spencer Murray

Oliver H. Bennett

Samuel J. Long, Jr.

Absent:

Richard Tankard

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.

Selma Farm

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

(D) Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by counsel.

All members were present with the exception of Mr. 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. 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.

Board and Agency Presentations:

(1) Dr. Rick Bowmaster, Division Superintendent, Northampton County Public Schools, provided the Board with a written report detailing summer projects being completed, summer programs, finance meeting with county and other information.

Mr. Murray distributed copies of a newspaper article in reference to “turn-around school” consultants.

At this time, Chairman Trala recognized Mr. Bill Taylor who addressed the Board noting that he had been a Northampton County school bus driver for 25 years. He said that there are 14 bus drivers who participate in the school’s health care insurance program. He distributed a copy

of his current contract and contended that he is a full-time employee because he receives 26 paychecks per year, working 4 hours per day. Being full-time also allows him to participate in the retirement system.

(2) Mr. Peter Stith, PDR Administrator, provided the annual status report for the Purchase of Development Rights Program and requested the reallocation of funds for the FY 2011 budget. Mr. Stith noted that the appropriation of the \$44,818.00 in funding would facilitate the purchase of the PDR easement selected as the 2009 program awardee (Nottingham). Following some discussion, it was the consensus of the Board to revisit the issue of FY 2011 funding for the PDR Program in 1-2 months when a clearer picture has emerged relative to transient occupancy revenues.

Motion was made by Mr. Long, seconded by Mr. Murray, that the PDR Committee be authorized to seek funding for the purchase of a conservation easement on the HSO Shore Land Trust property, known as Tax Map 28-A-12. All members were present except Mr. Tankard and voted "yes," with the exception of Mr. Bennett who voted "no." The motion was passed. Mr. Bennett indicated that he believed that the transient occupancy revenues, which provide funding for the PDR program, could be better utilized for other purposes.

(3) Mr. Pat Coady of the Eastern Shore Broadband Authority, provided a status report to the Board on this project noting that the first customer has been "turned on" (Riverside Shore Memorial Hospital through Cox Communications as carrier).

Consent Agenda:

(4) Minutes of the meetings of July 13, 26 and 27, 2010.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the minutes of the meetings of July 13, 26 and 27, 2010 be approved as presented. All members were present with

the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

County Officials’ Reports:

(5) Ms. Glenda Miller, Director of Finance, distributed the following Budget Amendment and Appropriation which stated in part,

“Included are requests to carry over grant funds from FY 10 for the COPS grant (\$15,650)(for wireless cards), the Highway Safety Speed enforcement grant (\$9,000), the Barrier Islands Center pass through grant (\$243,121), and the Virginia Port Authority grant for the Oyster Harbor project and match (\$34,265 and \$25,247 respectively).

“An additional amount for the USDA ambulance grant will be appropriated of \$15,794. This is an increase above the \$34,206 that was included in the adopted FY 11 budget. The CDBG Culls Project Grant budget will be amended to reflect the final award of \$25,000 for planning (an increase of \$10,000 over the original commitment). A new Byrne Law Enforcement grant will be appropriated for FY 11 in the amount of \$3,157 for police supplies.

“For FY 10, although total expenses are within the appropriations approved, expenses in the Utility Fund will be in excess of collected revenue and the budgeted contribution from the General Fund. An increase in the budget transfer is requested of \$20,000 to cover this gap due to the delay of acquisition of the Bayview accounts. The shortfall is expected to be approximately \$16,500 and only the necessary amount will be transferred, but the requested amount will allow flexibility for whatever amount is necessary after all audit accruals are posted.”

<u>Account Number</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
100-0035-45300	US Dept. of Justice COPS Grant	15650.00	
100-3102-58400	Machinery & Equipment	15650.00	
100-0035-45376	USDA Grant – Rural Assistance	15794.00	
100-3105-58650	Motor Vehicles & Equipment	15794.00	
230-0035-45400	CDBG Grant Proceeds	10000.00	
230-8410-57400	Project Administrative Expenses	10000.00	
100-3102-50050	Salaries & Wages, Part-Time	9000.00	
100-0035-45475	Highway Safety Grant Agreement	9000.00	
100-0035-45350	Byrne Justice Asst. Grant	3157.00	
100-3102-55950	Police Supplies – Other	3157.00	
100-0035-45450	VDOT – Barrier Island Center Grant	243121.00	
100-8102-52460	ES of VA Barrier Island Center	243121.00	
501-0044-48000	Transfer from General Fund	20,000.00	
501-0016-41510	Water Charges		10,000.00
501-0016-41515	Wastewater Charges		10,000.00
100-9600-57079	Transfer – Public Utilities Fund	20,000.00	
100-9900-59900	Contingency		20,000.00

100-0026-44150	Va. Port Authority Grant	34265.00
100-0045-49000	Appropriated Fund Balance	25247.00
100-7107-57850	Construction/Improvements	59512.00

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Motion was made by Mr. Murray, seconded by Mr. Long, that the budget amendments and appropriations be approved as set out above. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Ms. Miller then distributed a second Budget Amendment and Appropriation memo which stated in part,

“Following the adoption of the FY 11 budget, the school administration was informed of the approved budget and the list of suggested reductions that resulted in the categorical totals within their adopted operating budget totals. Attached is a letter from Brook Thomas, Director of Finance, requesting a transfer of \$94,600 into the Transportation category from Instruction, Admin, Attendance & Health, and Operations and Maintenance with accompanying documentation detailing the rationale for the request. The transfers will not result in any change to the approved local contribution.”

Excerpts from Ms. Thomas’ letter are set out below:

“Request 1: Transfer \$42,000 from Operations and \$8,400 from Instruction (totaling \$50,400) into Transportation to restore funding for benefits for currently enrolled PT bus drivers. Please see the attached memo regarding this benefit.

“Request 2: Transfer \$8,326 from Admin, Attendance & Health and \$1,674 (totaling \$10,000) into Pupil Transportation to restore funding for the bus lease payment, which is anticipated to be higher than previously projected (actual bus prices have now been received).

“Request 3: Transfer \$33,531 from Admin, Attendance & Health and \$669.00 from Instruction (totaling \$34,200) into Pupil Transportation to adjust for the correction of the local amount of bus lease funding.”

<u>Account Number</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
910-6000-56555	School Instruction Expenses		9,069.00
910-6100-56560	School Admin, Attendance & Health		41,857.00
910-6300-56580	School Operation & Maintenance		43,674.00
910-6200-56570	School Pupil Transportation	94,600.00	

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Motion was made by Mr. Randall, seconded by Mr. Murray, that the budget amendments and appropriations be approved as set out above. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed. Mr. Murray noted that the coverage of part-time staff is a long term liability and he hoped that the School Board realized that. School Board member Kristen Webb indicated that she believed the School Board would continue to pay the \$300 per month premium for the 14 bus drivers affected.

(6) Ms. Sandra Benson, Director of Planning, presented the Planning & Zoning departmental update including activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Town Edge Planning and Purchase of Development Rights Committee.

The Board recessed at 6:30 p.m. for a dinner break.

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

The Pledge of Allegiance was given.

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

- (i) 8/23/10: Work session –
Topic: Joint meeting w/ School Board
(budget, CIP, communication)
- (ii) 9/27/10: Work session – Topic to be announced
- (iii) 10/25/10: 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: August 5, 2010
RE: Bi-Monthly Update

I. PROJECTS:

A. Regional wastewater/water projects- Subcommittee Report:

The DEQ application for the Southern Node project (Cheriton & Cape Charles and surrounding county areas) was submitted on July 16, 2010. Survey efforts are still underway in all of the communities and efforts need to be focused in the surrounding county areas to reach those residents concerning this project.

The next meeting of the Project Management Team is Wednesday, August 18, 2010 @ 7:00 p.m.

B. Construction Projects – Status Reports:

- 1.) County Administration Renovations: Following the special Board meeting to review and revise the scope of the project, the advertisement for rebid of the County Admin Renovation was issued on August 8, 2010 with a bid response deadline of August 26, 2010.
- 2.) Court Services/Probation Services Construction: PMA, Inc. has almost finished with the revisions to the bid plans and specifications but is still waiting on final input from the mechanical and structural engineers on the documents.
- 3.) Cheapside Waste Collection Center Construction: Building permits have been pulled for the project, contractor is securing the VDOT permit for entrance access and site work is progressing.

C. Department of Housing & Community Development (DHCD) Pre-Application for Sustainable Community Challenge Grant

DHCD has approached the communities of the Eastern Shore to potentially partner with them on a pre-application for the U.S. Housing & Urban Development (HUD) Sustainable Community Challenge Grant. I have indicated our interest to participate with a focus on regional planning, land-use, economic development, and other components for the Cape Charles-Cheriton-Route 13 area with support from those two communities. In addition, ANPDC has indicated that an update of the Shore's Housing Plan would also be a good project to pursue through this grant opportunity. The pre-application deadline was July 26 with final applications due by August 23, 2010.

II. MEETINGS

State-Wide Town Hall Tour by Governor McDonnell: Governor McDonnell is holding 8 town hall meetings throughout the Commonwealth titled "Virginia

Speaks: A Conversation about Jobs, Government Reform and Our Future”. Our regional meeting is on Monday, August 9, 2010 @ 7:00 p.m. – 8:30 p.m. at Old Dominion University, Webb University Center – Hampton/Newport News Room, 4201 Hampton Boulevard, Norfolk.

III. GRANT OPPORTUNITIES

IV. OTHER

Northampton County Business Named as Finalist in Tayloe Murphy Resilience Awards Competition

Quail Cove Farms in Machipongo has been selected as a finalist in the Tayloe Murphy Resilience Awards Competition which is sponsored by the Tayloe Murphy Center at the University of Virginia’s Darden School of Business. This statewide competition is designed to spotlight successful businesses located in the state’s most economically challenged communities.

The owners of Quail Cove Farms, Bill and Elaine Jardine, are committed to Northampton County and the Eastern Shore. Quail Cove Farms, an organic and natural food business, has a certified organic farm whose produce is delivered directly to consumers and is distributed through grocery stores. The label on their bottled spring water says, “Growers of Virginia’s finest Organic Sweet Potatoes on historical Whitehall Farm. Our famous sweet potatoes are grown organically using cover crops, pure rain, water and sunshine.”

It was the consensus of the Board to send a congratulatory letter to Quail Cove Farm in recognition of its selection as finalist.

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Citizen Information Period:

Mr. Robert C. Richardson of Seaview reiterated earlier comments in reference to the need for clean, green businesses in the County. He also encouraged the Board to have “town hall” style meetings with their constituents.

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

“I have two items that I want to bring to your attention.

Based upon the recent opening of Walmart, I am requesting the appropriate staff person advise the public on Sales Tax receipts as it relates to prior years. If revenue is down from Sales Tax then there will need to be an increase somewhere to offset the shortfall, most likely real estate.

The next item is Traffic Safety. This issue will come full circle and relate to Sales Tax.

- VDOT indicated BOS would have correspondence on suggestions to remediate the traffic safety issue at the Food Lion/Shore Bank Median Crossing at Cape Charles. I am not aware of any correspondence. (Ms. Nunez indicated she had received correspondence from Mike Corwin, VDOT, that day.)
- Board of Supervisors has not indicated support in requesting review of the BZA decision.
- It appears there has been no desire to review the actual traffic use of the area in question v. how the traffic flow plan was presented to BZA and VDOT.
- It appears VDOT is not interested in processing the encroachments into the right of way.
- Based on actions to date VDOT has no interest in doing anything.
- I have commented previously, there is no increase in ice sales only a redistribution of sales. In addition to creating a traffic hazard, lack of action by Board of Supervisors has reduced Sales Tax revenue for ice sales by Approx 50% and taken away jobs restacking ice.

For a county that needs revenue, it appears that we continue to ‘shoot ourselves in the foot’.”

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Tabled Items:

(8) 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)*.

(9) 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.

In order to simplify the conversation, motion was made by Mr. Murray, seconded by Mr. Bennett that items #8 and #9 be taken off the table. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

The Board heard comments and recommendations from Ms. Sandra Benson as set out below:

TO: Northampton County Board of Supervisors

FROM: Sandra G. Benson, AICP
Director of Planning & Zoning

SUBJECT: Zoning Text Amendments 10-05 & 10-07

DATE: August 5, 2010

Pursuant to your direction as outlined in Katie Nunez' memo dated July 16, 2010, I have reviewed the July 7, 2010, letter from Lincoln Renewable Energy, LLC captioned "Solar Energy District (SED) Proposal" and also comments from Mr. Patrick Coady made during your July 13, 2010, public hearing on Zoning Text Amendment 10-07. Lincoln's letter pertains to Zoning Text Amendment 10-05, which was the subject of public hearings on May 4 and 11, 2010. The points in their letter are addressed below, and Mr. Coady's comments were considered in the recommendations formulated.

1. ***Four feet minimum height requirement of panels above finished grade.*** Lincoln asserts that compliance with this requirement would require extensive use of concrete footers that would reduce permeability. I have discussed this with Building Official Mark Cline, who indicated that based on the information we have at our disposal, the use of concrete footers would not be a requirement of the building code but would appear to be the choice of the applicant. The draft includes a requirement that the area underneath the panels be vegetated [§154.179 (A) (2) (b)]. Concrete footers, depending on how they are designed, will have varying impacts on the permeability of the ground on the site. This would potentially impact the type of stormwater management measure employed on the site.

This requirement is intended to minimize shading beneath the panels and maximize the amount of vegetation on the site. It is staff's recommendation that this provision stand as drafted.

2. ***No protection of current landowner's use of the property.*** Lincoln correctly asserts that the rezoning accomplished by approval of a Solar Energy District would change the available uses of the land. It should be noted that in all instances, rezoning of an entire parcel to SED may not be required, depending upon the size of the parcel and the acreage required for the solar project. Nevertheless, staff recommends insertion of language that permits continuation of the uses Northampton County Board of Supervisors allowed by the original district regulations (Agriculture/Rural Business or Existing Industrial) and exempting those uses from the performance standards specific to a SED as set forth in §154.179 (A) (2). The proposed revisions read as follows; please note that as set forth below, text highlighted in yellow represents the Planning Commission's May 20, 2010, recommendations, and text highlighted in blue represents the staff recommendation as described herein.

(A) *Intent of uses permitted in a SED:* It is the intent of Northampton County that the Solar Energy District be used solely for generation of solar power to be connected directly to the electrical public utility grid. It is not expected to generate heavy traffic and/or noise during operation. All such uses shall be subject to approval by the Board of Supervisors through a rezoning application with a plan of development. Any uses planned as

accessory uses to the principal uses shall be subject to approval by the Board of Supervisors as part of the rezoning. If the solar power system is not built to completion within 2 years after the SED is created, becomes unused, abandoned or vacated for more than twelve (12) consecutive months, the Board of Supervisors shall initiate a rezoning process to eliminate the SED at that location.

(1) Uses permitted in SED.

(a) The following uses shall be permitted by right in SED Floating Zones, and subject to the SED approval by the Board of Supervisors:

(i) Generation of solar electrical power using photovoltaic panels.

(ii) Facilities to maintain, operate, manage and transmit that power to the local electric public utility grid.

(b) The uses allowed by the district in which the parcel(s) is(are) located prior to rezoning to SED may be continued in accordance with all applicable regulations set forth in this Chapter or elsewhere in the Northampton County Code. Such uses are exempted from the *Performance Standards within SED* in section (2) below.

3. **Management of all storm water on site.** Lincoln correctly points out an inconsistency in the draft as modified by the Planning Commission on May 20, 2010. Accordingly, the pertinent section should read as follows:

(g) The following requirements shall govern the landscaping surrounding an SED:

1. A vegetated buffer is required that consists of a landscaped strip at least fifty (50) feet wide measured from each boundary line of the SED around the entire perimeter of the SED. Any fencing must be installed on the interior of the buffer. A recommendation that the screening and / or buffer creation requirements be waived may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. ~~Storm water must still be contained within the SED or recycled for land use even if relief is granted for buffer and/or screening reduction.~~

4. **Lack of clarity around noise requirements for facility.** Staff concurs that it is not clear where the noise measurements would be taken. Upon further review, it appears that it is also unclear as to whether this is an operational standard that is distinct from a standard that also includes construction. Following is the recommended amendment:

(h) Noise generated by the facility shall be limited to 50 DBA ~~above ambient levels~~ as measured at the property line except when a back-up generator is needed for maintenance. ~~Construction on the site is exempt from this standard.~~

5. **Lack of clarity on maximum size of SED.** It is staff's opinion that §154.175 (J) is clear that the maximum initial acreage for establishment of an SED is 220 acres and that there is no restriction on the acreage that may be added after the initial district is established. Paragraph (1)

in section (J) indicates that the minimum and maximum set forth in that paragraph pertain to the initial floating district, which paragraph (2) refers to enlargement. No revision is recommended.

6. ***Lack of clarity on how community planning language applies to SED.*** The proposed SED is included in §154.175 of the zoning code since that section, entitled “Floating Districts,” is intended to set out the purposes and general provisions for all the floating districts included in the zoning code. The SED, once created in accordance with the specific applicable requirements in §154.175 (D) and (J), will be implemented according to the new §154.179. It is staff’s opinion that the specific standards in §154.179 serve to advance the *General Provisions Regarding Floating Districts* set out in §154.175 (E). Accordingly, no revision is recommended.

The Planning Commission’s continued deliberations over regulations for solar energy facilities and the associated ongoing research highlighted flaws in the language adopted in §154.113 now proposed to be repealed. If the Board wishes to go forward with a special use permit process rather than the floating district approach, it is staff’s opinion that additional performance standards, in addition to a resolution of the lot coverage issue under this process, would need to be developed to adequately protect natural resources as well as other properties against unknown and unintended consequences of utility-scale solar development.

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Following discussion by the Board, it was the consensus to change “50 DBA” to “60 DBA” in keeping with levels contained in the County’s existing noise ordinance.

Motion was made by Mr. Long, seconded by Mr. Murray, that the Board approve Zoning Text Amendment 10-07 and also approve Zoning Text Amendment 10-05 as recommended by the Planning Commission dated May 20, 2010, and to further approve the amendments/alterations to ZTA 10-05 as outlined in the August 5, 2010 memorandum from the Director of Planning Sandra Benson, and to further amend this August 5, 2010 memo on page three (3), item (h), by changing “50 DBA” to “60 DBA”. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Action Items

(10) A Resolution to Create a Finance Advisory Committee

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

(11) Consider amendment to Enterprise Zone Policy Statement

In the absence of Mr. Tankard, the Board agreed to table consideration of this item.

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

In the absence of Mr. Tankard, the Board agreed to table consideration of this item.

(13) Consider action on delinquent tax auction of July 13, 2010

Motion was made by Mr. Murray, seconded by Mr. Long, that the Board accept all bids received at the delinquent tax auction of July 13, 2010. All members were present with the exception of Mr. Tankard and voted “yes,” with the exception of Mr. Bennett who abstained due to his participation in this auction event. The motion was passed.

(14) Consider approval of the Eastern Shore Community Services Board’s Performance Contract for FY 2011.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the Board approve the Eastern Shore Community Services Board’s Performance Contract for FY 2011. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

(15) Consider approval of request from J. P. Robbins, Jr., for relocation of home sites into farmland currently contained in an agricultural-forestal district as a result of bayside erosion.

Sheriff Robbins was in attendance and asked for the Board’s favorable consideration of his request for the movement of the three cottages due to severe Bay erosion. He noted that ten feet had been lost in the October 2009 storm and another forty feet in November. Motion was made by Mr. Murray, seconded by Mr. Bennett that the Board approve Mr. Robbins’ request. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

(16) Consider amendment to the Board Member Manual, changing the location of Board work sessions from the auditorium to conference room #2 of the former Northampton Middle

School, Machipongo, Virginia.

Motion was made by Mr. Long, seconded by Mr. Murray that the Board Member Manual be amended to reflect a change in meeting location for the Board work sessions from the auditorium of the former Northampton Middle School to conference room #2 in that building. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

(17) Mr. Randall: Refer Zoning Ordinance Text Amendment to Planning Commission

Mr. Randall read the following statement:

“Since the adoption of our County’s Zoning Ordinance in 2009, a number of changes and modifications have been made to it – all keeping with the “tweaking” that was expected to be needed in the months and years after its adoption, given that the Zoning Ordinance is a living document.

“In looking at the Use Chart at Appendix A of the Zoning Ordinance, it appears that many uses we may need in order to facilitate redevelopment were not anticipated, and therefore, not included as a matter of right or by a special use permit process.

“I have reviewed the proposed plans for the redevelopment of the Oyster waterfront commercial area and find that the uses permitted in that district are not complementary to redevelopment. In order to encourage redevelopment generally in the waterfront commercial district and in the village of Oyster specifically, I would like to propose the following text changes to the Zoning Ordinance and direct these changes to our Planning Commission for their review, consideration, and recommendation by September 15, 2010. (Sec. 15.2-2285 B. of the Code of Virginia, referring to 100 days or shorter period of time for recommendation/report upon amendment being referred to Commission as prescribed by the Board of Supervisors.)”

The County Administrator indicated that the Code actually allows the Planning Commission a longer time frame to return their recommendation to the Board and suggested October 6th as the deadline for the Planning Commission’s review and recommendation. The Board concurred with the new date.

Motion was made by Mr. Randall, seconded by Mr. Murray that the Board direct that the

Planning Commission review and consider the attached text amendment which contains a list of changes to the Waterfront Commercial District and provide a recommendation back to the Board not later than October 6, 2010. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed. (Said proposed text amendment language is set out below:)

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

Category 3 Commercial Uses

In Waterfront Village/WC:

- | | | | |
|---|---|----|---|
| 8. Art Studio, up to 2,500 sq. ft. | - | to | R |
| 9. Art Studio, over 2,500 sq.ft. up to 5,000 sq. ft. | - | to | R |
| 10. Artisan Studio, up to 2, 500 sq. ft. | - | to | R |
| 11. Artisan Studio, greater than 2,500 sq. ft. to 5,000 sq. ft. | - | to | R |
| 30. Conference/Retreat Center, up to 10 guest rooms, with
Accessory goods/services | - | to | R |
| 31. Conference/Retreat Center, 11-25 guest rooms, with
Accessory good/services | - | to | R |
| 81. Restaurant, over 2,500 sq. ft. or any with drive-thru service | - | to | R |
| 82. Restaurant, any with outdoor seating, no drive-thru | - | to | R |
| 83. Restaurant, less than 2,500 sq. ft. no drive thru service | - | to | R |

In Waterfront Village/NB:

- | | | | |
|---|---|----|---|
| 30. Conference/Retreat Center, up to 10 guest rooms, with
Accessory goods/services | S | to | R |
| 31. Conference/Retreat Center, 11-25 guest rooms, with
Accessory good/services | - | to | R |

Category 8 SF-Single Family Residential Uses

In Waterfront Village/WC:

- | | | | |
|--|-----|----|---|
| 10. Combination Live-Work Unit w/allowable business/
Commercial use | M/S | to | R |
|--|-----|----|---|

Category 8 MF-Multi-Family Residential Uses

In Waterfront Village/WC:

8. Mixed-Use structure, residential/commercial, up to 4 single-Family dwelling units - to R

In Waterfront Village/NB:

8. Mixed-Use structure, residential/commercial, up to 4 single-Family dwelling units S to R

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

Clarification: Side Yard Setback

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

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(18) Mr. Long: Reconsideration of Board decision regarding Indiantown Park improvements

The County Administrator provided background information to the Board on this project, first considered at the regular July meeting. She noted that a HUD grant had been secured to provide roadway and parking improvements as well as a new soccer field. Noting that the sole bidder, Wagner Bros. Landscaping, had worked with the County and its engineer to bring the original proposal under budget, motion was made by Mr. Long, seconded by Mr. Murray that the Board reconsider its prior vote on this matter (rejection of bid for Indiantown Park improvements). All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Following conversation by the Board, motion was made by Mr. Long, seconded by Mr. Murray that the Board award the Indiantown Park improvements bid to Wagner Bros. Landscaping in accordance with its proposal and subsequent change order. All members were

present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Bennett, seconded by Mr. Randall, that Mr. Severn Carpenter be appointed to the Northampton County Planning Commission to represent District Three for a term of office commencing July 1, 2010. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Upon the request of Mr. Murray, the Board agreed to have information presented at a work session relative to securing the \$3.2 million in jail debt funding from the Commonwealth.

Mr. Long informed the Board that the Governor’s Fire Board has developed a list of fire training centers that are eligible for grant funding to help with their burn buildings. The building located in Accomack County is second on the list. At Mr. Long’s request, it was the consensus of the Board to direct the County Administrator to write letters to Delegate Lewis and Senator Northam urging their support of the Eastern Shore Fire Training Academy in obtaining these grant funds.

Mr. Murray read excerpts from a letter received from Supervisor Tankard as follows:

Dear fellow board members:

Like many of you, I attended the forum hosted by the North. Chamber of Comm. for discussion of the Riverside decision to relocate the hospital.

Perhaps you are like me and left without any greater understanding of their decision, and if anything, departed with more doubts about the wisdom of their decision. The only basis for their decision, according to local CEO Zager, is population. No evidence of any market analysis was given. It seems incomprehensible that an organization like Riverside would invest 50 million dollars without market analysis or more data than 10 year old census records.

With that in mind, I do think that such a flimsy excuse for relocation has to be challenged. If their argument for relocation is strong then I could concede defeat and move on. Additionally, the Eastern Shore community could rally around the decision as one that would benefit rather than degrade the community. If their logic is clear and makes business sense, then it should be easy to make evident to the community.

We need to move quickly to communicate with Riverside. A letter should be sent immediately to Riverside leadership voicing our concerns. I suggest that the letter ask the following:

- 1) What market analysis was done?
- 2) Were surveys conducted of potential service areas?
- 3) Is there an expectation that a move farther north will not erode market share in the southern portion of Northampton County?
- 4) Would it be more appropriate for inpatient services to remain in Nassawadox while an acute care/emergency care facility be located in central Accomack Co.?
- 5) Your thoughts?

Bottom line: I think we need to redouble our efforts to communicate directly with Riverside Newport News. I think that our communications with Mr. Zager have not been passed on to higher ups in the Riverside group.

We should also make sure that all Riverside Trustees (not SMH trustees) are sent the same information that was generated by Spencer, Katie and Peter. And, we need to strongly encourage the Towns and Chamber to resend their concerns and comments directly to all of their directors.

We cannot cave in to false logic and lack of information from Riverside/SMH. We have nothing to lose by calling in to question their motives and reasoning for a relocation. We have much to gain for their continuation of an 80 year beneficial relationship with Northampton County.

Richard Tankard
Dist. #6

Please read aloud at our meeting at the Matters section and enter into the official record.

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Mr. Randall said that at one of the Board's work sessions, he would like to share the presentation he made to the Riverside Shore Memorial Hospital Board. He assured the Board that RSMH's consultants did a very thorough job including market analysis and requested that he be allowed to do this presentation prior to sending the letter requested by Mr. Tankard. The Board concurred and noted that it was hoped Mr. Randall's presentation could be made at the August work session.

Recess:

Motion was made by Mr. Long, seconded by Mr. Randall, that the Board recess until

5:00 p.m., Monday, August 23, 2010 in conference room #2 of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, for the purpose of conducting the regular work session. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR