

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 14th day of August, 2012, at 4:00 p.m.

Present:

Oliver H. Bennett, Chairman	Willie C. Randall, Vice Chairman
Richard L. Hubbard	Larry LeMond
Laurence J. Trala	

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Trala, seconded by Mr. Randall, that the Board enter Closed Session in accordance with Section 2.2-3711 of the Code of Virginia of 1950, as amended:

(A) Paragraph 1: Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body.

Appointments to Boards/Commissions

(B) Paragraph 3: Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or of the disposition of publicly held property.

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

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

District Four Waste Collection Site – condemnation status

Oyster Harbor right-of-way

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

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 1, 3 5 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

The Chairman read the following statement:

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

Board and Agency Presentations:

(1) Dr. Walter Clemons, Division Superintendent for the Northampton County Public Schools, said that staff was working hard to complete preparations for the opening of the new school year. He introduced the three new principals for Occohannock and Kiptopeke Elementary Schools and Northampton High School. As a follow-up to Mr. Bennett’s question from last month, Dr. Clemons reported that the staff are notifying parents with regard to needed school supplies and appropriate dress code policies.

Consent Agenda:

- (2) Minutes of the meetings of July 10 and 23, 2012.
- (3) Consider adopting a proclamation designating September 17, 2012 as “**Constitution Day**” and September 17-23, 2012 as “**Constitution Week**”.

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, 2012, marks the two hundred twenty-fifth 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 17 through 23 Constitution Week.

NOW, THEREFORE, I, Oliver H. Bennett, by virtue of the authority vested in me as Chairman of the County of Northampton, Virginia, do hereby proclaim September 17, 2012 as **CONSTITUTION DAY**, and the week of September 17 through 23 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 14th day of August, of the year of our Lord two thousand and twelve.

(4) Consider adopting a proclamation designating September as “**Hunger Action Month**”.

*Northampton County
Virginia*

Proclamation

WHEREAS, September has been declared Hunger Action Month and the Foodbank of Southeastern Virginia, along with over 325 Partner Agencies and Programs, the Federation of Virginia Food Banks and Feeding America™ have committed support for this national campaign and plan to spread the word, gather resources and continue efforts to end hunger in this community; and

WHEREAS, the Foodbank of Southeastern Virginia provides food for more than 400,000 individuals in a 4,745 square mile service area annually, and has recently seen an

increase in demand for food – particularly among individuals, seniors, and families with children – thereby leading it to distribute over 16 million pounds of food or over 13 million meals to help ease hunger; and

***WHEREAS**, hunger is a crisis every day for working, struggling families, their children, and senior citizens on fixed incomes who have to make choices between food, housing, utilities, and medicines; and Northampton County is committed to working with the Foodbank of Southeastern Virginia in educating people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and*

***WHEREAS**, working individuals, their children, and seniors in Northampton County rely on food provided by the Foodbank of Southeastern Virginia annually; and any additional donations, funding and volunteer support generated by this National Call to Action will benefit the many families in need of assistance within Northampton County and the outlying areas; and*

***WHEREAS**, the Foodbank of Southeastern Virginia distributed more than 16 million pounds of food or over 13 million meals in Fiscal Year 2011/12 through its network of food pantries, soup kitchens, shelters, and other community organizations.*

***NOW, THERFORE**, I, Oliver H. Bennett, Chairman of the Northampton County Board of Supervisors, do hereby proclaim September as*

HUNGER ACTION MONTH

in the Northampton County and encourage citizens and businesses to join in supporting the Foodbank of Southeastern Virginia during this “Hunger Action Month” national campaign to provide additional resources for the communities it serves.

Given under my hand this 14th day of August 2012.

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(5) Consider adopting a resolution in regards to the FY 2013 lease-purchase program.

RESOLUTION OF THE BOARD OF SUPERVISORS OF NORTHAMPTON COUNTY, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE FINANCINGS FOR CERTAIN CAPITAL PROJECTS

The Board of Supervisors of Northampton County, Virginia (the “County”) has determined that it may be necessary or desirable to advance money to pay initial costs of acquiring the equipment approved for lease-purchase as part of the FY13 budget process.

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

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.
2. The Board of Supervisors reasonably expects to reimburse advances made by the County to pay the initial costs of acquiring the equipment approved for lease-purchase as part of the FY13 budget process. These items include three Sheriff's vehicles, one vehicle for the Economic Development Department, one vehicle for the Public Works Department and one vehicle for the Building Department; and one zero-turn mower for the Solid Waste Department. The maximum amount of debt or other financing expected to be issued in one series for the equipment is \$169,629.00. Additionally, three school buses will be acquired through a five-year lease purchase plan at a total cost of \$263,828.00.
3. This resolution shall take effect immediately upon its adoption.

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With one minor correction to the minutes of July 23, 2012, motion was made by Mr. Randall, seconded by Mr. LeMond, that the foregoing Consent Agenda be approved as amended. All members were present and voted "yes." The motion was unanimously passed.

County Officials' Reports:

(6) Mrs. Leslie Lewis, Director of Finance, distributed the following budget amendment and appropriation requests:

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: August 7, 2012
RE: Budget Amendments and Appropriations – FY 2013

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

appropriations as requested by the Sheriff:

(1) A request to transfer \$2,500.00 from the Asset Forfeiture Account (220-0026-44575) to the Sheriff's office dues line item (100-3102-55200).

(2) A request for supplemental appropriation in the amount of \$1,000.00 as new revenue (100-0018-42375) and related expenditure for office supplies (100-3102-55350)

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

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: August 7, 2012
RE: Budget Amendments and Appropriations – FY 2013

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

(1) Budget appropriation in the amount of **\$3,646.98** for the 2012-2013 School Operating Budget. This is to reflect the FY 2013 State Equipment Allocation award from the Office of Career and Technical Education Services.

(2) Budget appropriation in the amount of **\$26,000.00** for the 2012-2013 School Operating Budget. This is to reflect a supplemental school education technology award under the Virginia Public School Authority. This grant was awarded for network infrastructure upgrades that will allow increased use of web-based applications required as part of Kiptopeke Elementary School's Improvement Plan.

(3) Budget appropriation in the amount of **\$8,300.00** from the School Operating Fund Balance into the Capital Improvement Fund to fund the cost of obtaining a Feasibility Study for repairs and renovations to the Northampton High School Complex. Please see the attached schedule for more information on the School Operating Fund Balance.

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

(7) Mrs. Sandra Benson Thornton presented the departmental update from the Planning & Zoning office which referenced the Board of Zoning Appeals, Staff Activities, Comprehensive Plan Advisory Committee, Comprehensive Plan Review and the Northampton County Planning Commission – Other Projects.

At 6:00 p.m., the Board recessed for supper.

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

The invocation was offered by Mrs. Sandra Benson Thornton.

The Pledge of Allegiance was given.

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

- (i) 8/27/12: Work session: Review of commercial properties/maps and CPAC presentation of survey results
- (ii) 9/24/12: Work session (topic to be announced)
- (iii) 10/22/12: 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 10, 2012
RE: Bi-Monthly Update

I. PROJECTS:

A. ESVA Public Services Authority Update:

The PSA met on July 17, 2012 to continue discussions about providing a smaller, commercially focused wastewater solution in the southern area of the county. The next meeting of the PSA is Tuesday, September 18, 2012.

B. Conversion of Interim Lit Loan Note to Permanent Debt:

Now that we have closed on the refinancing of the 2002/2005/2006 & 2007 notes, I have started working with Davenport & Co. to convert the temporary note of \$1,390,000 we have had since 2009 into a permanent note.

We raised this issue to you when Davenport & Co. made a presentation on April 23, 2012. As you may recall, the School Board requested funding for repairs to the high school. The Board, at that time, agreed to submit an application to the Literary Loan for permanent financing of this repair. While we were aware at that time that there was no funding in the Literary Loan program for new applications, we were desirous of locking in the interest rate which is set according to your school's Composite Index. The note was recently renewed at a rate of 3.03% until January 1, 2013; however, the Commonwealth has frozen the Literary Loan program and it is uncertain when they will again direct funds to this program. The current wait list has approximately \$130 million of projects which await funding and the County is 8th on the list with over \$50.8 million of projects ahead of it. At this time, we are making interest only payments, with no reduction in the principal debt obligation.

Therefore, we are now preparing an application to the Virginia Public School Authority (VPSA) and have provided a resolution to the School Board which is the first required step to be considered in the VPSA pool. A resolution will be forthcoming to the Board later this fall as we move forward in the process for your consideration. When we developed the FY13 budget, we included this re-structuring of this interim note into a permanent note as part of our debt obligations so there will be no impact to the current operating budget.

C. Request from Cape Charles Mayor Sullivan for Resolution:

Enclosed is a request from Cape Charles for the Board's consideration of a resolution regarding support for a new health and emergency care facility.

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

RESOLUTION

**CONFIRMING THE SUPPORT OF THE
COUNTY OF NORTHAMPTON
FOR A NEW HEALTH AND EMERGENCY CARE FACILITY
IN NORTHAMPTON COUNTY, VIRGINIA**

WHEREAS, on August 9, 2011, the Commissioner of the Virginia Department of Health

approved the relocation of Riverside Shore Memorial Hospital to a site immediately behind Four Corners Plaza in Accomack County; and

WHEREAS, the relocation of Riverside Shore Memorial Hospital to the proposed site in Accomack County would be detrimental to the citizens the Town of Cape Charles and lower Northampton County; and

WHEREAS, Mayor Dora Sullivan organized a group of concerned parties to approach hospital groups in an effort to bring a new medical facility to Northampton County; and

WHEREAS, written support from local governing bodies would strengthen the group's position in discussions with various hospital groups to define the need and location for a new health and emergency care facility in Northampton County.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Northampton does hereby support the need for a new health and emergency care facility to provide for the health and safety of the citizens of the Town of Cape Charles and lower Northampton County.

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D. Request from Arts Enter Cape Charles:

Enclosed is a request from Arts Enter Cape Charles for financial support from the County relative to a grant. I have also enclosed the Board's policy relative to funding for non-profit organizations.

Motion was made by Mr. Trala, seconded by Mr. Randall, that this matter be tabled. All members were present and voted "yes." The motion was unanimously passed.

E. Update on Regional Jail:

Members of the Eastern Shore Regional Jail Board as well as Sheriff Doughty have engaged in discussions with the City of Chesapeake about housing prisoners from the Chesapeake Jail. As you may have seen in articles from the Virginia Pilot, Chesapeake is holding prisoners above their rated spacing capacity and is unable to open facilities constructed as temporary jail housing. If we can reach resolution on a per diem rate as well as some additional issues (transportation and medical expenses), then this will have a positive impact on the financial operations of the jail to bring in additional revenue since we have excess capacity of available beds. I will keep you posted on this matter as it progresses.

F. Request from Sheriff Doughty to retain certain funds from traffic enforcement:

As part of the Fiscal Year 2012 budget formulation, Sheriff Doughty proposed the inclusion of two new deputy positions that would be focused on traffic

enforcement and the cost of adding these new positions would be offset by revenue generated from the traffic enforcement. It was requested that if revenues from traffic enforcement should exceed our base estimate as well as the cost for the new positions, then the Sheriff would like consideration that those excess revenues be appropriated specifically for use in funding within the Sheriff's Department to address personnel compensation and/or equipment needs.

As we are now closing out Fiscal Year 2012, the Sheriff filled only one of these traffic enforcement positions which established a base revenue generation need of \$161,146 which would cover the cost of the new position (\$44,795) as well as our usual fine revenue for the general fund (\$116,351). To that end, our final revenue for traffic enforcement for FY12 is \$172,717.89, an excess over our base by \$11,571.89.

I am supportive of providing these excess funds for the Sheriff's office; however, since it will require allocating these funds from undesignated fund balance (since that is where they reside when we close out the Fiscal Year), I need input from the Board. ***If you are supportive, we will place this request on the next agenda in more detail through the Finance Director's report.***

The Board concurred with the County Administrator's recommendation.

G. Update on Process for Hiring an Economic Development Director and for Reorganization Study of the Land Use Departments:

Through the Fiscal Year 2013 budget, funds have been included for the creation of an Economic Development Department. As part of that discussion, we discussed the need to look at a reorganization of the existing land use departments (Planning and Zoning, Building, and Code Compliance) to come under the Economic Development Director.

To that end, I have engaged the services of Springsted, Inc. to assist in the reorganization study as well as in the recruitment of candidates for an Economic Development Director. I have enclosed a copy of the calendar for these two scopes of work for your information.

H. Update on Delinquent Tax Collections:

The Finance Team (comprised of the County Treasurer, Commissioner of Revenue, Finance Director, IT Director, and County Administrator) is now meeting weekly specific to a review of delinquent tax collections and to assist the County Treasurer and the Finance Director in ascertaining which method of collection should be pursued for both delinquent real estate and personal property. We have also included the Assistant County Attorney as part of this team for this specific purpose. While earlier efforts utilizing real estate auctions, judgments, DMV stops and Debt Set-off have been successful and will continue to be utilized as part of the numerous tools available for

delinquent tax collection, there are additional items that can be utilized that may achieve a faster response (seizure of assets, garnishment of wages, garnishment of bank accounts, and liens on property). We are confident that this type of concentrated review will assist the Treasurer and Finance Director in continuing to reduce the owed outstanding liabilities to the County and will be reflected in the quarterly financial reports.

I. Update on Review of County Ordinances:

At the July 10, 2012 Board meeting, a motion was passed instructing county staff to review all County ordinances to ensure that they are compliant with State requirements and to identify if the County has adopted any ordinances or provisions within an ordinance greater than required by State code or regulation. To that end, I have adopted a schedule of review of all of our ordinances and I am enclosing a copy of said schedule for your information.

J. Board of Supervisors' 5-Year Strategic Plan:

Enclosed is the draft 5-Year Strategic Plan for the Board's consideration. If desired, I will place this as part of the August work session for a more in-depth discussion and review before Board adoption.

The Board concurred with this recommendation.

II. GRANT OPPORTUNITIES:

A. Building Collaborative Communities Grant:

The Department of Housing and Community Development (DHCD) has released the Building Collaborative Communities Grant with an application deadline of September 17, 2012. This program is designed to assist regions in creating and sustaining new economic opportunities and to promote regional economic collaborations in economically-distressed areas to stimulate job creation, economic development and build community capacity and leadership.

Applicants must be broad-based partnerships comprised of leaders from relevant organizations and stakeholder groups. It is not necessary for a formal structure is in place at the time of an application and in fact, the organizational development of an entity can be proposed as an output of the project. This grant is intended to target areas that do not have existing, regionally focused organizations, or those that have newly formed, emerging regional entities. To be qualified, it must be a minimum of at least two counties.

A meeting was held with representatives of the DHCD as well as the County Administrator and Board Chairman of our respective counties last week to learn more about the grant and to begin the conversation if we have a need and a willingness to submit an application for this grant.

I have enclosed the application and grant requirements for your review. As a point of information, the two counties, working with ANPDC and the Eastern Shore Community College, submitted an application last year for this grant which we did not receive funding. I am enclosing a copy of that application as background material.

I will need direction from the Board if you wish to pursue this opportunity this year and what our possible project outcome should be.

Mr. Bennett indicated that he would be meeting with Accomack County Board Chair Laura Belle Gordy to develop a regional approach for a possible grant application. This matter will be brought back to the Board at its August 27th work session.

B. 2012 Virginia Locality Stormwater Program Development Request for Proposals:

Department of Conservation and Recreation (DCR) is seeking proposals to establish grant agreements that will build local government programs and capacity that will result in the development of local stormwater programs consistent with the Virginia Stormwater Management Act and applicable regulations. The deadline for submission of an application is September 10, 2012. There is a webinar on Friday, August 17, 2012 that we will be participating in in anticipation of developing an application submission for this grant.

C. 2012 Hazardous Materials Emergency Preparedness (HMEP) Grant:

The Virginia Department of Emergency Management has released the FY2012 Hazardous Materials Emergency Preparedness Grant. The deadline for submission of an application is October 1, 2012. We are reviewing the grant requirements to determine if we can qualify for a project, such as assistance in study to determine costs for provisioning each school building as well as the former middle school to serve as a shelter for the County.

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Citizen Information Period:

Mr. John Read, President of the Vaucluse Homeowners' Association, discussed with the Board his request for reconsideration of a lower speed limit for State Route 619 (Church Neck Road). He asked that either the road be designated as a golf-course friendly zone or that signage be installed indicating the nearby presence of public facilities. He maintained that the existing 55 mph speed is too fast for the road in view of the many adults and children walking on the

shoulder, riding bicycles or riding in golf carts between their homes and the swimming pool.

Mr. Robert Anderson, also a resident of Vaucluse, said that it was his understanding that VDOT does not believe that 25 mph is appropriate and such a reduction in speed represents a “solution to a non-problem.” He noted that the County would have to provide a police presence if the roadway is designated as a “golf course zone”. He suggested that “Caution” signs be installed as a way to deter excessive speeds but believed that there was no justification for Mr. Read’s request.

Ms. Veronica Orlick, a resident of the Vaucluse community and Vice President of the Homeowners’ Association, said that she has been a resident for at least 14 years and that all of the other streets in the development are rated for 25 mph and that the only section affected by the higher speeds is eight-tenths of a mile in length.

Public Hearing:

Chairman Bennett called to order the following public hearing:

(10) Special Use Permit 2012-03: The Northampton County Board of Supervisors, contract purchaser, has filed to locate a waste collection site on the north side of Courthouse Road approximately 1/3 mile from its north intersection with Lankford Highway. The property, described as Tax Map 58, double circle A, parcels 13 and 14, is zoned A/RB Agriculture/Rural Business District and contains approximately 4.35 acres of land.

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

Ms. Sandra Benson Thornton indicated that the Planning Commission was recommending approval of this petition with the condition that all required buffering be opaque vegetative screening.

The County Administrator offered background on the Board’s decade-long search for a suitable site for the last remaining waste collection site. In consideration of the numerous comments received at the Planning Commission meeting relative to landscaping and buffering, she distributed a draft site plan showing a staggered row of screening along the south side of the

property which fronts on Courthouse Road.

Ms. Nancy Mulligan, speaking as both a private resident and member of the Eastville Town Council, said that she would like to insure that adequate buffering be done. She also thought that a turn-lane should be required based on the heavy vehicular traffic along Courthouse Road. Lastly, she asked that the Board conduct another public hearing regarding site location.

Mrs. Price Clarke read the following letter into the record:

“Good evening, Mr. Chairman and Members of the Northampton County Board of Supervisors.

My name is Price Clarke and I am a native of Eastville and my family owns the property on the Northside of the Willis property being considered for a waste collection site. As an adjacent property owner, I am opposed to the proposed Special Use Permit. Having a trash site next to our property will certainly devalue it. If the Special Use Permit for the Willis property is approved here tonight, I will be looking for a reduction in the assessed value of our adjacent property, as well as a commensurate reduction in the real estate taxes owed.

But the concern I have here tonight goes beyond what affects me personally. I have visited three of the other four trash collection sites in the County and they are all located very conveniently, yes, but not near any retail businesses. Bayview does have a few industrial businesses nearby. Birdsnest is pretty much a stand alone site on Route 13, and Cheapside (and so I’ve been told) Wardtown are out in the middle of nowhere. All four of the already established sites are in locations where impact on surrounding businesses is not an issue. But that is not the case with the proposed Eastville waste site. There are two businesses very near this proposed site, one being a restaurant, the other a convenience store/eatery. I would think that a trash site nearby would negatively affect the business of these two retail establishments. Additionally, it would negatively affect the businesses in Eastville. This proposed waste site is to be located at the gateway to Northampton County’s most historic town. If travelers on Route 13 glance over to Business Route 13 and see a trash site where they assume the outer limits of Eastville are, they’ll probably just stomp on the accelerator and bypass Eastville altogether.

I know the county needs another waste collection site, and one specifically in the general area of Eastville, but the proposed location seems to be ANTI-BUSINESS. What were the other locations considered for this waste center and why was there never any public discussion about them?

With all the land available in the County, including that in the so called “County Complex”, I would certainly think that the County could come up with a better, more discreet location for a waste collection center. Please do not just do the easy thing and approve the Special Use Permit tonight, but instead, think of the County and its residents, especially those in and around Eastville who are working so hard to make it a historic tourist destination.

Thank you,

Price Mears Clarke”

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Ms. Anne Sayers, an Eastville resident, spoke in support of the petition, noting that with proper buffering, it would be a great site for the waste collection center.

An e-mail received from Mr. George A. Latimer was read into the record as follows:

“Dear Chairman Bennett,

I am writing this letter to voice my feelings about the above action. My home and property are situated across Courthouse rd. from the site under consideration for the waste collection site. It is my strong feeling that the value of my property will be negatively affected by the establishment of this facility. I strongly request that another more suitable location be considered. I am requesting that this letter be read into the public record during the Public Hearing for Special Use Permit 2012-03.

Thank you,

George A. Latimer”

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

Mr. Trala and Mr. Hubbard both agreed that the safety issues expressed by Mrs. Mulligan need to be addressed by VDOT. Mr. Hubbard also stated that he would like to see buffering, not only on the south side of the property fronting Courthouse Road but also on the East and West sides of the property.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that Special Use Permit 2012-03 be approved with the condition that opaque vegetative screening be implemented on the east, west and south sides of the site. All members were present and voted “yes.” The motion was unanimously passed.

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

(11) Zoning Text Amendment 2012-09: The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, **§154.003 Definitions, (C) *Specific Definitions*** in order to revise the definition of ***Bed and Breakfast*** to read, “A single dwelling unit, other than a motel, hotel, rooming or boarding house, or inn, occupied by the owner of the unit or a resident manager where up to nine (9) separate sleeping rooms are provided in the primary dwelling or in accessory structures on the property, for compensation, to overnight transients and a morning meal is usually offered as part of the lodging charge. Any transient occupation of less than thirty (30) days shall not be considered in calculating development density for the parcel.”

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

Mrs. Thornton indicated that the Planning Commission had tabled action on this matter and therefore did not have a recommendation to provide to the Board.

Ms. Pam Barefoot made the following comments:

“Good Evening. My name is Pam Barefoot, my husband and I live in Northampton County. I own a business in Accomack County.

When I started my business in 1985, if Accomack County had told me I didn’t have the right to do so because I didn’t own enough land, I would not be here now as a tax-paying resident of Northampton County. Fortunately, I was not deprived of the opportunity to start my business on our two acres outside Onancock, and that has led to me now having a business successfully employing more than 20 people for over 27 years.

I strongly believe that **rural entrepreneurship** can be a strategy for economic development for Northampton County. More entrepreneurs can help improve the quality of life of our community and help us sustain a healthy economy and environment.

However, it’s difficult to be successful as an entrepreneur in a rural area where you may be far from potential markets and support. If local regulations create serious burdens for small business owners, then their potential for success is limited. As an example, our county’s **well-intentioned** one in 20 zoning strategy, which protects agricultural lands, also has the disastrous effect of blocking Northampton County residents from easily creating new businesses.

My husband and I now live on less than eight very secluded acres zoned agricultural. We want to join the ranks of Northampton County entrepreneurs by operating a small bed and breakfast in our 500 sq ft cottage, primarily targeting YMCA Camp Silver beach parents.

Therefore, we support the passage of a zoning text amendment that would allow the use of accessory structures. Without this amendment, or some other change to our current zoning, we will not have a right to contribute to the economic growth of a county we proudly call our home.

Thank you very much for your support of rural entrepreneurs in Northampton County.”

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Ms. Rhonda Marsh, Director of Development for Camp Silver Beach, indicated that over 6,000 visited the camp every year with 2,000 of them being campers. She said that having more bed-and-breakfast facilities would provide families with more enjoyable stays.

Mrs. Cela Burge, representing Occohannock Family Farm LLC, an adjacent property owner, raised technical concerns with regard to the petition, noting that two dwelling units are not allowed in an A/RB zone on less than 20 acres.

Mrs. Carol Evans, owner and operator of the Cape Charles House Bed and Breakfast, and member of the Eastern Shore of Virginia Tourism Commission, spoke in support of the application.

Mr. Bill Parr said that this issue has been needing to be addressed for a long time and would serve a great public need for temporary workforce housing and would help the County’s citizenry to pay their taxes by developing entrepreneur opportunities.

Three written comments were read into the record as follows:

“I am writing to state my support for Zoning Text Amendment 2012-09 which would revise the definition of a Bed and Breakfast to include accessory structures.

As a permanent, full-time resident of Northampton County, I support this amendment because it would encourage more rural entrepreneurship. Our County is in need of low impact economic development, and I sincerely believe this type of refinement of zoning regulations is a step in the right direction.

This new definition will give entrepreneurial opportunities to more of our County residents, particularly those who own less than 20 acres in an agricultural zone.

Thank you and if you have any questions, please contact me at 757-331-2960.

Have a blessed week.

Sincerely,

/s/ Jeffrey B. Holland”

* * * * *

“August 14, 2012

Re: Zoning Text Amendment 2012-09: Bed and Breakfast - A **single** dwelling unit, other than a motel, hotel, rooming or boarding house, or inn, occupied by the owner of the unit or a resident manager where up to nine (9) separate sleeping rooms are provided **in the primary dwelling or in accessory structures on the property**, for compensation, to overnight transients and a morning meal is usually offered as part of the lodging charge. **Any transient occupation of less than thirty (30) days shall not be considered in calculating development density for the parcel.**

To the Northampton County Board of Supervisors:

I am a resident of Oyster, and although there is no much Ag land in my immediate neighborhood, I am writing to express my wholehearted support for this Zoning Text Amendment, as I feel that it will allow for more off-the-Shore revenue for local citizens without negatively impacting landowners in the same area.

You have frequently stated your intentions to help grow economic opportunity in Northampton County. Passing this amendment would give you the perfect opportunity.

Best regards,

Sarah Morgan”

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“Mr. Trala,

Please support a zoning text amendment that would allow people with less than 20 acres to have a B&B in an accessory building. I am contacting you in support of Pamela Barefoot’s endeavor to have a B&B for parents of Camp Silver Beach children on her property. I live in Silver Beach.

Thank you,

Kresty Massey, CMT
Medical Transcriptionist
Riverside Eastern Shore Physicians & Surgeons”

* * * * *

It was the consensus of the Board to leave the public hearing record open pending the receipt of a recommendation from the Planning Commission.

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

(12) Special Use Permit 2012-04: Pamela Barefoot & James M. Green have applied to operate a bed and breakfast in an accessory structure located on 7.828 acres of land at 6235 Osprey Lane. The property, zoned A/RB Agriculture/Rural Business District, is described as Tax Map 13, double circle A, parcel 51 in the Salt Works area.

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

Mrs. Thornton indicated that the Planning Commission had tabled action on this petition and would not be providing a recommendation to the Board this evening.

The applicant, Ms. Barefoot, indicated that she lived five minutes' distance from Camp Silver Beach and wanted to provide an intimate experience of the Shore for the parents of the campers.

Ms. Rhonda Marsh of Camp Silver Beach concurred with Ms. Barefoot's comments, indicating that it would be nice to have a close location for parents of campers with medical conditions.

Mr. Bruce Evans, owner of the Cape Charles House Bed and Breakfast for the last eighteen years, endorsed the petition as requested and indicated that he agreed with Ms. Barefoot's comments, calling it an "ideal economic development opportunity for the County".

Mr. Bill Parr said that "Northampton County is blessed with hardworking and entrepreneuring people" and that "entrepreneurs are needed to fuel the County's economy."

It was the consensus of the Board to leave the public hearing record open pending the receipt of a recommendation from the Planning Commission.

Chairman Bennett called to order the final public hearing of the evening, to-wit:

(13) Special Use Permit 2012-05: David N. Griffith has applied to operate a Live/Work Unit on property located at 26438 Lankford Highway in the Cape Center area. The property, containing 32,670 square feet of land, is described as Tax Map 98, double circle A, parcel 45 and is zoned EB Existing Business District.

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

Mrs. Thornton indicated that the Planning Commission was recommending approval of this petition.

Mrs. Cela Burger, representing the applicant, said that the petition meets the Comprehensive Plan objectives.

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

Motion was made by Mr. Trala, seconded by Mr. Randall, that Special Use Permit 2012-05 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

Tabled Item:

(14) **Zoning Text Amendment 2012-06:** The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, **§154.127 Low Impact Commercial Uses Section (A) Home occupation** to read: An occupation in a **an owner-or-renter-occupied** dwelling unit (or dwelling accessory structure) provided that...; amend (A) (6) to read: The business owner shall have no more than one full-time employee or ~~two~~ **equivalent part-time employees or one full-time equivalent**; amend (A) (7) to read: Home occupations shall be divided into ~~two~~ **three** categories:(a) Home Office, (b) Home Business **and (c) Micro-Business**; and to add **(c) A Micro-business shall be an owner- or renter-occupied home or farm based business requiring a Zoning Clearance and meet the following criteria:**

1. A Micro-business shall have no employees, other than the owner/operator;

2. A Micro-business shall have no identifying signage;

3. A Micro-business shall have no outside storage or additional vehicle traffic beyond that generally found for a household or on a farm;

4. There shall be no retail sales on the premises, and any products must be delivered off-site;

5. The micro-business shall utilize no specialized machinery or equipment beyond that generally found in a household or on a farm.

At the recommendation of staff, this matter will remain on the table.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Randall, seconded by Mr. Trala, that the Board request that VDOT reconsider its position with regard to the speed limit allowed on Church Neck Road (State Route 619), specifically the section of roadway depicted on the enclosed map, noting that the Board continues to receive testimony that the existing 55 mph limit is dangerous to the foot & bike traffic which traverse this road in the Vaocluse community. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Bennett, seconded by Mr. Randall, that Ms. Sylvia Stanley be appointed to the Northampton County Planning Commission, representing District Three, for a term of office commencing July 1, 2012. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Bennett shared with the Board some ideas of potential economic development opportunities for the County which he discovered on a recent trip to Florence, South Carolina, including a “ride-and-shop” venue where fruits and vegetables could be purchased via drive-through arrangements. It was the consensus of the Board to request that the County Administrator work with all state agencies involved in Economic Development and Business Assistance to promote the assets of Northampton County for business relocation and development and to convey the Board’s favorable position in encouraging and expanding economic development opportunities in the County.

Recess:

Motion was made by Mr. Trala, seconded by Mr. LeMond, that the meeting be recessed until 7:30 a.m., Thursday, August 23, 2012, at 16404 Courthouse Road, Eastville, Virginia, to conduct a field trip to the Stihl facility in Virginia Beach, Virginia. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR