

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 13th day of October, 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: (RC&D Council; Wetlands Board; Liaison to Eastern Shore Public Library Building Committee)*

(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.

*Drummond Property*

*Offer from Cherrystone I, LLC*

(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.

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) Chairman Steve Mallette, Eastern Shore Chamber of Commerce: Chamber’s planning efforts to encourage and support economic development on the Eastern Shore.

Mr. Steve Mallette, Chairman of the Eastern Shore Chamber of Commerce, updated the Board on the Chamber’s efforts to encourage and support economic development on the Eastern Shore, noting that the Chamber is reaching out to new capital investors as well as the school systems and community college for development of needed skill sets.

Consent Agenda:

- (2) Minutes of the meetings of September 8 and 28, 2015.
- (3) Adoption of a Resolution – Declaration of Local Emergency

**RESOLUTION  
DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Board of Supervisors of the County of Northampton does hereby find that:

Due to the proximity of Hurricane Joaquin and the converging of a coastal front, the County of Northampton is facing a condition of extreme peril which necessitates the proclamation of the existence of an emergency in order to provide mitigation, preparedness, and

activities to protect life and property;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency now exists throughout said County; and

BE IT FURTHER PROCLAIMED that, pursuant to § 44-146.21 of the Code of Virginia, the Board of Supervisors may determine that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery, pursuant to § 44-146.17(1) of the Code of Virginia; violations of any order to citizens to evacuate shall constitute a violation of this Declaration and are punishable as a Class 1 misdemeanor; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Services and the Peacetime Emergency organization of the County of Northampton shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the County of Northampton in order to mitigate the effects of said emergency.

Date: 10/2/2015      Time: 12:00 p.m.

*Local Emergency Declaration Terminated: 12:00 p.m., October 5, 2015*

\* \* \* \* \*

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

County Officials’ Reports:

(4) Mr. John J. Andrzejewski, the newly-hired Finance Director, presented the following Budget Amendments and Appropriations for the Board’s review:

**MEMORANDUM:**

**TO:** Board of Supervisors  
**FROM:** John J. Andrzejewski, Director of Finance  
**DATE:** October 13, 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 Sheriff's Office and Solid Waste Services:

**\$6,600.00** – This represents a budget appropriation increase to reflect grant funding from the National Highway Traffic Safety Administration for speed enforcement. This grant will support approximately 220 hours of speed enforcement.

**\$20,010.00** – This represents a budget appropriation increase to reflect grant funding from the National Highway Traffic Safety Administration for alcohol enforcement. This grant will support approximately 320 hours of alcohol enforcement (\$9,600.00), and the purchase of equipment to include Vista Body Wearable Camera (\$7,280.00), Pro-Laser Lidar (\$2,500.00), and Alco-sensor, PBT (\$630.00).

**\$4,209.40** – This represents a budget appropriation increase to reflect payment of a claim for lightning damage to the scale and intercom system. This payment covers completed repairs less a \$250 deductible.

**\$1,000.00** – This represents a budget appropriation increase to reflect calendar ad revenue. This revenue will be used for future miscellaneous expenses.

\* \* \* \*

Motion was made by Mr. Trala, 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.

At approximately 5:45 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:

(5) Ten Year Review of Church Neck AFD: The Church Neck AFD is located along both sides of Church Neck Road (SR 619) and extending along the north and south side of Sparrow Point Road (SR 657).

AN ORDINANCE AMENDING  
AN ORDINANCE KNOWN AS  
CHURCH NECK  
AGRICULTURAL FORESTAL DISTRICT  
AFD-94-06  
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, applications to amend an Agricultural and Forestal District near the terminus of Church Neck were filed with the Northampton County Board of Supervisors on **October 13, 2015** and

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

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of amending the application at the meeting held on **September 18, 2015** and,

WHEREAS, the Planning Commission on **October 6, 2015**, considered amending the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the “Agricultural and Forestal Districts Act” (the Act).
2. There is hereby amended the “Church Neck Agricultural and Forestal District,” hereinafter “the District”.
3. This amendment adds the following parcels to the previously approved District, for which the ordinance known as Church Neck remains in full force and effect.

<u>Property Owner</u>	<u>Tax Map &amp; Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Robert & Kathleen Bredimus Floyd Family Homestead Trust C/O Charles & Kathryn Floyd	29-A-53	10679	136.00
	38-17-C	16256	23.12
	38-17-C2	16257	14.00
	38-17-B1	12490	30.00
	38-17-C1	11022	5.30
	38-17-B2	11209	55.94
G. Fred Floyd, Jr.	28-4-B1	2252	81.27
Elizabeth Nottingham	38-9-B2	12732	44.00
Lee F. Nottingham, Jr.	28-A-7	12311	108.00

Mary Ann Resky	38-9-B1	3918	48.00
Mary Hamilton Stuart	28-A-13C	12031	35.00
Sallie Stuart & Carl Stiegelbauer	28A-13D	12032	35.00
Jane Turner	38-17-C4	11208	3.00
Elizabeth Whitehead etals			
C/O Ann Lee McCoy	28-A-5	4266	25.00
<b>Total .....</b>			<b>643.63</b>

Provided, however:

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

Business, Village-1, and Waterfront Village-1; for parcels within the District that are subject to other zoning classifications, any use of land, other than agricultural or forestal activities, shall require a minor special use permit except as provided for in Section 3.F. above. No special use permit shall be approved for any use within the District that is in conflict with the policies and purposes of the Act.

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

\* \* \* \* \*

The Chairman asked if there were any desiring to speak.

Mr. Peter Stith, Long-Range Planner, indicated that both the Agricultural-Forestal District Advisory Committee and the Planning Commission were recommending approval of this ordinance.

Mr. Pat Coady, speaking as a member of the former Ad-Hoc Tax Study Committee, indicated that the Board had provided no feedback to the Committee as a result of the Committee's recommendations. He said that the Board needed to address the fairness issue of who is approved for an AFD.

Ms. Janet Sturgis read the following comments:

Janet Sturgis  
Wellington Neck Road  
BoS Comments  
13 October 2015

PLEASE ENTER INTO TONIGHT'S RECORD

I am appearing today to voice my opinion, favoring approval of those AFDs up for renewal. AFDs are essential to insure open space for Northampton County and are necessary in maintaining our county's rural character. AFDs provide recharge areas for our fragile aquifer system, habitat for wildlife, clean air (vegetation cleans the air), recreational opportunities for our citizens, beautiful scenic expanses and vistas for residents and tourists alike, and perhaps most importantly, the ability of landowners to offer reasonable land leases to farmers.

I do however, request that the Board of Supervisors review and update the criteria with which AFDs are approved, and maintained in order to receive the substantial tax breaks their owners are afforded. I also urge the county to renew the designations for 5 instead of the current 10 years, to allow for better oversight.

It is my understanding, that properties are rated using a point system. Only those properties deemed with enough points, and meeting other criteria outlined in the Northampton County AFDs program guidelines, are selected by the committee appointed by the BoS. I believe, that the privilege of receiving reduced tax rates, should be extended to a wider range of applicants, including small property holders near the core properties of AFD districts, perhaps including parcels with as little as 10 acres, with greater emphasis on ecologically sensitive properties. Recipients should have to "earn" their tax breaks by actually improving lands used for agriculture and silviculture. Such measures would include maintaining the integrity of ditches, taking more extensive measures to control erosion by wind and water (such as planting

wind screens with native plants), implementing agricultural practices that will actually improve soil and water quality in the Bay and its tributaries, curtailing the overuse of herbicides and pesticides, encouraging organic and sustainable farming practices, and enhancing wildlife habitats, through suitable vegetative plantings and preservation of key plants such as milkweeds and other rare or endangered plant and animal species.

To whom much is given, much should be required in return.

Mr. Steve Sturgis, speaking individually as well as President of the Northampton County Farm Bureau, requested renewal of all pending applications.

Mr. Ken Dufty said that he was in favor of renewal of all of the AFD applications and read from an “Agricultural Fact Sheet (Based on 2012 Census of Agriculture...County Data)”. There being no further speakers, the public hearing was closed.

Motion was made by Mr. Hogg, seconded by Mr. Trala, that AN ORDINANCE AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS “CHURCH NECK AGRICULTURAL FORESTAL DISTRICT AFD-94-06” AND IMPOSING CERTAIN CONDITIONS THEREON be adopted as presented. All members were present and voted “yes,” with the exception of Mr. Bennett who abstained. The motion was passed.

The Chairman called to order the following public hearing:

(6) Ten Year Review of Concord AFD: The Concord AFD is located along both sides of Occohannock Neck Road (SR 183) and TB Road (SR 607) extending along the east and west side of Wardtown Road (SR 606).

AN ORDINANCE AMENDING  
AN ORDINANCE KNOWN AS,  
“CONCORD  
AGRICULTURAL AND FORESTAL DISTRICT  
AFD 94-07”  
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, applications to amend an Agricultural and Forestal District near Concord Wharf were filed with the Northampton County Board of Supervisors on **October 13, 2015**, and

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

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of amending the application at the meeting held on **September 18, 2015**, and

WHEREAS, the Planning Commission on **October 6, 2015**, considered amending the application at a duly conducted public hearing.

NOW THEREFOR, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the “Agricultural and Forestal Districts Act” (the Act).
2. There is hereby amended the “Concord Agricultural and Forestal District,” hereinafter “the District”.
3. This amendment adds the following parcels to the previously approved District, for which the ordinance known as Concord remains in full force and effect.

<u>Property Owner</u>	<u>Tax Map &amp; Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Linda Brady & Betty Rose Lewis	2-A-16	1916	166.00
Peggy Beach Charnock	2-A-7	8075	15.06
Mary W. Tankard Pack	8-4-B	14187	12.08
	8-4-C	14188	135.30
	8-4-A	14186	7.15
	8-5-A	12882	48.45
David Tankard	8-A-33	11261	22.87
Andrew C. & Ruth Duncan			
Richard Ingram, Steven Ingram & Robert Ingram	14-A-16	12295	29.00
	14-A-18	9358	74.00
Walkley Johnson, Jr.	2-A-1	3485	31.00
	2-A-1A	16175	48.00
Diane N. Provost	14-A-11	3466	40.50
Harry L. Mapp, Jr.	14-A-15	3980	40.00
	8-A-45	3982	7.00
	8-A-17	3916	111.48
	9-A-66	3917	215.98
	8-1-2	3998	139.00
Mary Elizabeth Mapp	8-1-3	7241	176.00
Joan E. Marshall Trust, etals			
C/O Joan E. Marshall	2-A-21	4063	19.90
William Marshall, III etals	2-A-22	4087	7.60
	2-A-20	4088	113.05
Albert J. McMath, Jr.	9-A-61	5003	50.00
	9-A-62	5011	65.00
	9-A-63	5005	20.00
	9-A-64	5004	30.00
	9-A-65	5012	73.00
	8-A-34	5010	70.00
Ann McMath C/O Roger Weinheimer	8-A-35	7546	44.58
Nurseryland, Inc. C/O Bill Neal, III	9-A-48	4372	170.00
	9-A-48A	9453	15.00
	9-A-69	4371	123.96
Diane Steward, James Stewart, Jr.			

& Thomas Blair Stewart	8-A-46	7104	87.50
David Tankard	8-4-B1	6305	3.00
	8-A-13	6304	10.00
	2-3-B	6306	87.75
	9-A-30	386	30.00
	9-A-30A	11231	61.60
	8-A-21	6311	80.46
Samuel V. Tankard	8-A-22	6309	100.00
	8-A-7	6310	24.00
	2-3-A	6307	13.47
Mary W. Tankard Pack & The Elizabeth Neal Trust Tankard Farms, Inc. C/O William Neal, III Treasurer	8-A-48	10274	78.00
	9-A-50	6328	15.64
	8-A-49	6327	68.40
Tankard Nurseries C/O John E. Tankard, III	8-A-50	10417	60.00
<b>Total .....</b>			<b>2,841.78</b>

Provided, however:

- A. That all lands lying within fifteen (15) feet of the rights-of-way from any state road shall be excluded from the district.
- B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # I. herein.
- C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.
- D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is part of the District prior to entering into any contract or other agreement or sale.
- E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.
- F. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in §58.1-3237 Rollback Taxes of the Code of Virginia. Sale or gift of a portion of land in a district to a member of the immediate family as defined in §15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

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

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

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

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The Chairman asked if there were any desiring to speak.

Mr. Peter Stith, Long-Range Planner, indicated that both the Agricultural-Forestal District Advisory Committee and the Planning Commission were recommending approval of this ordinance.

Mrs. Suzanne Tankard read the following comments:

## NORTHAMPTON COUNTY BOARD OF SUPERVISORS

Meeting October 13, 2015

RE: Revalidation for Concord and Jamesville Agricultural and Forestal Districts

My name is Suzanne Tankard and I am speaking on behalf of my husband, David, and our children Dave Tankard, Van Tankard and Mary Tankard Pack to request the revalidation of the Concord and Jamesville Agricultural and Forestal Districts. The properties which we own in these two AFD's are either being actively farmed by our family business, David's Nursery LLC, or they are in the Federal CRP Program, or they are managed forested acres.

David and I started David's Nursery in 1978 and we continue to live on the home farm where our office, shop, propagation greenhouses, potting sheds, and loading docks are located. We both remain active in this family business though our sons, Dave and Van, are now in charge of operations. David's Nursery LLC has endured the economic upheaval of recent years and is slowly reclaiming market share. Our customer base spreads from DC to Maine and west to Pittsburgh. Occasionally we even ship to Chicago and Kansas City.

The AFD designation protects the necessary functions associated with agriculture. These include, but are not limited to, spraying, running diesel irrigation motors, operating large equipment, and working an unpredictable schedule which may include late evenings and weekends. We are concerned that without this protection these vital activities will be inhibited by present or future neighbors who do not understand the 24/7 concept of agriculture.

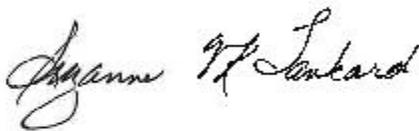
We feel AFD tax relief is justified because our impact on county services is minimal. WE ARE NOT DEVELOPERS. We use this land for agriculture. The nursery is environmentally friendly and we comply with a myriad of regulations to ensure this aspect, including quarterly water usage reports to the DEQ. At present we have 82 full time employees and a seven figure yearly payroll which provides a substantial local tax revenue impact. We repeatedly read how important it is to attract new businesses and thus jobs to our County. While this goal is admirable, please do not ignore the significance or impede the viability of

the wholesale nursery industry which you now have. There are four established wholesale nurseries presently operating in Northampton County.

And when you examine the outline of an AFD please be aware that any private residence within its boundary does not qualify for tax relief. A private residence within an AFD is taxed at the same rate as any other residence in the county. Of additional note, the forested acres are monitored by the Virginia Department of Forestry which advises on thinning and spraying to produce a harvestable crop of timber on a 30 – 40 year rotation.

David's Nursery would be pleased to give a tour to any Supervisor who may wish to see our operation and understand how the AFD designation is essential to ensure that we will be able to continue to farm as we do now.

Sincerely yours,

A handwritten signature in cursive script that reads "Suzanne VK Tankard".

Suzanne VK Tankard

David B. Tankard  
David B. Tankard, Jr.  
Samuel V. Tankard  
Mary Tankard Pack

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

Motion was made by Mr. Hogg, seconded by Mr. Trala, that AN ORDINANCE AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS, "CONCORD AGRICULTURAL AND FORESTAL DISTRICT AFD 94-07" AND IMPOSING CERTAIN CONDITIONS THEREON, be adopted as presented. All members were present and voted "yes," with the exception of Mr. Bennett who abstained. The motion was passed.

The Chairman called to order the following public hearing:

(7) Ten Year Review of Jamesville AFD: The Jamesville AFD is located along both sides Occohannock Neck Road (SR 183) and James Wharf Road (SR 614) and extending north-west along Sturgis House Drive (SR 676).

AN ORDINANCE AMENDING  
AN ORDINANCE KNOWN AS  
"JAMESVILLE  
AGRICULTURAL AND FORESTAL DISTRICT  
AFD 05-01"  
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, applications to amend an Agricultural and Forestal District near Jamesville were filed with the Northampton County Board of Supervisors on October 13, 2015 and

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

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of amending the application at the meeting held on September 18, 2015 and,

WHEREAS, the Planning Commission on October 13, 2015, considered amending the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act" (the Act).

2. There is hereby amended the "Jamesville Agricultural and Forestal District," hereinafter "the District".

3. This amendment adds the following parcels to the previously approved District, for which the ordinance known as Jamesville remains in full force and effect.

<u>Property Owner</u>	<u>Tax Map &amp; Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
David B. Tankard Family, LLLP	7-A-1	14190	509.06
	7-A-60	851	28.00
	7-A-61	1116	49.00
Stephen E. Heath	13-A-2A	9360	25.00
	13-A-2	8052	46.00
Stephen E. Heath & Jerald D. Heath	1-A-1	3293	30.00
JMDD, LLC C/O Jerald D. Heath	13-A-69	11605	132.00
Samuel V. & Tonya T. Tankard	7-A-70	12501	35.00
The Smith Living Trust			
C/O Wayne & Joan Smith	13-A-38	6375	125.18
The Teru A. Loring Trust C/O Teru A. Loring	7-A-51	2213	112.46
The George W. Turner, Jr. Revocable Trust			
C/O George W. Turner, Jr.	7-A-49	6945	85.00
	7-A-50	6952	76.50
George Thomas Webb	7-A-3	7481	217.06
<b>Total .....</b>			<b>1,470.26</b>

Provided, however:

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

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

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

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

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

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

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

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

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

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The Chairman asked if there were any desiring to speak.

Mr. Peter Stith, Long-Range Planner, indicated that both the Agricultural-Forestal District Advisory Committee and the Planning Commission were recommending approval of this ordinance.

Mr. Wayne Lee Smith said that his family had farmed this property since the 1920s and asked for the Board's favorable consideration relative to this renewal.

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

Motion was made by Mr. Hogg, seconded by Mr. Trala, that AN ORDINANCE AN

ORDINANCE AMENDING AN ORDINANCE KNOWN AS “JAMESVILLE AGRICULTURAL AND FORESTAL DISTRICT AFD 05-01” AND IMPOSING CERTAIN CONDITIONS THEREON, be adopted as presented. All members were present and voted “yes,” with the exception of Mr. Bennett who abstained. The motion was passed.

The Chairman called to order the following public hearing:

(8) Ten Year Review of Old Plantation AFD: The Old Plantation AFD is located along both sides of Jacobia Lane (SR 682) and Plantation Drive (SR 643).

AN ORDINANCE AMENDING  
AN ORDINANCE KNOWN AS  
“OLD PLANTATION  
AGRICULTURAL AND FORESTAL DISTRICT  
AFD 09-03”  
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, applications to amend an Agricultural and Forestal District near Dalbys were filed with the Northampton County Board of Supervisors on **October 13, 2015**, and

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

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of amending the application at the meeting held on **September 18, 2015**, and,

WHEREAS, the Planning Commission on **October 6, 2015**, considered amending the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

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

<u>Property Owner</u>	<u>Tax Map &amp; Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Mary Elizabeth Jonns	98-4-A	2690	13.80
	97-A-1	3579	18.00
	97-1-A	3580	1.39
Sarah White Kellam	98-4-B	13791	13.80
	98-A-1B	2632	9.00
The Marital Trust of William O. Goffigan C/O Robert Leatherbury	91-A-80	10446	11.36
	91-A-83	2631	7.91
	91-A-84	10447	31.99
	91-A-85	11569	39.05
Samuel & Theresa Long JB Properties, LLC C/O Kenneth J. Pusey	91-A-86	9942	43.00
	91-A-77	3990	38.00
Julia Scott Long Scott Properties, Inc. Daniel Scott Long & Lenae Hart	91-A-81	5354	42.22
	91-A-53	3988	49.50
<b>Total .....</b>			<b>319.02</b>

Provided, however:

- A. That all lands lying within fifteen (15) feet of the rights-of-way from any state road shall be excluded from the District.
- B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # I. herein.
- C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.
- D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.
- E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.
- F. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in §58.1-3237 Rollback Taxes of the Code of Virginia. Sale or gift of a portion of land in a district to a member of the immediate family as defined in §15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

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

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

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

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The Chairman asked if there were any desiring to speak.

Mr. Peter Stith, Long-Range Planner, indicated that both the Agricultural-Forestal District Advisory Committee and the Planning Commission were recommending approval of this ordinance.

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

Motion was made by Mr. Hogg, seconded by Mr. LeMond, that AN ORDINANCE AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS “OLD PLANTATION AGRICULTURAL AND FORESTAL DISTRICT AFD 09-03” AND IMPOSING CERTAIN CONDITIONS THEREON, be adopted as presented. All members were present and voted “yes,” with the exception of Mr. Bennett who abstained. The motion was passed.

The Chairman called to order the following public hearing:

(9) Request to Withdraw from Pickett’s Harbor AFD: Denard C. Spady & Dora Weston Spady Wilkins have requested to withdraw property identified as Tax Map 112 double circle A parcel 39 and located at the intersection of Smaw Drive and Arlington Road.

The Chairman asked if there were any desiring to speak.

Mr. Peter Stith, Long-Range Planner, indicated that both the Agricultural-Forestal District Advisory Committee and the Planning Commission were recommending approval of this request.

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

Motion was made by Mr. Hogg, seconded by Mr. Trala, that the Board approve the request of Denard C. Spady and Dora Weston Spady Wilkins for removal of property identified as Tax Map 112, double circle A, parcel 39, from the Pickett’s Harbor AFD. All members were present and voted “yes”, with the exception of Mr. Bennett who abstained. The motion was passed.

The Chairman called to order the following public hearing:

(10) Ten Year Review of Pickett’s Harbor AFD: The Pickett’s Harbor AFD is located along both sides of Arlington Road (SR 645) and extending west of Lankford Highway (SR 13).

AN ORDINANCE AMENDING  
AN ORDINANCE KNOWN AS  
“PICKETT’S HARBOR  
AGRICULTURAL AND FORESTAL DISTRICT  
AFD 94-04”  
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, applications to amend an Agricultural and Forestal District near Kiptopeke were filed with the Northampton County Board of Supervisors **October 13, 2015**, and

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

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a

report recommending approval of amending the application at the meeting held on **September 18, 2015**, and,

WHEREAS, the Planning Commission on **October 6, 2015**, considered amending the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act" (the Act).
2. There is hereby amended the "Pickett's Harbor Agricultural and Forestal District," hereinafter "the District".
3. This amendment adds the following parcels to the previously approved District, for which the ordinance known as Pickett's Harbor remains in full force and effect.

<u>Property Owner</u>	<u>Tax Map &amp; Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Charles W. Dickinson IV etals	112-A-62	1683	56.39
Sara N. Goffigon	105D-1-1	14107	46.20
Margaret B. Kellam & Joan Kellam	112-A-3A	3372	21.92
	112-A-60	3368	25.00
	112-A-63	3370	61.31
	112-A-77	3374	29.90
	112-A-94B	3375	9.00
	112-A-17	3373	64.74
David L. Long	105-A-85	3962	74.75
David & Virginia Long	105-A-84	8097	222.25
	105-A-15	8537	102.86
Henrietta Trower Morris & The Nature Conservancy	105-A-94	4713	250.26
	105-A-94A	8990	75.00
	105-A-94B	8991	30.00
Nottingham Enterprises, Inc.	104-A-12	1580	123.14
Department of Conservation & Recreation	112-A-1	8060	58.58
<b>Denard Spady &amp; Dora S. Wilkins</b>	<b>112-A-39</b>	<b>6683</b>	<b><del>26.96</del></b>
The WT Nottingham Jr. Revocable Trust			
C/O WT Nottingham Jr. & Tammie Rodgers	105D-1-5	4360	56.43
John R. Yaros & Katheen Yaros	105-A-92	9565	78.74
	105-A-100	9566	28.95
<b>Total .....</b>			<b>1415.42</b>

Provided, however:

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

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

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

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

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

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

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

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

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

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The Chairman asked if there were any desiring to speak.

Mr. Peter Stith, Long-Range Planner, indicated that both the Agricultural-Forestal District Advisory Committee and the Planning Commission were recommending approval of this ordinance.

Mr. W. T. Nottingham, who owns property within this AFD, said that his family had been and continues to be good stewards of the land and provide a positive influence in the County.

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

Motion was made by Mr. Hogg, seconded by Mr. LeMond, that AN ORDINANCE AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS “PICKETT’S HARBOR AGRICULTURAL AND FORESTAL DISTRICT AFD 94-04” AND IMPOSING CERTAIN CONDITIONS THEREON, be adopted as presented. All members were present and voted “yes,” with the exception of Mr. Bennett who abstained. The motion was passed.

The Chairman called to order the following public hearing:

(11) Ten Year Review of Point Pleasant AFD: The Point Pleasant AFD is located along both sides of Seaside Road (SR 600) and extending east of Lankford Highway (SR 13).

AN ORDINANCE AMENDING  
AN ORDINANCE KNOWN AS  
“POINT PLEASANT  
AGRICULTURAL AND FORESTAL DISTRICT  
AFD 94-02”  
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, applications to amend an Agricultural and Forestal District near Kiptopeke were filed with the Northampton County Board of Supervisors **October 13, 2015**, and

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

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a

report recommending approval of amending the application at the meeting held on **September 18, 2015**, and,

WHEREAS, the Planning Commission on **October 6, 2015**, considered amending the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

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

<u>Property Owner</u>	<u>Tax Map &amp; Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Charles W. Dickinson IV etals	117-A-8	4632	130.00
Denard Spady & Dora Wilkins	117-A-49	6684	107.00
Hume T. Dixon, Jr.	117-A-14	2285	7.00
John D. Bull, Sr.	118-A-2	1797	21.39
Thomas Dixon, III & Susan Dixon	118-A-5	2286	380.00
Thomas Dixon Hume III & Russell Dixon	117-A-15	8434	44.00
<b>Total .....</b>			<b>689.39</b>

Provided, however:

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

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

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

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

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

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The Chairman asked if there were any desiring to speak.

Mr. Peter Stith, Long-Range Planner, indicated that both the Agricultural-Forestal District Advisory Committee and the Planning Commission were recommending approval of this ordinance.

Mr. Bert Turner said that this property has been within the AFD for the last twenty years and asked for renewal of this district as well as the remaining applications.

Mr. Charles “Chuck” Tankard said that he has property within an AFD but not one that is

being considered for renewal tonight. He said that renewal of these petitions would set a good precedent for the future and urged the Board to approve all of the renewals.

Mrs. Ann Snyder, speaking as a member of the AFD Advisory Committee and someone who owns property within an AFD, said that all of the properties were clustered very tightly together in the ranking and it would be hard to eliminate any of them.

Mr. Fred Floyd said that the Eastern Shore was the best location to farm along the Atlantic coast and asked for the Board's favorable consideration on renewal of all of the petitions.

Mr. H. Spencer Murray said that he was in favor of the AFDs and noted that the consequences would be unbelievable if AFDS were eliminated.

Mr. Jeff Walker said that he owns property within an AFD but that it was not under consideration tonight. He asked the Board to consider the cost of services provided to farmland vs. developed land and to review the Comprehensive Plan to see the importance of agriculture in the County.

Mr. Bill Shockley, former Agricultural Extension Agent, said that many farmers are currently operating at a loss and that any additional expenditures would be devastating.

Mr. Justin Colson, who owns property within an AFD, said that they could not handle additional expenditures, particularly since commodity prices are down.

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

Motion was made by Mr. Hogg, seconded by Mr. Trala, that AN ORDINANCE AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS "POINT PLEASANT AGRICULTURAL AND FORESTAL DISTRICT AFD 94-02" AND IMPOSING CERTAIN CONDITIONS THEREON, be adopted as presented. All members were present and voted

“yes,” with the exception of Mr. Bennett who abstained. The motion was passed.

Mr. LeMond commented that he was somewhat concerned that a portion of the ranking sheets had not been completed by the AFD applicants. It was noted that the ranking sheets had not been approved by the Board until after the AFD application window had passed. Mr. LeMond commented that while he believed it was too late to address this deficiency in the AFD petitions tonight, he suggested that the Board work on further refining the ranking process in the hopes of developing a fair point system. Mr. Stith noted that further refinement is planned by the AFD Committee which was directed to be completed and ready for Board review and action by January 2016. Mr. Bennett said that he had abstained from voting on these matters because he would like to see if the assessment values assigned by the Commissioner of the Revenue could be adjusted to provide a smaller measure of tax relief to the applicants.

Both Supervisors Hubbard and Hogg stated that they owned properties located within agricultural-forestral districts, none of which had been under consideration this evening, and based upon guidance received from the Commonwealth Attorney, both felt that they were able to impartially vote on these matters.

Chairman Hubbard called to order the following public hearing:

(12) Zoning Text Amendment 15-01 NHCO: The Northampton County Planning Commission proposes to amend the Northampton County Code 10/21/2009, Chapter 154, Appendix A Use Regulations, Category 4 Community Services, #14 “Medical Clinics (outpatient)” to be permitted by Major Special Use Permit in the A/RB, Agricultural/Rural Business Zoning District.

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

Mr. Peter Stith indicated that the Planning Commission was recommending approval of this petition.

Mr. Pat Coady, speaking as Chairman of the County’s Ad-Hoc Emergency Care Committee, said that the Committee is in favor of the text amendment.

Mr. Ken Dufty said that he was in support of the text amendment as local medical facilities were very important.

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

Mr. Hogg said that he was concerned about how this petition came to be brought forward, noting that it was usually an interested party who submitted the text amendment.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Zoning Text Amendment 2015-01 be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

The Chairman called to order the following public hearing:

(13) Zoning Text Amendment 15-02 NHCO: The Northampton County Board of Supervisors proposes to amend the Northampton County Code 10/21/2009, §154.109 Wireless Communications Facilities Standards to resolve conflicts within the text and the Appendix A Use Regulations, Category 4 Community Services, #32 to permit Wireless Communication Facilities (WCF's) including wireless broadband service towers up to 199 feet by Minor Special Use Permit in the Town Edge-Commercial General (TE-CG), Existing Business (EB), Commercial-1 (C-1) and Existing Industrial (EI) Districts.

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 this petition.

Mr. Pat Coady read the following comments:

The Honorable Supervisors of Northampton County

13 October 2015

Subj: Zoning Text Amendment 15-02 NITCO

As part of the Ad Hoc Emergency Medical Committee's mandate, a sub-committee has been exploring the issue of how to expand telemedicine in the County to improve health care delivery, results, and consequently reduce preventable and unnecessary EMS demand.

One of our identified key needs is data communication to patients for telemedicine, both for monitoring and service delivery. As a consequence, the sub-committee will be asking the full committee for a motion to request the County undertake to plan a comprehensive strategy for future implementation of all forms of wireless service. Part of that request will be a suggestion to seek planning grant funds to facilitate having the technical expertise available to accomplish the goal. Funding conversations have already started.

At present, we are aware of public safety needs in parts of the county for improved service, as well as need and plans for expanded cellular coverage. When those considerations are combined with zoning text amendment before you, the RFP issued by the Broadband Authority for wireless broadband coverage for the entire Shore, and last, but by no means least, the entirely new federal FirstNet initiative for designated broadband cellular service for "first responders"; it becomes clear that a definitive strategy is needed.

Neither the committee nor sub-committee has taken a position on this present amendment request. The overall issues are too extensive and complex for us to wish to rush to judgment.

To provide one example where study is warranted: Should a tower erector be required to provide for co-location on the site and tower? A private developer may well say no, as they are bearing the cost and see no reason to increase their cost and to perhaps facilitate a competitor. That attitude, of course ignores the revenue they gain if they share. If the tower is on private property and serves only one entity, I might well agree. If the tower is erected on public property at a cost below market, I may well disagree. If the tower is to serve many entities downstream, then it serves a public base and need and should meet appropriate standards.

Moreover, with three current broadband wireless providers on the Shore, another competitor in the wings, unshared or limited sharing of federal, state and local towers, increasing numbers of cellular towers plus the entirely new FirstNet network we have the potential for a forest of new towers and poles to sprout around the county. I submit that that is a prescription we cannot afford and it won't win public support. There are basic, cost, environmental, and appearance issues behind the current requirements that utilities and cellular providers provide for shared spaces and co-location. Those reasons are equally valid here. It is a hope that by having a clear plan, providers can reduce capital and operational costs and utilize a streamlined approval process, such as inexpensive access to county property when they conform to the plan and bear the costs and delay of "doing their own thing" when they choose to operate outside or in opposition to the plan.

We leave it to the Planning Commission and you as our Supervisors, as to whether this amendment can move forward immediately without significant harm to a future comprehensive strategy. But at the very least, consideration of co-locations rights is a serious issue.

Thank you,

Patrick Cuddy  
Chair, Ad Hoc EMS Committee

Mrs. Mary Miller read the following comments:

*Mary Miller, Eastville*

In June, 2012, Eastern Shore Communications filed their first Zoning Text Amendment to change the county ordinance to improve business opportunities for telecommunication companies. Mr. Parr was a representative of the applicant. *Supervisor indicated this application has been put forward on behalf of Mr Parr.* The Planning Commission and the Board were asked to expedite the application so that the company could work with 6<sup>th</sup> graders in the school system to participate in a "paperless classroom" project, starting that September, and which would include student's computer use at home. Internet service would be provided "at cost" and a fund would be set up to assist households which could not afford the service. The Planning Commission spent two meetings on this application to move it along—working to make the amendment as beneficial to the community as it would be to the applicant. The Commission recommended unanimously that the Board approve the requested changes.

Those 6<sup>th</sup> graders are now 9<sup>th</sup> graders. As you consider this second Zoning Text Amendment applied for on behalf of Mr. Parr, and perhaps also for Eastern Shore Communications, it would be good to know about the success of their participation in the "paperless classroom" project. Changes that have provided public benefits, especially to our students, as well as to the applicants, is information we should all know about. *(I've included an excerpt from the Minutes of the June 2012 Planning Commission meeting, and am submitting 2 pages for the public record.)*

This piecemeal zoning for the county further illustrates the need for, and the absence of, a comprehensive plan for providing dependable, county-wide access to electronic media. Instead of once again patching up an ordinance to primarily benefit the industry, I request that you direct Staff to create a plan and a viable format for providing this vital economic benefit to county residents—and let the marketplace accommodate itself to the county's requirements.

**Minutes**

**Northampton County Planning Commission Work Session**

**June 18, 2012**

This was a recessed meeting of the Northampton County Planning Commission held on Monday, June 18, 2012 at 7:00 p.m. in the Board Chambers located at 16404 Courthouse Road in Eastville, Virginia. The purpose of the meeting was to continue discussion of Zoning Text Amendment 2012-07 with the applicants.

**Minutes**

**Northampton County Planning Commission June 5, 2012**

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, June 5, 2012, in the Board chambers located at 16404 Courthouse Road in Eastville, Va.

B. Zoning Text Amendment 2012-07: Eastern Shore Communications, LLC has filed to amend the Northampton County Code, Chapter 154 Zoning Code, by revising the following section: §154.109 Wireless Communications Facilities Standards to accommodate and support wireless broadband service.

*The commission then continued discussion of Zoning Text Amendment 2012-07 as filed by Eastern Shore Communications, LLC. Mr. Ron van Geijen and Mr. Bill Parr, representing the applicant, were present and responded to written comments and questions submitted from the commission over the previous week as follows:*

**"In initiating the paperless schoolroom project, the public school system will pay for student laptop equipment and the internet service will be provided at cost. This pilot project will commence using sixth grade students in the 2012-13 school year. A separate fund will be established to assist those students whose household cannot afford to pay for the service."**

Mr. Bill Parr, representing Eastern Shore Communications said that no benefit has been garnered by Eastern Shore Communications relative to the previous zoning change. He said that there were a lot of people in the County still waiting for good broadband service and if approved, this text amendment will allow the Board, on a case-by-case basis, to make decisions relative to tower locations.

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

Motion was made by Mr. LeMond, seconded by Mr. Trala, that Zoning Text Amendment 2015-02 be approved.

Mr. Hogg commented that he supported trying to get private enterprise to provide these services rather than the government but that the Board needs to look for a central plan. He recommended modifying the motion to table for some short period of time to allow the Ad-Hoc Emergency Care Committee to receive planning grant funds to complete an organized lay-out. The Board recognized Mr. Pat Coady who noted that he would be hesitant to table action on this matter given the uncertainty of grant funding and timeline for same.

All members were present and voted “yes”, with the exceptions of Mr. Hubbard and Mr. Hogg who voted “no.” The motion was passed

Chairman Hubbard called to order the final public hearing as follows:

(14) Conduct a public hearing to receive public comment on the following ordinance: “**AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF FEES INCIDENT TO CRIMINAL AND TRAFFIC CASES IN DISTRICT AND CIRCUIT COURTS AND THE DISBURSEMENT OF FUNDS COLLECTED THEREFROM TO FUND AN ELECTRONIC SUMMONS SYSTEM**”. The purpose of this ordinance is to impose a fee to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

**AN ORDINANCE PROVIDING FOR THE  
ASSESSMENT OF FEES INCIDENT TO  
CRIMINAL AND TRAFFIC CASES IN  
DISTRICT AND CIRCUIT COURTS AND THE**

**DISBURSEMENT OF FUNDS COLLECTED THEREFROM  
TO FUND AN ELECTRONIC SUMMONS SYSTEM**

BE IT ORDAINED, by the Board of Supervisors of Northampton County, Virginia, that Section 31.03 of the Northampton County Code, be amended follows:

Section 1. This Ordinance is enacted pursuant to Section 17.1-279.1 of the Code of Virginia, 1950, as amended.

Section 2. There is hereby levied an assessment of Five Dollars (\$5.00) as a part of the fees taxed in each criminal and traffic case in the District Court and Circuit Court of Northampton County.

Section 3. The assessment imposed hereby shall be collected by the Clerk of the Court in which such action is filed and, upon collection, shall be remitted to the County Treasurer.

Section 4. The County Treasurer shall segregate such funds and hold same subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

Section 5. The assessment provided for herein shall be in addition to any other fees prescribed by law.

Section 6. This Ordinance is effective from and after its adoption.

\*\*\*\*\*

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

The County Administrator noted that based on changes in the Code of Virginia, this ordinance was being proposed in order to assess a \$5.00 fee within the General District and Circuit Courts to fund software, hardware and associated equipment costs for the implementation and maintenance of an electronic summons system.

Sheriff David Doughty was recognized and noted that implementation of this electronic system would reduce personnel time/travel and the amount of actual paper summons to issue.

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

Motion was made by Mr. Hogg, seconded by Mr. LeMond, that “**AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF FEES INCIDENT TO CRIMINAL AND TRAFFIC CASES IN DISTRICT AND CIRCUIT COURTS AND THE DISBURSEMENT OF FUNDS COLLECTED THEREFROM TO FUND AN ELECTRONIC SUMMONS SYSTEM**”, be adopted as presented. 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).

Mr. H. Spencer Murray called for the news media to issue a corrected article relative to the last work session’s discussion relative to ammonia scrubbers being required for Concentrated Animal Feeding Operations. He does not believe that requiring ammonia scrubbers will be a hardship to area farmers.

Mrs. Roberta Kellam thanked the Board for the recent birding festival grant and noted that this year’s event was very successful with 310 paid registrations as compared to 227 last year. She introduced Ms. Bonnie Mahl of the Eastern Shore Soil and Water Conservation District who handled the education portion of the event.

Mr. Ken Dufty referenced the ammonia scrubbers’ discussion at the last work session and said that many people believe that this issue has been resolved. He said that the Board needed to fix the confusion.

The County Administrator read from the proposed zoning ordinance draft which clarified that ammonia scrubbers are required for all CAFOs.

Mr. Bill Prosis said that he had been a member of the County’s Ad-Hoc Tax Study Committee, and noted that there was a problem with the lowering SLEAC values employed by the Commissioner of the Revenue’s Office for land use valuation. He said that the Board

needed to talk with the two candidates for that office.

Mr. Rick Glebin, a Cape Charles resident, said that the poultry industry still think it can establish itself in the County and that there was confusion in the public. He urged the Board to make it clear.

Mrs. Janet Sturgis requested that the public be allowed to access the public wi-fi in the board room when attending meetings so that they could research matters being discussed. She also asked that the Board broadcast its meetings.

\* \* \* \* \*

The following future meeting agenda was shared with the Board:

Work session/other meeting agendas:

- (i) 10/26/15: Work Session: Joint work session with Planning Commission re: Comprehensive Plan Update
- (ii) 11/2/15: Joint Public Hearing with Planning Commission: Zoning Ordinance Amendments
- (iii) 11/23/15: Work Session: Topic to be determined
- (iv) 12/28/15: Work Session: Potential Action on Zoning Ordinance Amendments

(15) 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:** October 9, 2015  
**RE:** Bi-Monthly Report

**I. Projects:**

A. USDA Grant Obligation Update:

As an update from your September 8, 2015 meeting, we have continued to move forward with meeting the requirements of this agreement. USDA has signed off completely on the 2 Sheriff's vehicles and the conversion package for the EMS Quick Response Vehicle. Staff is still developing the procurement documents for the 2 generators for the elementary schools and the CPR Instruction Kits for the

School. The state contract for Chevrolet Tahoe vehicles for the EMS Quick Response Vehicle for 2015/2016 has been released and is \$5,528 higher than we projected in our cost estimates. Since the acquisition and equipping of the 2 Sheriff's vehicles is now complete and the actual cost of \$36,221.07 per vehicle is confirmed, which is \$4,613.93 less per vehicle than our projected budget of \$40,835 per vehicle, this leaves a total of \$9,227.86 that needs to be repurposed to continue to meet our obligation to USDA.

Therefore, I will increase the EMS Quick Response Vehicle Budget by \$5,528, which was initially at \$50,000, to cover the increased purchase cost. This will leave a reserve of \$3,699.86 which I will retain as a reserve until the procurement is finished on all of the items (generators and CPR Instruction Kits).

To date, we have now committed \$489,839 of the \$599,734.80 obligation or 82%.

*Following comments by Mr. Hogg, noting that approval of overages in proposed line items should be a Board decision, motion was made by Mr. Hogg, seconded by Mr. LeMond, that the cost estimate for the Quick Response Vehicle be amended as outlined above. All members were present and voted "yes." The motion was unanimously passed.*

**B. After Action Report on Coastal Storm/Hurricane Joaquin (October 1 – October 5, 2015):**

Enclosed please find a summary report on the weather events that impacted the Eastern Shore from October 1 – October 5, 2015 from our Emergency Management Department.

**C. New Cape Charles Access Road:**

On September 25, 2015, I attended the VDOT Pre-Advertisement Conference regarding the New Cape Charles Access Road (Route 642 Reconstruction). The project is rapidly progressing and the expected date for advertisement of the construction bids is March 8, 2016 and the expected timeline for completion of construction is 18 -22 months. The design of the road layout has now been accepted by VDOT and acquisition of Right-of-Way (ROW) can commence. While VDOT is handling the bulk of the ROW properties, the County is taking the lead with three of the property owners since they will be out-right donations to the project: the Town of Cape Charles, Southport Investors, and Bay Creek South, LLC. I have forwarded the information regarding ROW to the County Attorney and we are starting to work on this matter.

**D. SET (Stronger Economies Together) Grant:**

Work is progressing on the regional SET Grant. The first community meeting has been scheduled for October 27, 2015 from 8:30 a.m. - 12:30 p.m. There is limited seating for this forum; however, it is the first of six forums that will be held over the next nine months. I have enclosed a copy of the invitation notice as

well as some additional information about the planning process that will be utilized for this grant.

E. Stormwater Act:

With the passage of the Stormwater Act, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control to the 2016 General Assembly. One of the components of the current legislation includes the ability of each locality to determine if they will administer the Stormwater Program or "opt out" and turn that responsibility over to the Department of Environmental Quality.

Northampton County chose to exercise the opt out provision in our adoption of the Stormwater Act – a total of 54 localities chose to opt out from administering the Stormwater Act. I have enclosed a map showing the localities that have opted out as well as a chart that indicates the population for each county, highlighting the "opt out" communities. The "opt out" communities are very diverse both in population and geographic location.

The General Assembly had also passed additional legislation last year that imposed a requirement upon Chesapeake Bay Act communities which did not wholly comport with the "opt out" administrative provision – this legislation required local administration of land disturbance projects between 2,500 square feet and 1 acre for any community covered under the Chesapeake Bay Act which includes us.

The Advisory Group has spent significant time and appears to be leaning toward recommending the elimination of the "opt out" provision, thus requiring each locality to administer the Stormwater Program.

In response to this, the "opt-out" communities, thru their administrative staff, have been communicating and have developed a proposed resolution for consideration by each county's Board of Supervisors, to show the General Assembly that the "op-out" language needs to remain in the Stormwater Act and in addition, the Chesapeake Bay Act communities should be relieved of the administrative responsibilities for land disturbance projects up to 1 acre. *A copy of the proposed resolution is enclosed for your consideration. If the Board passes this resolution, then I will add this item to your 2016 Legislative Agenda.*

## RESOLUTION

**WHEREAS**, many localities are increasingly concerned over the Commonwealth of Virginia's expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

**WHEREAS**, over the past several years, many changes have been made to the

environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

**WHEREAS**, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth's expanded Stormwater Management Program and other environmental regulations at the local level; and

**WHEREAS**, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

**WHEREAS**, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to "Opt Out", leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

**WHEREAS**, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

**WHEREAS**, upon enactment, the Commonwealth of Virginia's lead environmental regulatory agency, the DEQ was established as the Commonwealth's VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth's environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

**WHEREAS**, the Board of Supervisors of Northampton County, along with 54 other localities in Virginia, voted in 2014 to "Opt Out" of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

**WHEREAS**, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

**WHEREAS**, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia's "Opt Out" localities and Chesapeake Bay Act localities; and

**WHEREAS**, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to “Opt Out” provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

**WHEREAS**, a recommendation to repeal the statutory “Opt Out” constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

**WHEREAS**, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Board of Supervisors of Northampton County **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Northampton County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

**BE IT FURTHER RESOLVED THAT:**

The Board of Supervisors of Northampton County **strongly recommends** that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

\* \* \* \* \*

*Motion was made by Mr. LeMond, seconded by Mr. Bennett that the foregoing resolution be adopted as presented. All members were present and voted "yes." The motion was unanimously passed.*

F. 2016 Proposed Legislative Agenda:

VACo has indicated that they would like each county to submit their 2016 Legislative Agenda by November 1, 2015. I have enclosed a list of potential items for your consideration. I have also included a copy of VACo's Preliminary 2016 Legislative Program for your perusal.

**NORTHAMPTON COUNTY  
BOARD OF SUPERVISORS  
PROPOSED LEGISLATIVE AGENDA – 2016**

1. Transportation Funding – support legislation to establish stable and consistent revenues to meet Virginia's long-term transportation infrastructure needs and to oppose any legislation or regulations that would require the transfer of responsibility to the counties for construction, maintenance or operation of new and existing secondary roads.
2. Equal Taxing Authority – Eliminate the distinction in the taxing authority of Virginia's cities and towns versus counties and provide counties with all of the same provision to establish local excise taxes, including the cigarette tax and the meals tax.
3. Local Government Revenues and State Tax Reform – oppose legislation to eliminate or reduce specific local tax revenues, including local business taxes such as the Machinery & Tools Tax.
4. State Funding for Compensation Board– support full restoration of state funding for the Compensation Board and restore its required funding for the constitutionally mandated offices of Commissioner of Revenue, County Treasurer, Sheriff, Clerk of Courts and Commonwealth Attorney.
5. State Funding for Education – support full restoration of state funding for the Standards of Quality (SOQ).
6. Support legislation to revise public hearing notification provisions to include a county government run website as a legal posting method, similar to a local paper of record.
7. Support legislation to extend in the imposition and collection of the local transient occupancy tax to state owned parks and campgrounds that provide for lodging.
8. Support legislation to require mandatory certification from the local treasurer that real

estate taxes are current prior to the sale and recordation of sale of real property.

9. Support the Port of Virginia Economic and Infrastructure Development Zone Grant Program, which would create an immediate increase of additional workforce, financial capital and infrastructure.
10. Oppose the privatization of on-site sewage programs, currently regulated by the Health Department.
11. Fully fund the Line of Duty Act (LODA) obligations and return LODA to a state program. This is a benefit for Public Safety employees initially established and fully funded by the state and were shifted to the locality in 2013 without any consultation with the localities over program cost or responsibilities.
12. Eliminate the mandate associated with the Virginia Retirement System Hybrid Retirement Plan that requires localities to offer short-term disability insurance coverage. The county provides appropriate leave coverage through our leave and benefit policies and the provision of any supplemental short-term disability insurance coverage should be the option of the County and not a mandate from the State.
13. Clarify the Stormwater Act for localities that have opted out from administering this act and have deferred to VDEQ to handle that responsibility that they are truly OUT of administration of the Stormwater Act. Recently, VDEQ through regulatory interpretation has indicated that Chesapeake Bay Act localities are responsible for addressing the provisions of the Stormwater Act for Chesapeake Bay Preservation Act Land Disturbing Activities between 2500 sq. ft. and 1 acre, i.e., the full enforcement of the Stormwater Act for projects under 1 acre land disturbance area, (LDA). Most all of the project in Northampton County are under 1 Acre LDA This change in the administrative code was approved by the State Water Control Board last summer **after** the clear legislative intent of providing relief for localities from administering storm water control was made by the Assembly.
14. Eliminate the mandate associated with the Chesapeake Bay Act requiring localities to develop and oversee a septic pump-out notification program to homeowners located in the Chesapeake Bay Act overlay district. Initial permitting of septic tanks is performed by the Virginia Department of Health (VDH). VDEQ is requiring localities to enforce the five year clean-out provision of the law for any property in the Chesapeake Bay Protection Areas (all of Northampton County). Northampton County recommends that this task be performed by the permitting agency, VDH. The requirements for this unfunded mandate are contained in the Virginia Administrative Code (9VAC25-830-130) #7 (copy attached).
15. Eliminate the mandate associated with the Chesapeake Bay Act which requires any land upon which agricultural activities are being conducted to have a soil and water quality conservation assessment conducted. The requirements for this unfunded mandate are contained in the Virginia Administrative Code (9VAC25-830-130) Item#8 (copy

attached).

16. Oppose any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia's counties and citizens the statutory right to 'Opt Out' of administering the Virginia Stormwater Management Program, and request that the Stormwater Advisory Group support and seek implementation of the current law. Additionally, requests that the Stormwater Advisory Group recognize and recommend that the statutory right to "Opt Out" be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

\* \* \* \* \*

*Motion was made by Mr. Hogg, seconded by Mr. LeMond, that the 2016 Legislative Agenda be approved as presented. All members were present and voted "yes." The motion was unanimously passed.*

G. Department of Social Services:

Richard Sterrett, Director of the Northampton County Department of Social Services, has announced his retirement, effective December 31, 2015. The Northampton County Board of Social Services is overseeing filling this vacancy working with the state Department of Social Services and the state Human Resources Department.

H. Doggett Lane:

At a prior Board of Supervisors meeting, Supervisor Hogg raised the issue of Doggett Lane and seeking clarification if it is a public or private road and has it been incorporated as part of the VDOT road system. Our attorney has pulled the plat (see enclosed) that addresses Doggett Lane where it has a notation that states "5' hereby dedicated to the Northampton Board of Supervisors for Future Road Widening". This plat was recorded on April 26, 1990. However, in a search through the Board of Supervisors' minutes, we have not located any action by the Board of Supervisors to accept this dedication.

*Mr. Hogg said that he sees these types of notations frequently and that perhaps the Board needs to review the authority granted to the Zoning Administrator when approving plats for recordation as it was his opinion that since the plat was recorded, the Board now owns the 5 ft. of roadway. The Board instructed that the County Attorney's opinion be sought on Mr. Hogg's interpretation of this matter.*

\* \* \* \* \*

Sheriff David Doughty was recognized and in response to a question posed by Supervisor Bennett, he noted that in the past, his office has relied on State Police resources for neighborhood camera placement. His research indicates that approximately \$11,000 would be needed for purchase and implementation of a camera for the Treherneville neighborhood in response to several drive-by shooting events recently. This does not include cellular service for transmission of the data back to the Sheriff's Office, which would cost an additional \$100 per month. Mr. Bennett replied that he has received information indicating a cost of less than \$1,000 for this type of equipment although the Sheriff indicated that Mr. Bennett's type of equipment would not transmit the data immediately and would require physically visiting the camera site to retrieve the information. The Sheriff agreed to research possible grant opportunities for this equipment and indicated that he may be submitting a request in the FY 2017 budget.

Action Items:

- (16) Consider adoption of a resolution to change the regular meeting date for November.

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the following resolution be adopted to change the regular meeting date in November. All members were present and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

**RESOLUTION**

BE IT RESOLVED by the Northampton County Board of Supervisors, this 13<sup>th</sup> day of October, 2015, that the regular meeting of the Board, scheduled for Tuesday, November 10, 2015, commencing at 4:00 p.m., in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, be changed to Tuesday, November 17, 2015 at 4:00 p.m. in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia; and

BE IT FURTHER RESOLVED that, following this meeting, the date, time and place of the regular meeting of the Northampton County Board of Supervisors shall revert to the second Tuesday of each month in the Board Chambers, 16404 Courthouse Road, Eastville, Virginia, at 4:00 p.m.

\*\*\*\*\*

(17) Consider adoption of the Holiday Schedule for 2015-2016.

Motion was made by Mr. LeMond, seconded by Mr. Hogg, that the Holiday Schedule for Board of Supervisors' employees be set as follows:

Wednesday, November 25, 2015	open all day
Thursday & Friday, November 26-27, 2015	closed all day
Wednesday, December 23, 2015	open all day
Thursday & Friday, December 24-25, 2015	closed all day
Thursday, December 31, 2015	open all day
Friday, January 1, 2016	closed all day

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

Recess

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, October 26, 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