

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 14th day of October, 2014, at 4:00 p.m.

Present:

Larry LeMond, Chairman

Richard L. Hubbard, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Oliver H. Bennett

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

New hires/terminations report

County Administrator's Annual Evaluation

(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.

Update on EMS site location

(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.

Verizon Wireless Lease Agreement

All members were present with the exceptions of Mr. Hubbard and Mr. Hogg and voted “yes.” The motion was unanimously passed.

Messrs. Hubbard and Hogg arrived shortly after 4:00 p.m.

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) Mr. Robbie Lewis, Area Forester, Virginia Department of Forestry, provided his annual update to the Board.

(2) Ms. Lisa Sedjat, the newly-hired Executive Director, Eastern Shore Community Services Board. This introduction will be handled at the November meeting.

(3) Ms. Kerry Allison, Executive Director, Eastern Shore Tourism Commission, updated the Board on that body’s recent activities. Her powerpoint presentation is set out below:

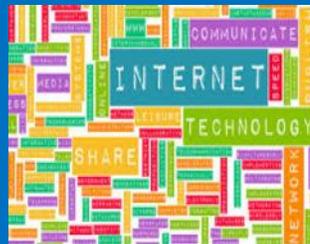
2014/2016 Marketing Blueprint

Eastern Shore of Virginia Tourism Commission



Fall 2014

MARKETING BASELINE



Key Data

- 3.5 Million CBBT Crossers
- Website Growth -- Doubled YTD, YOY
- 90% of Travelers Plan Online
- Pinterest: Fast Growing for Travel/Leisure
- Images Key to Travel/Leisure

Key Product Areas

- History = 34%
- Outdoors/Nature = 31%
- Shopping = 30%
- Beach = 20%
- Dining/Wine = 19%

Source: Virginia Tourism Corp

Also Space, Artisan Trail,
Virginia Oyster

Key Demographics

- 39% = 45 to 64
- 33% = 25 to 44
- 22% = 65 plus

Source: Virginia Tourism Corp

Traveler Origin/Planning

- Virginia
- Pennsylvania
- North Carolina
- New York
- New Jersey
- Planning: 52% Own Experience/
Friends, Family

Source: ESVATC Welcome Center

STRATEGY



Strategic Pathways

- Digital Presence
Deep & Broad, Dominate Search Results
- New Markets/Products
Multi Gen, Expand 25 to 44, Girlfriends,
Culinary, Arts, Support Partnership Formation, Shoulder
Season Growth
- Packages/Deals/Itineraries
High Media & Consumer Demand, Simplifies Trip Planning
- Better, More Engaging Information
Across Channels. Interactive Maps, Itineraries, Top Ten
Events, Short Videos, Pinterest Boards

TACTICS



Action

- Content Marketing
- New Consumer Email
- New Social Media Channels
- Top Ten Events, Itineraries
- Leverage – Artisans Trail, Virginia Oyster
- New Website
- Targeted Advertising: VTC Coop/SEM, Facebook Boost, Facebook PPC, Pinterest

KPIs



Tax Revenue Increase

- Region: \$241,063,863 in 2013
- 3.8% Increase YOY '12 to '13
- Highest increase in VA
- State Average = 1.4%

Source: VTC/US Travel Association: Travel Economic Impact (Expenditures (food, lodging, transport, purchases, entertainment, recreation), Payroll, Employment, Direct Travel Related Tax Receipts)

Signals of Intent to Travel

- Website Visits (48K in 2013; 90K TD 2014; +363% 2011 to 2014)
- Guide Orders (No Data Avail.)
- Newsletter Sign Ups (No Data Avail.)
- % New Website Visitors (65%)
- View Stay on Website (Top 5 Page 6 Months)

Earned Social Media

Facebook – 1K to 4K since May

Facebook – 104 “Shares” since 9/6

(New: Instagram, Pinterest, YouTube)

Earned Mainstream Media

- Washington Post, June
Virginia's Eastern Shore: A natural fit for summer
- Forbes, July:
Forget The Hamptons, Chincoteague Island Is
The Place To Be This Summer
- Virginia Living, July/August
Cover & six page photo essay about the Eastern
Shore
- Martha Stewart Living, July/August
Blue Sky Lavender Farm
- Coastal Living
Named Chincoteague Happiest Seaside Town

INDUSTRY PROGRAM



Industry Strategy

- Marketing Plan Visibility
- Industry Email 1x Quarter
- Annual Tourism Summit, Workshops
- Dashboard (KPIs)
- Strategic Planning



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(4) Mr. Chris Isdell, Accomac Residency Administrator, Virginia Department of Transportation, updated the Board on VDOT's recent activities including the final mowing on Route 13 which will occur at the end of October. He also said that the Board's #1 priority – the Rt. 642 project, will be subject of a public hearing in December. He relayed to the Board the results of VDOT's mowing of phragmites near the Cape Charles intersection and cleaning of the drainage issue in Eastville. Lastly, Mr. Isdell presented the Department's Route 13 Crossover Closure Proposal. The selected crossings do not serve any large development and if closed, will not adversely affect traffic. All of the proposed closure sites were contained in the County's recommended closure plan except for the median closure opposite the location of the former Candlelight Lodge at Birdsnest, which Mr. Isdell indicated was the subject of continued internal discussion. The Board indicated that it needed additional review time prior to taking any action on the proposal.

In response to a question from Mr. Hogg, Mr. Isdell noted that safety has improved on Route 13 as a whole and that internal discussions were ongoing relative to other safety measures, such as radar trailers, which could be implemented. In response to another question from Mr. Hogg, Mr. Isdell indicated that he would have to look for plans detailing the sleeve under the Route 13 crossing at Cape Charles.

(5) Ms. Sue Simon, Economic Development Coordinator with the Accomack-Northampton Planning District Commission, presented an updated Bike Plan for the Board's review and consideration, which is on file in the Office of the County Administrator. Her powerpoint presentation is set out below:

Request to Approve and Adopt the Eastern Shore of Virginia 2014 Bicycle Plan Update

Presentation to
Northampton County
Board of Supervisors
October 14, 2014

Susan Simon, A-NPDC

Process

- Updating the 2011 Bicycle Plan is an element of the A-NPDC Transportation Committee's FY14 Work Plan under the VDOT Rural Transportation Planning Assistance Program.
- Two public meetings were held in May 2014 – one in each county – to solicit feedback and suggestions to revise the 2011 plan.

Public Interests/Comments

- Add dedicated bike trail from existing shared use path at Eastern Shore of Virginia National Wildlife Refuge (ESVNWR) trail that ends at Townsend Drive, completing Phases II & III to Cape Charles entrance at Stone Road;
- Provide safe bike crossing at Stone Road across Rt. 13 with bike light, markings, or overpass;
- Public expressed strong support to pursue “rails with trails” idea”, to create path to Maryland state line;
- Erect “Share the Road” signs or bike lanes on rural roads to alert motorists, show tourists we are “bike friendly”;
- Identify popular origin/destination site “loops” and install bike lanes, shared use paths, or widen shoulders for bicycler access;

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Public Interests/Comments

- Reassemble the Bicycle Advisory Committee;
- Strongly perceived need for bicycle safety training, helmet use, and enforcement of rules of the road (bicyclists and motorists);
- Create map of best roads, loops, spurs for bicycling;
- Post “Share the Road” signs along rural roads to notify motorists;
- Enforce leash, litter laws, especially on rural roads for safer cycling;
- Launch strong marketing campaign to attract bicycling tourists to Eastern Shore.

Featured Results

- The 2014 Bike Plan updates new facilities;
- Priorities re-set;
- New “Next Steps” updated;
- Recent Average Annual Daily Trip (AADT) counts;
- Crash data cited for 2009-2013;
- Color-coded maps added, with break-outs of recommended facilities (existing, proposed wide lanes, paved shoulders, shared use paths);
- Road names added to segments;
- Evergreen document to be evaluated and updated.

Bike Plan Adoption

- The Bike Plan was approved by the Transportation Technical Advisory Committee (TTAC) in June, and the Planning District Commission in September;
- The Bike Plan correlates with the Transportation section in Northampton’s Comprehensive plan;
- A-NPDC and TTAC will work with towns to adopt in their Comprehensive Plan updates;
- A-NPDC to seek funding to advance objectives;
- I respectfully request adoption of the Plan by the Northampton County Board of Supervisors.

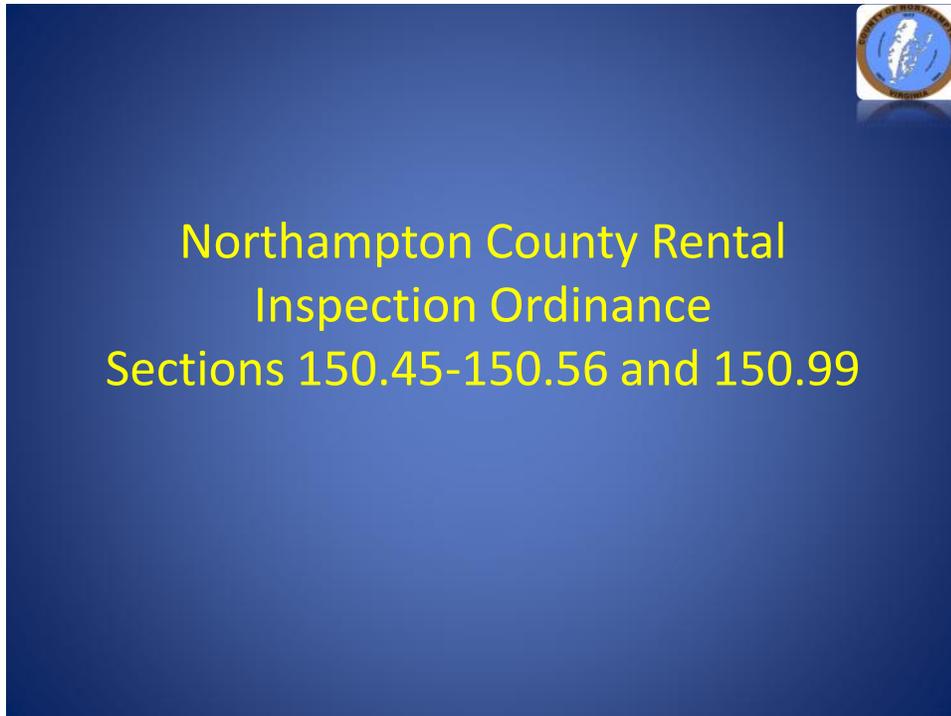
Questions, comments?

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Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the Board adopt the Eastern Shore Bike Plan Update 2014 as presented. All members were present and voted “yes.”

The motion was unanimously passed.

(6) Mr. John Outten, Building Official, made a presentation to the Board on its Rental Inspection Ordinance as shown below:



Rental Inspection Ordinance



- What is the Rental Inspection Ordinance?
- Where are the inspection districts?
- How many homes would implementation affect?
- What agencies may become involved?
- Considerations?

What is the Rental Inspection Ordinance?



Section 150.47 indicates that it is an ordinance enacted to:

- Protect the public and the health, safety, and welfare of the occupants of a rental dwelling unit
- Prevent deterioration or address ongoing deterioration and blight
- Provide inspection of dwellings within a rental district in an effort to maintain safe, decent, and sanitary living conditions for the tenants and other residents in the district

Location of Inspection Districts



District 1: Cheapside



**District 2:
Weirwood/Bayford**



Structures affected



District 1: Cheapside

- 291 Parcels
- 118 Structures
- 15 Structures are active rental homes

**District 2:
Weirwood/Bayford**

- 64 Parcels
- 48 Structures
- 12 Structures are active rental homes

Possible agencies involved



- Development Dept.
- NCSO
- Department of Social Services
- Commonwealth Attorney/
Magistrate/Courts
- VDH
- ANPDC or similar that could provide housing in cases where homelessness occurs

Considerations



- Section 104.1 of the Uniform Statewide Building Code has a provision that allows inspection of rental units on a complaint basis. (See USBC code reference in packet)
- Rental dwelling occupants may experience enhanced living conditions through the implementation of the program
- Unintended consequences may include increased homelessness within Northampton County and occupancy of abandoned or derelict structures by displaced tenants



Questions ?

John Outten

Building Official

Office: 757 678-0440 x.525

Email: joutten@co.northampton.va.us

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Mr. Outten reported that his office’s workload is uncertain until the initial inspections are conducted but would increase in the follow-up steps as deadlines are imposed for required improvements.

Mr. Bennett acknowledged that he owns rental property and further stated that the Board needs a “safety net” or alternate plan for residents who may become homeless as a result of this program. Mr. Outten confirmed that implementation of this program would be a team effort and that conversations should be held with the other affected agencies prior to starting the process of notification.

Mrs. Katherine H. Nunez, County Administrator, reminded the Board that this ordinance was currently on the books, but that if the Board chose not to implement it, it should be removed and that until we start enforcing its provisions, we do not know how many homes will be

affected. Staff is prepared to begin the implementation process but wanted the Board to be aware of any unanticipated consequences; we cannot guarantee that some residents won't become homeless as a result.

The Board recognized Mr. H. Spencer Murray who indicated that he was on the Board when the ordinance was first adopted in 2009. He told the Board that some of the homes within the pilot program areas involve children who live without proper indoor plumbing or electricity and that the slum and absentee landlords are creating a public safety and health concern.

Mr. Hubbard asked that staff contact other local agencies to see what types of affordable housing is available.

As a compromise, the County Administrator suggested that the Board poll the other affected agencies to determine housing stock availability, eligibility criteria, waiting lists, etc., and delay issuing any notification letters to property owners until such information is received. The Board concurred.

The Board recessed at 6:55 p.m. for its supper break and reconvened the meeting at 7:25 p.m.

Consent Agenda:

(7) Minutes of the meetings of September 9, 22 and 29, 2014.

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

County Officials' Reports:

(8) Mrs. Leslie Lewis, Director of Finance, presented the following Budget Amendment and Appropriation Requests for the Board's consideration:

MEMORANDUM

TO: Board of Supervisors

FROM: Leslie Lewis
Director of Finance

DATE: October 8, 2014

RE: Budget Amendments and Appropriations – FY 2015

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

\$46,000 – This represents a “PluggedIn VA” grant awarded to the Eastern Shore Community College by the Virginia Department of Education and Northampton County Public Schools has agreed to act as fiscal agent for the grant.

\$1,232.00 – This represents a “Risk Management” grant awarded to NCPS by the Virginia Municipal League for the purchase of handheld radios.

\$44,343.31 – This represents a budget *reduction* to reflect the amount of actual Title I, Part A allocation under the Elementary and Secondary Education Act.

\$16,996.46 – This represents the balance of a “Migrant Literacy Comprehensive Online Reading Education (MLCORE) Consortium Incentive Grant received under Title I, Part C, Education of Migratory Children, that remained at the end of FY 2014. No funds were expended under the original appropriation because the position included in the grant was not filled.

\$21,000 – This represents the award of “Jobs for Virginia Graduates (JVG)” funding from the Virginia Department of Education. This funding will be used to fund costs associated with assisting students at risk of dropping out and providing additional supports that enable these students to graduate, secure, and retain quality jobs.

\$336.00 – This represents a budget *reduction* reflecting the final Title II, Part A Award under the Elementary and Secondary Education Act (ESEA).

\$1,776.87 - This represents a budget *reduction* reflecting the final Title III, Part A Award under the Elementary and Secondary Education Act (ESEA).

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

While Mrs. Lewis was prepared to present the 4th Quarter, FY 2014 Financial Statement Package, the Board agreed to postpone this discussion until next month.

The invocation was offered by Mr. Bennett.

The Pledge of Allegiance was recited.

Public Hearings:

Chairman LeMond called the following public hearing to order:

(9) Consider a Boundary Line Adjustment with the Town of Cheriton. The new corporate limits of the Town of Cheriton are proposed to incorporate the entirety of the following properties, the acreage shown being the portion of the parcels presently outside the said corporate limits of the Town of Cheriton:

Tax Map 84-25-A currently owned by Webster Investors and consisting of 17 acres, more or less.

Tax Map 84-25-B currently owned by Webster Canning Holdings Va LLC and consisting of 13.86 acres, more or less.

Tax Map 84C3-A-18 currently owned by Sheldon Lee & Kathleen Williams and consisting of 12.44 acres, more or less.

Tax Map 84C3-A-19 currently owned by Sheldon Lee & Kathleen Williams and consisting of 3.2 acres, more or less.

Tax Map 84C3-3-A2 currently owned by DC Building, Inc. and consisting of 0.03 acres, more or less.

Tax Map 84C3-3-A3 currently owned by DC Building, Inc. and consisting of 0.25 acres, more or less.

Total acreage affected by this boundary line adjustment is 46.78 acres, more or less

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

Ms. Katherine H. Nunez, County Administrator, indicated that letters from the affected property owners have been received, requesting approval of the Boundary Line Adjustment.

Mrs. Norma Spencer, Vice Mayor of Cheriton, requested the Board's favorable consideration, noting that it was the Town's intention to promote economic development within both the Town and the County.

Mr. Robert C. Richardson of Seaview indicated that he supported the Town's petition, provided that same does not present any financial hardship to the County.

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

Motion was made by Mr. Hubbard, seconded by Mr. Trala, that the proposed boundary line adjustment with the Town of Cheriton be approved and that the Board approve the Agreement Between Northampton County and Town of Cheriton for 2014 Boundary Adjustment. All members were present and voted "yes." The motion was unanimously passed. Said agreement is on file in the Office of the County Administrator.

Mr. Hogg said that he appreciated the Town's efforts and hoped that he would see some improvements made in order to attract development.

The Chairman called to order the following public hearing:

(10) Consider the possible transfer of some or all of the property known as Lots 6, 7, 8, 9, and 10 of the Selma Farm Subdivision, identified as being Tax Map 58, double circle 2, Parcels 6, 7, 8, 9 and 10, to the Northampton County Public Schools.

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

The County Administrator indicated that the purpose of this public hearing was to solicit public input regarding the transfer to the Northampton County Public Schools of some or all of the five lots as identified above within the Selma Farm Subdivision for use by the Schools for its athletic programs.

Mr. Robert C. Richardson said that he agreed with the transfer but that the County should be trading its property for that owned by the School Board at Willow Oak for possible placement of the EMS garage or records storage needs.

Mr. Hogg stated that he hoped the School System would not consider use of ground rubber for the athletic fields as fill material due to the recent health warnings associated with this product. He also agreed with Mr. Richardson's prior comments about trading property with the School Board.

Mr. Bennett urged the School System to be prompt in its maintenance of the area.

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

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the Board adopt the following Resolution, effecting the transfer of the five Selma lots to the Public Schools. All members were present and voted "yes" with the exception of Mr. Hogg who voted "no." The motion was passed. Said resolution as adopted is set forth below:

**RESOLUTION OF THE
NORTHAMPTON COUNTY BOARD OF SUPERVISORS**

WHEREAS, at its meeting of September 14, 2010, the Northampton County Board of Supervisors resolved to purchase Lots 6, 7, 8, 9, and 10 of the Selma Farm Subdivision, identified as being Tax Map 58, double circle 2, Parcels 6, 7, 8, 9, and 10, for future school needs, for the sum of \$106,700.00, and on September 13, 2010 did acquire said lots; and

WHEREAS, at its meeting of September 9, 2014, the Northampton County Board of Supervisors expressed its intent to consider transferring said parcels to the Northampton County Public Schools; and

WHEREAS, at its meeting of October 14, 2014, the Northampton County Board of Supervisors conducted a public hearing pursuant to Code of Virginia § 15.2-1800 to solicit public comment on the proposed transfer of property.

NOW, THEREFORE, Be It Resolved that the Board of Supervisors of Northampton County does hereby agree to transfer to the Northampton County Public Schools, the parcels of real estate identified as Tax Map 58, double circle 2, Parcels 6, 7, 8, 9, and 10, for no (nor nominal) consideration, and that the County Administrator, County Attorney and Chairman of

the Board of Supervisors be authorized to execute such documentation as may be required to effect such transfer.

The undersigned Clerk of the Northampton County Board of Supervisors hereby certifies that the above is a true copy of a resolution adopted by the Northampton County Board of Supervisors on October 14, 2014.

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The Chairman called to order the following three public hearings concurrently:

(11) **Zoning Map Petition 2014-02:** Kiptopeke Villas, LLC has applied to rezone property containing 1.52 acres of land from Hamlet, (H) to Commercial, (C-1) for the purpose of building and operating 12 efficiency type motel units to be used as a principal multi-family attached dwelling unit – apartments for workforce housing in the off season. The property is described as Tax Map 112, double circle A, parcel 69, located in Kiptopeke.

(12) **Special Use Permit 2014-09:** Kiptopeke Villas, LLC has applied to construct and operate a principal multi-family attached dwelling Unit – apartments. The property containing 1.52 acres of land, is described as Tax Map 112, double circle A, parcel 69, is zoned H, Hamlet, and located in Kiptopeke.

(13) **Special Use Permit 2014-08:** Kiptopeke Villas, LLC has applied to construct a mass drainfield to serve the proposed principal multi-family attached dwelling unit - apartments to be located on parcel 69 of tax map 112, double circle 6. The drainfield will use two parcels containing 1.5 acres of land and is identified as Tax Map 112, double circle 6, parcel 4 and Tax Map 112, double circle 6, parcel 3 and are zoned H, Hamlet, and located in Kiptopeke.

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

Mr. Peter Stith, Long-Range Planner, indicated that while the Planning Commission was recommending denial of the zoning map petition, it was recommending approval of the special use permits for the mass drainfield and apartments. Three letters of support and four letters and multiple petitions of opposition were included in the agenda packet.

The County Administrator noted that a Statement of Proffers had been received from the applicant prior to the public hearing, detailing the applicant’s offer to install dense landscape

vegetation and buffering at certain areas; to utilize full-shielded dark sky lighting throughout the property; to commit to no flood lighting or tall light posts; and to limit the size of its signage.

Mr. Hogg declared that he does not know who the principal parties in interest were because the applicant was an “LLC”, but that he has had a business relationship with one of the apparent parties in the past. It has been determined through conversation with legal counsel that he does not have a conflict of interest in this matter.

Mr. Bill Parr, representing the applicant, said that there was approximately 500,000 visitors to the nearby Kiptopeke State Park annually which generated \$11 million in the area and that the Park was adding additional lodging facilities. The subject parcel has a 50-year history of commercial activity and was no different from the adjacent state park and Kiptopeke Condos properties. He said that tourism is a cornerstone of our local economy and that we needed commercial growth at a good location as is evidenced by the 500,000 visitors to the state park. His development would generate jobs and create tax revenues in hospitality and sales tax. Mr. Parr noted that the proffers as submitted would address the neighbors’ concerns and that it was “time to welcome commercial activity back to the County”.

Mr. Terry Ramsey read the following comments:

October 14, 2014 Presentation by Terry Ramsey of 4192 Kiptopeke Drive to Northampton County Board of Supervisors in Opposition to Zoning Applications 2014-2, 08, 09 by Kiptopeke Villas, LLC

Chairman, members of the Board of Supervisors and County Administration. My name is Terry Ramsey. I own a residence at 4192 Kiptopeke Drive (2nd house on the left on road into State park). From my home I have direct sight of the proposed rezoning and my home is in the same subdivision as the proposed sewer lots.

I understand the neighborhood petition which was presented October 7th to the Planning Commission is in your files and you have reviewed it, so I will be respectfully of your time and present only key points and new information.

I ask you to deny the rezoning request to C-1 and to deny the Special Use permits. Key points include:

1. Previous owner accepted the revised zoning from RVC – Rural Village Commercial to Hamlet with the current ordinance effective October 21, 2009. The County aerals online show empty lots back to 2002. There has been no business on property for many years. Therefore, prior zoning should not be a basis to rezone as C-1. The fairness should be to the surrounding property owners, many who are here tonight, who relied upon the Comprehensive Plan and who relied upon current zoning and existing use and who will be harmed by the applicant’s requests.
2. The Planning Commission spoke much about economic development. Economic development includes persons like me and surrounding property owners who love the Eastern Shore of Virginia. Love Northampton County for its nature and beauty. Who bring outside dollars to the County to pay taxes and support schools (even though their kids are often long past school). Who spend money in local stores, shops and restaurants. Who retire here and bring their retirement income and savings to spend here. Who are good citizens. If the Northampton County wants economic development from persons such as these, they must treat them fairly. We all know it takes years to build a good reputation and only once to lose it. Please treat the neighborhood property owners fairly.
3. The county has only one Commercial C-1 district. Rezoning this isolated C-1 would be spot zoning for the benefit of applicant and at the detriment of surrounding property owners. Also would allow many other C-1 uses beyond applicant’s request without further zoning action.
4. Applicant speaks to going back to zoning prior to October 2009, which was in the 2000 ordinance. However, a review of the prior zoning for the 1.5A rezoning request shows that it was zoned RVC – Rural Village Commercial. Category 7: Residential Uses shows that, “Apartments, new construction” were not allowed under RVC. What I am saying is the applicant is arguing to go back to prior zoning; however under the prior zoning new apartments were not allowed.
5. It is not reasonable to compare a 562A State park to a 1.5 A parcel which must encroach into an existing subdivision to create sewer lots.

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Ms. Kim Butler said that she believed in managed growth and that the proposed project will alter the look and feel of the neighborhood.

Mr. Dick Churchill said that he owns a unit at Kiptopeke Condos and was opposed to the proposed project, noting that it was not a good fit with little chance of being successful given the existing numerous lodging accommodations nearby.

Mr. Frank Benthall apologized for his behavior last week at the Planning Commission meeting and noted that his consultant could not find any evidence at the underground storage tanks had been removed when the property was formerly a gas station. He was concerned that wells to be constructed there may suffer groundwater contamination.

Mr. Johnnie Eubank said that he owned three properties in the area and wants to retire here. He noted that he may rethink that plan if he would have to drive by a low-end strip motel.

Mr. Robert C. Richardson said that there was not enough land to accommodate the proposed project and urged the Board to deny all three petitions.

Mr. Alan Cochran of Arlington Road said that he was planning to retire here but is now concerned about possible groundwater contamination. He said that the area should remain an area for single family dwellings.

Ms. Christine Snook, the owner of Chris' Bait & Tackle, said that she previously owned a motel for 18 years and that the Route 13 hotels are struggling. She also said that parking was not adequate at the proposed location. She asked all those in the audience who were in opposition to please stand and be recognized.

Ms. Katherine Horst of Arlington Road was opposed to the proposed project and hoped that the Board listened to the community. She said that she would actively work to have the business not success including picketing the location.

Mr. Parr, the applicant, said that numerous studies have been made on the site and there is no reason to believe that it is contaminated. No underground storage tanks have been found on-site. He said that motels are quiet operations and there should be no noise issues. The 28 designated parking space should be sufficient for the 12 apartment units and allow for boats as well.

Mr. Johnny Eubank said that compared to a low-end, strip motel, the existing homes are pristine.

Mr. Robert C. Richardson said that parking was not sufficient and that buffering was needed on the apartment site as well as the drainfield site.

Mr. Joe Beatty, a resident of Kiptopeke Condos, said that he has seen no renderings of the proposed project and that the prices as quote do not appear to be “high-end”. Required buffering will further reduce the available area. He requested the Board to deny the application.

Mrs. Mary Carey spoke in opposition.

Mrs. Roberta Kellam said that she visited Kiptopeke State Park for bird-watching activities and that there is no commercial atmosphere. She noted that this proposal is a good example of what the Board is planning to remove from the zoning code.

Mrs. Delores Lindsey said that the residents do not want a second mistake on Kiptopeke Drive, referencing a home constructed near her which was not what she expected.

Mr. Frank Benthall said that the project was not consistent with the neighborhood and that the applicant was trying to create a commercial atmosphere which was not present in the area.

Mr. Johnny Eubank said that the intent of the Hamlet District was for housing development and not a septic/drainfield operation.

Mr. Robert Richardson commented that the Planning & Zoning staff did not know how much land would be required for a mass drainfield and were wasting the Board’s time. He requested the Board to deny the petition.

There being no further speakers, the public hearings were closed.

Mr. Hubbard stated that he was concerned with the amount of impervious surface being created with the proposed project as well as parking needs. He would also like to see an artist's rendering.

Mr. Hogg said that it was a "stretch" to believe that the state park is a similar use with its 500+ acre site and that the proposed commercial use does not appear to be appropriate. He read the following comments:

Pg. 41 of 146 Current Zoning Code effective 10-21-2009

154.082 STATEMENTS OF INTENT FOR PRIMARY AND SECONDARY ZONING DISTRICTS.

(C) Hamlet District (H). The intent of this District is:

- (1) To recognize the county's small rural settlements of historic or cultural significance, often located at crossroads;
- (2) To provide for a mixture of residential and low-impact commercial uses which are compatible in aspect, design, and form with this rural setting.

For purposes of interpretation:

ASPECT. The outward appearance of the combined visual features of the community; visual attributes which contribute to the character of the area or entity.

FORM. The combination of visual qualities and elements, natural or man-made, which comprise a community or project.

Current zoning surrounding the subject Property:

Hamlet to the Northeast

Existing Subdiv. Rural Village Resident. to the Southeast Conservation to the South Existing Subdiv. Exist Bus. Comm Waterfront. to the Southwest Agricultural to the Northwest.

(See Attached Map)

Currently there are approx 50 existing residences, 1 Vacation Rental and 30 vacant lots within 1500 feet of the Subject property.

Currently the subject property is zoned Hamlet. Commercial Use in a Hamlet Zone permits motels with 10 rooms or less with a Special Use Permit. Further BY RIGHT, it permits 2 multifamily units/acre 2 units per acre X 1.5 Ac = 3 units

Zoning Map Petition 2014-02: The Applicant has requested Rezoning of the Property to Commercial (C-1) Zoning.

Currently the subject property, if rezoned to Commercial, permits Motels and Hotels up to 25 Rooms by Right. Applicant requests 12.

There are performance standards that would limit development on this property to 75%

Impervious area (See 154.104 (A) Lot Coverage Ratio for C-1) ($66,400 \text{ Sq. Ft.} \times .75 = 49,800 \text{ Sq Ft}$ of impervious area) The plan indicates the developer intends to create an impervious area of 25,560 Sq ft. The area appears very flat and ON-SITE drainage may be an issue.

Relative to ZMP 2014-02:

If Commercial zoning were granted and there was a delay of 6 to 12 months due to economic reasons or otherwise, the Proposed New COMMERCIAL Zone as written would permit in addition to motels and hotels, Restaurants, Industrial services, Commercial vehicle services, light manufacturing, and even a Waste water treatment plant.

Although not mentioned in the VDOT report nor discussed at the Planning Commission Meeting, it is my recollection VDOT had plans to change the access to the State Park, whereby the access would be more direct from U.S 13 into the Park (now or formerly Georgia Ave). I am not aware of the current status.

Further the granting of Commercial Zoning appears to be "Spot Zoning".

I concur that the State Park has imbedded within 500 Acres camp sites that are occupied on a seasonal basis but it is somewhat of a stretch of the imagination to identify this activity as more intense than light commercial when the gross density is roughly 2+ ac. per campsite (500 ac/ 200 campsites) and there is no other light commercial use in the general area.

Special Use Permit 2014-09:

The Applicant has requested a Special Use Permit for the Subject property. Currently the subject property is zoned HAMLET. By way of a Special Use Permit in the HAMLET Zone, Principal Multifamily attached dwelling units - apartments are permitted. (From Appendix B: Densities, Lot Sizes and Dimensions and 154.104: Standards for Lot Coverage and Open Space Preservation) I conclude the following:

The Lot Coverage Ratio is 25% Impervious ($66,400 \text{ Sq Ft} \times .25 = 16,600 \text{ Sq Ft}$ of impervious Area)

$2 \text{ units per acre} \times 1.5 \text{ Ac} = 3 \text{ units}$

The plan indicates the developer intends to create an impervious area of 25,560 Sq ft. or about

9,000 sq ft in excess of the Permitted Impervious Coverage. This represents 50% more than permitted. The area appears very flat and ON-SITE drainage may be an issue.

Reviewing the list of LOW-IMPACT commercial Land Use by right (§154.127) , Motels and Hotels are not listed and based on those listed, motels and hotels appear to be more intense use than intended for the HAMLET zoning.

Relative to Special Use Permit 2014-09:

If there were a delay of 6 to 12 months, the Proposed HAMLET zone will permit 4 multifamily units/Ac. by RIGHT, have a 40 foot Front setback, 25' rear, 10' side.

At this time I am not aware if there is intention to have a maximum Lot Coverage Ratio in the future. According to the staff's proposed language in the HAMLET zone, "The primary intent of the hamlet district is to provide for a mixture or residential and low impact commercial uses. This district also provides for other non-residential uses." The caveat, "This district also provides for other non-residential uses." should cause concern to those property owners in the area."

I might add that it has been stated that the Proposed Zoning Ordinance would adhere to the Existing Comprehensive Land Use Plan. This request for a Special Use Permit would permit an intensity use far above and beyond what was intended in the HAMLET DISTRICT in our current Comp Plan.

* * * * *

Motion was made by Mr. Trala, seconded by Mr. Hogg, that that Zoning Map Petition 2014-02 as petitioned by Kiptopeke Villas, LLC, be denied. All members were present and voted "yes." The motion was unanimously passed.

In response to question from the County Administrator, Zoning Administrator Melissa Kellam was recognized and said that the 12 apartment units as requested do not match the density requirements for the Hamlet district. She confirmed that the number of apartments would have to be reduced to meet the Hamlet density requirements.

At this time, the Chairman declared a five-minute recess. Afterwards, he reconvened the meeting.

The County Administrator summarized that the Board has two options relative to the two remaining special use permit petitions: to deny them or to approve amended applications which allow only three apartment units to be constructed pursuant to the provisions of the zoning ordinance.

When questioned by the Board, Mr. Parr indicated that he would appreciate hearing the Board's position relative to 3 apartments and clarified that they would be true apartments, not efficiency units.

Mr. Hogg said that he was not prepared to vote on the amended petitions and Chairman Lemond indicated that he would like to see a revised site plan.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Special Use Permit 2014-09 and Special Use Permit 2014-08 as petitioned by Kiptopeke Villas, LLC, be tabled until the November meeting and that the applicant be requested to provide a revised site plan for 3 apartments and indicating how much area would be needed for the mass drainfield. All members were present and voted "yes." The motion was unanimously passed.

The Chairman called to order the following public hearing:

(14) **Zoning Text Amendment 2014-01:** The Northampton County Board of Supervisors has filed to amend the Northampton County Code, Chapter 154: Zoning Code, §154.003 Definitions as follows, **1. Add Group home.** A respite care service facility, retirement home or supervised living residential facility that houses more than eight individuals or otherwise is not a "residential facility" as defined herein. **Residential facility.** (1) A group home or other residential facility for which the Virginia Department of Behavioral Health and Developmental Services is the licensing authority in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons. "Mental illness" shall not include current illegal use of or addiction to a controlled substance as defined in Va. Code § 54.1-3401. or (2) any assisted living facility or residential facility for which the Department of Social Services is the licensing authority and in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff. **2. Add the following use to Appendix A, Category 8, SF Single-Family Residential Uses as follows:** a. Residential Facilities— allow by right in the Conservation, Agricultural, Hamlet, Waterfront Hamlet, Village – 1, Village – 2, Waterfront Village – 1, Waterfront Village – 2, Existing Cottage Community, Town Edge – 1, Town Edge – 2, Town

Edge – Neighborhood Business districts; allow by minor special use permit in Village – Neighborhood Business and Waterfront Village – Neighborhood Business districts; and do not allow in Waterfront Village – Commercial, Town Edge – Commercial General, Existing Business, Commercial – 1 and Existing Industrial districts. b. Chart line number for Residential Facilities as “11”.

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

Mr. Stith indicated that the 2014 General Assembly amended provisions related to residential facilities. The proposed zoning text amendments essentially track the state legislation and do not conflict with other local zoning regulations.

Mr. Hogg asked if the Board could require that staff persons reside at the group home.

Mr. Robert C. Richardson questioned whether he would be allowed to operate a private group home facility.

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

Motion was made by Mr. Hogg, seconded by Mr. Hubbard, that Zoning Text Amendment 2014-01 be tabled pending further review by legal counsel in order to answer the question posed by Mr. Hogg. All members were present and voted “yes.” The motion was unanimously passed.

The Chairman called to order the following public hearing:

(15) **Zoning Text Amendment 2014-02:** The Northampton County Board of Supervisors has filed to amend the Northampton County Code, Chapter 154: Zoning Code, §154.045 Site Plans as follows: Add the following new language: (E) Minimum standards and required improvements. (22) Best Management Practices (BMPs) shall be designed such that the lowest outfall invert elevations shall be at or near the seasonal high water table so as to minimize the non-beneficial withdrawal of ground water while still meeting all other applicable design specifications, e.g., water balance, and not adversely impacting upstream conveyance systems.

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

Mr. Stith said that the proposed zoning text amendment was being advanced by the Board of Supervisors to reduce unnecessary withdrawal or drainage of groundwater from stormwater BMPs.

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

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that Zoning Text Amendment 2014-02 be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

Chairman LeMond called to order the following public hearing:

(16) Consider AN ORDINANCE RENEWING "AN ORDINANCE ENTITLED GLEBE AGRICULTURAL AND FORESTAL DISTRICT AFD 94-02 AND IMPOSING CERTAIN CONDITIONS THEREON"

AN ORDINANCE RENEWING
AN ORDINANCE ENTITLED
GLEBE
AGRICULTURAL AND FORESTAL DISTRICT
AFD 94-02
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, notice to renew an Agricultural and Forestal District near Eastville known as "Glebe Agricultural and Forestal District" was filed with the Northampton County Board of Supervisors on **October 14, 2014** 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, public hearings have been advertised, and public hearings have been held on renewing such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending renewal of the Glebe Agricultural and Forestal District at a meeting held on **September 9, 2014**, and,

WHEREAS, the Planning Commission on **October 7, 2014**, received the report of the Advisory Committee and considered the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

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

3. The District shall include the following parcels.

Property Owner	Tax Map No.	Parcel No.	Acreage
HSO Shore Land Trust Agreement	28-A-12	10414	207.20
**Hungars Glebe LLC (Has petitioned for removal)	18-A-38	7513	561.0
Total Acreage			768.20 acres 207.20 acres

Provided, however:

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

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

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

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

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

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

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

H. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District. The underlying zoning for

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

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

* * * * *

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

The County Administrator shared with the Board the following memorandum:

MEMORANDUM:

TO: Northampton County Board of Supervisors
FROM: Katie H. Nunez
County Administrator
DATE: October 6, 2014
SUBJECT: Glebe AFD

For the Board's consideration, a public hearing appears on the October 14th agenda for renewal of the Glebe Agricultural-Forestal District (AFD). A draft ordinance and map of the Glebe AFD are attached.

As you may remember from the spring of this year, the current Glebe AFD is comprised of five property owners. John Wescoat's property was the original core parcel and he has indicated that he does not wish to remain in the AFD as he has placed all of his property under a preservation easement. The other large property owner is Stewart Oliver (under the name of HSO Shore Land Trust Agreement). He is expected to enter a Preservation Easement before the year is out and will not need the AFD designation but has expressed a willingness to remain a part of the AFD if needed. The remaining three property owners chose to align themselves with the Church Neck and Jacobus Point AFDs earlier this year.

It is staff's recommendation that the Glebe AFD be allowed to expire at December 31, 2014 – the terminus of its 10-year activation period.

However, should the Board wish to renew the District, it will not be able to act on the proposed ordinance following the public hearing, but must provide additional property owner notification as set out below:

§ 15.2-4311. Review of districts.

The governing body may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the local governing body, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created.

If you have any questions, please advise.

* * * * *

Mr. Stith reported that the Planning Commission and AFD Advisory Committee were recommending approval of the renewal.

Mr. Robert C. Richardson asked if the County already has the funding established to pay for this renewal.

The following letter from Dave Kabler was read into the record:

PLEASE READ THIS LETTER INTO THE PUBLIC RECORD

Dear Chairman and members of the Board of Supervisors,

Thank you for the opportunity to comment on your deliberations for the renewal of the Glebe Farm AFD. As a neighboring property owner, I wholeheartedly approve of such a renewal and recommend it to you for the following reason:

Across the state of Virginia, many cities and counties use land use taxation as a means of

partially deferring tax obligations in order to preserve the intended uses of the lands in question. Typically, the properties that qualify offer land and water conservation that improve the quality of life for the residents of the locality and reduce the need for costly public services. Most certainly Glebe Farm is a prime example that offers valuable conservation of miles of prime waterfront, estuary drainage into the Chesapeake Bay, forested land, and prime agricultural soils. Here over one thousand acres of land supports only one dwelling unit and requires absolutely minimal public services. To evaluate this land at full market value would demand of the owner property taxes that could very possibly change its use from conservation to development. I do not believe that is what our Comprehensive Plan calls for in cases such as this.

Please renew the AFD for Glebe Farm.

Best regards,

David Kabler

10352 Church Neck Rd.
Machipongo, VA 23405

* * * * *

Motion was made by Mr. Hogg, seconded by Mr. Hubbard, that AN ORDINANCE RENEWING AN ORDINANCE ENTITLED GLEBE AGRICULTURAL AND FORESTAL DISTRICT AFD 94-02 AND IMPOSING CERTAIN CONDITIONS THEREON be approved. Mr. Hogg voted “yes”; Mr. LeMond, Mr. Bennett, Mr. Hubbard and Mr. Trala voted “no”. the motion failed.

Citizens Information Period:

The following letter from David L. Kabler was presented for inclusion into the record:

October 14, 2014

Dear Northampton County Supervisors:

Thank you for the opportunity to address you again tonight about the proposed zoning ordinance. Specifically I would like to comment on the Special Use Permits and that process.

As I related when I spoke to you last, during my service on the Planning Commission (PC), I

recall only one instance of an application for Special Use being turned down. All of the other applications were approved because of the sensibility of the applicant and the use, and any special conditions that were attached to make the use amenable to the neighborhood and the community. Neighbors were informed in advance of the application and had ample opportunity to comment about the proposed use before the Planning Commission. Then the application went before the Board of Supervisors (BOS) for another review. The Board of Supervisors benefitted by the prior review of the Planning Commission and that body's recommendation. Not once did I see the PC's recommendation overruled by the BOS.

Your proposed ordinance takes away that earnest review by the PC and places the burden entirely on the BOS. Bypassing the PC removes an expert layer of study of the SUP applications by trained Planning Commissioners. The BOS, which has many other issues to deal with that are unrelated to planning and zoning, must lend their valuable attention to SUP applications and the public comment that ensues. The BOS rulings thus will not have the benefit of prior study by the Planning Commission.

Our government relies heavily on a system of checks and balances. I submit that your proposal to remove the Planning Commission from the SUP process goes against our democratic principles and jeopardizes the rights of all property owners and citizens at large. Please, at least reinstate in your proposal the review of SUP's by the Planning Commission. Better yet, give up your attempt entirely at revising our present zoning ordinance.

Sincerely,

/s/ David L. Kabler
10352 Church Neck Rd.
Machipongo, VA 23405

* * * * *

Mrs. Roberta Kellam provided several comments, the first of which was her belief that the recent Eastern Shore Birding Festival was a success. Next, Mrs. Kellam questioned why there has been no report issued to the Board on the results of the August 29th meeting between VMRC and County staff relative to the County's proposal to remove the Chesapeake Bay Preservation Act provisions from the seaside of the County. Mrs. Kellam then said that the Board was continuing to review zoning districts which are in conflict with the Comprehensive Plan, some of which also conflict with the Fair Housing Act. She also noted that the proposed shoreline widths will impair water quality. Lastly, Mrs. Kellam requested a copy of the letter

which prompted Congressman Rigell's response relative to the County's position on proposed modifications to certain EPA guidelines.

Mrs. Martina Coker read the following comments:

I remain concerned about the proposed revisions to the Zoning Ordinance.

There is no data to support the proposed drastic changes to our landscape and livelihoods.

Tourism and Aquaculture are both a focus of the economic plan for our County, as described in the current Comprehensive Plan. Tourism has shown tremendous growth in the County. Tourism revenue on the Eastern Shore reached \$241 million in 2013, a 3.8% increase over 2012, versus a 1.45 for Virginia as a whole. Local tourism related taxes totaled \$6.3 million. While this does include Accomack figures, clearly the trend is very positive.

For any attending the recent Fall Festival in Cape Charles and the Birding Festival throughout the area, I think that you would have seen some very good tourism activity. I did see Granville Hogg at the events. He gave a wonderful welcome speech at the Keynote Address of the Birding festival and attended festival events. Seeing the activity first hand helps to inform one's decisions.

Tourists come here for what we offer...beautiful vistas, clean waters for recreation, and the small town atmosphere that can be enjoyed. Proposed changes would make our community look like many others. We would no longer be unique and we would encounter issues related to crowding, such as increased traffic, accidents, negative impacts to our sole source aquifer and potential impacts to water quality.

Rather than potentially damaging an industry that is thriving, could the Supervisors and the Administration work to assist this industry? One place to start would be to improve the County Website, which is very unwelcoming. Perhaps they could also partner more actively with the industry to extend the season. The Fall Festival and the Birding Festivals show that off season tourists can be attracted to the area.

I attended Representative Rigell's State of the Bay event last week and he spoke of the importance of our aquaculture industry. The numbers are astronomical for clams and for oysters. Chad Ballard of Cherrystone Aqua Farms spoke of the history of his company, its growth to date and the expected future growth. He also spoke of the fragility of the industry. Large rains cause runoff and hatcheries fail.

Of course, the more densely developed waterfront are, the more run off there is. The proposed increased development on waterfronts is tremendous. Along with that will come increased run off, threatening a successful industry. The increased development also threatens our water supply. It is a fact that our County relies on a sole source aquifer. It is also a fact that salt water intrusion is already being experienced within the County. Increased development increases this threat.

I am not suggesting that no changes be made to the Zoning Ordinance, however, there is far too much at risk to rush ahead with ill-informed changes. Those that will be affected should be brought to the table and their voices should be heard. Facts should be evaluated. The stakes are just too high.

* * * * *

Mrs. Price Mears Clarke addressed the Board regarding the importance of tourism and noted that the proposed zoning amendments will work against the “3-legged stool” of the County’s economy: aquaculture, agriculture and tourism.

Mr. Robert C. Richardson said that a survey of the rental property owners is a simple solution to the issues associated with the rental inspection discussion earlier in the evening. He also said that the Shore’s electrical supply dates back to the 1950s with no redundancy.

Ms. Katherine Horst said that she loves the tranquil beauty of the County and would like to see the dilapidated buildings be redeveloped.

Mr. Ken Dufty of Exmore read comments which contrasted the Planning Commission’s and Board of Supervisors’ review of the proposed zoning ordinance amendments. He questioned where the evidence was to support staff’s proposed revisions to the Planning Commission’s recommendations.

Mrs. Katie Nunez, County Administrator (*informational items only*):

Work session/other meeting agendas:

- (i) 10/27/14: Work Session: Proposed Zoning Ordinance Amendments
- (ii) 11/24/14: Work Session: Proposed Zoning Ordinance Amendments
- (iii) 12/22/14: Work Session: Cancelled ?

(17) Bi-monthly Report

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: October 9, 2014

RE: Bi-Monthly Report

I. Projects:

A. Public Service Authority:

The next meeting of the PSA is October 21, 2014 @ 7:00 p.m.

B. 2015 Legislative Agenda Call:

VACo has indicated that they would like each county to submit their 2015 Legislative Agenda by November 1, 2014. I have enclosed a list of potential items for your consideration.

**NORTHAMPTON COUNTY
BOARD OF SUPERVISORS
PROPOSED LEGISLATIVE AGENDA – 2015**

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. 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.

* * * * *

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board approve the proposed Legislative Agenda for 2015 as presented above.

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

C. Board Member Manual Addition:

Amend the Board Member Manual to state the operating hours of the County Administrator’s office of 9:00 a.m. – 5:00 p.m., Monday thru Friday except on the 2nd Tuesday of every month (the day of the regular monthly Board meeting) when the hours of operation will be 9:00 a.m. – 4:00 p.m. This addresses a problem we have experienced with FOIA (Freedom of Information Act) requests that have arrived at my office after both myself and my assistant, Janice Williams, are attending the regular Board of Supervisor’s meeting starting at 4:00 p.m.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board approve language to be added to the Board Member Manual which reflects the operating hours of the County Administrator’s Office as outlined above. All members were present and voted “yes.” The motion was unanimously passed.

D. Update on Request for Indoor Plumbing Data:

Pursuant to Supervisor Bennett’s request to receive an updated count of homes in Northampton County that do not have indoor plumbing, this item was forwarded to ANPDC to seek their assistance with this matter. ANPDC Executive Director Elaine Meil has been able to secure full funding to conduct a full count of homes on the Eastern Shore (both counties) that lack indoor plumbing. This work is scheduled to commence this month.

E. FY2016 Budget Calendar:

Enclosed please find the FY2016 Budget Calendar. Please note that the budget process begins at the end of this month with the distribution of all budget forms to the departments. In order to transition the County to a bi-annual (twice-a-year) tax billing process, the budget must be adopted by April 15, 2015 so that bills can be issued by the beginning of May with the first due date of June 5, 2015 and second due date of December 5, 2015.

F. Reassessment Ordinance:

In May 2013, the Board passed County Code §33.015 (Biennial Assessment of Real Estate), establishing a biennial reassessment calendar with the next scheduled reassessment to be effective on January 1, 2015. As a result of our primary vendor passing and the need to procure and migrate to a new vendor for the Commissioner of Revenue’s office which has taken longer than projected to accept and “go live” with our new software, the work associated with a reassessment has not been able to be completed and we cannot meet the January 1, 2015 timeline.

Therefore, I am requesting the Board to authorize staff to send to public hearing the repeal of this ordinance which will lift the requirement of a two-

year reassessment cycle. Once we have been able to “go live” with our new software and commence work on reassessment, staff will present to the Board a new proposed calendar for reassessment which we currently envision to have the reassessment effective on January 1, 2016.

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the Board direct staff to draft an ordinance to repeal the biennial reassessment ordinance, lifting the requirement of the two-year reassessment cycle. All members were present and voted “yes.” The motion was unanimously passed.

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**NORTHAMPTON COUNTY
BOARD OF SUPERVISORS
PROPOSED LEGISLATIVE AGENDA – 2015**

6. 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.
7. 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.
8. 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.
9. 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.
10. 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. 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.

* * * * *

(18) Report on Legislative Summary – Optional Items Not Discussed During the Last Two Months

Due to the lateness of the hour, this item will be discussed at next month's meeting.

Tabled Item:

(19) AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE”, codified as Section 156 of the Northampton County Code.

The purpose of this amendment is to comply with corrective action imposed by the Virginia Department of Conservation and Recreation relative to the inclusion of language in the Subdivision Ordinance that plats shall have a notation of the five-year pump-out for onsite septic systems as outlined under the Chesapeake Bay Preservation Area Designation and Management Regulations.

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED,
“AN ORDINANCE ESTABLISHING THE
NORTHAMPTON COUNTY SUBDIVISION ORDINANCE”**

BE IT ORDAINED by the Board of Supervisors of Northampton County, that “AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE”, codified as Section 156 of the Northampton County Code, be amended as follows:

1. That new paragraphs be added to § **156.071 CONTENTS OF PLAT** as set out below:

- (SS) All record plats and final site plans shall show the resource protection area and resource management area boundaries and the extent of the buildable area allowed on each lot based on all applicable setbacks, buffers, easements, right-of-ways and other limitations such as the location of the primary and reserve on-site sewage disposal system areas and well protection areas, if public utilities are unavailable.
- (TT) All record plats and final site plans shall provide the following notation: “There shall be no encroachments in the resource protection area, including but not limited to, land disturbing activities, vegetation removal and construction activities without the appropriate authorization from Northampton County.”
- (UU) All record plats and final site plans shall provide the following notation: “As the resource protection area is a dynamic feature and may change due to natural processes such as erosion and accretion, the location of the resource protection area as shown on this plat shall be re-verified prior to the issuance of development permits by Northampton County.”
- (VV) All record plats and final site plans shall show the location of all primary and 100% reserve on-site sewage disposal system areas and shall provide the following notation:

“All on-site sewage disposal systems must be pumped out at least once every five years.”

2. That all remaining portions and provisions of “AN ORDINANCE ESTABLISHING THE ‘NORTHAMPTON COUNTY SUBDIVISION ORDINANCE’” are reenacted and reaffirmed hereby.

* * * * *

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

The County Administrator presented the following memorandum:

MEMO

To: Katie Nunez, County Administrator

From: Melissa Kellam, Zoning Administrator

Re: Proposed subdivision code text amendments

Date: October 9, 2014

At your request, I am providing the attached information to assist the Board of Supervisors with their analysis of the pending subdivision code text amendments. In the attachment each text amendment is provided as an item with the corresponding VA Code and Regulation language that relates to that proposed amendment. The related VA Code and Regulation language shown for items #1 and #3 state general guidelines, but do not direct the locality as to placement of specific language into any specific codes. Currently, the development review procedures in place have addressed items #1 and #3 satisfying the State’s requirements. However, the VA Codes and Regulations relating to items #2 and #4 provide specific language that must be inserted into a locality’s codes. I have also provide item #5 as information regarding the VA Codes and Regulations pertaining to the review of NHCO County’s Chesapeake Bay Act Program and correction action agreement requirements.

PENDING SUBDIVISION TEXT AMENDMENTS

ITEM #1

A. Proposed Subdivision Text Amendment:

(SS) All record plats and final site plans shall show the resource protection area and resource management area boundaries and the extent of the buildable area allowed on each lot based on all applicable setbacks, buffers, easements, right-of-ways and other limitations such as the location of the primary and reserve on-site sewage disposal system areas and well protection areas, if public utilities are unavailable.

B. Related VA Codes and Regulations:

9VAC25-830-190. Land Development Ordinances, Regulations, and Procedures.

A. *Local governments shall review and revise their land development regulations, as necessary, to comply with § 62.1-44.15:74 of the Act. To achieve this:*

5. *Local governments shall require, during the plan of development review process, the delineation of the buildable areas that are allowed on each lot. The delineation of buildable areas shall be based on the performance criteria specified in Part IV (9VAC25-830-120 et seq.) of this chapter, local front and side yard setback requirements, and any other relevant easements or limitations regarding lot coverage.*

Motion was made by Mr. Trala, seconded by Mr. Hogg, that the Board approve paragraph (SS) as outlined above within AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE”, codified as Section 156 of the Northampton County Code. All members were present and voted “yes.” The motion was unanimously passed.

ITEM #2

A. Proposed Subdivision Text Amendment:

(TT) All record plats and final site plans shall provide the following notation: “There shall be no encroachments in the resource protection area, including but not limited to, land disturbing activities, vegetation removal and construction activities without the appropriate authorization from Northampton County.”

B. Related VA Codes and Regulations:

9VAC25-830-140. Development Criteria for Resource Protection Areas.

In addition to the general performance criteria set forth in 9VAC25-830-130, the criteria in this section are applicable in Resource Protection Areas.

5. Permitted modifications of the buffer area.

- a. *In order to maintain the functional value of the buffer area, existing vegetation may be removed, subject to approval by the local government, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:*
- (1) *Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.*
 - (2) *Any path shall be constructed and surfaced so as to effectively control erosion.*
 - (3) *Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed and thinning of trees may be allowed pursuant to sound horticultural practice incorporated into locally-adopted standards.*
 - (4) *For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.*

9VAC25-830-190. Land Development Ordinances, Regulations, and Procedures.

- A. *Local governments shall review and revise their land development regulations, as necessary, to comply with § 62.1-44.15:74 of the Act. To achieve this:*
4. *Local land development ordinances and regulations shall provide for (i) depiction of Resource Protection Area and Resource Management Area boundaries on plats and site plans, including a notation on plats of the requirement to retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of 9VAC25-830-140 (ii) a plat notation of the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable; and (iii) a plat notation of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area;*

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the Board approve paragraph (TT) as outlined above within AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE", codified as Section 156 of the Northampton County Code. All members were present and voted "yes." The motion was unanimously passed.

ITEM #3

A. Proposed Subdivision Text Amendment:

(UU) All record plats and final site plans shall provide the following notation: “As the resource protection area is a dynamic feature and may change due to natural processes such as erosion and accretion, the location of the resource protection area as shown on this plat shall be re-verified prior to the issuance of development permits by Northampton County.”

B. Related VA Codes and Regulations:

9VAC25-830-60. *Elements of Program.*

Local programs shall contain the elements listed below.

5. *A subdivision ordinance or revision that (i) incorporates measures to protect the quality of state waters in Chesapeake Bay Preservation Areas, as set forth in Part VI (9VAC25-830-180 et seq.) of this chapter, and (ii) assures that all subdivisions in Chesapeake Bay Preservation Areas comply with the criteria set forth in Part IV (9VAC25-830-120 et seq.) of this chapter.*
6. *A plan of development process prior to the issuance of a building permit to assure that use and development of land in Chesapeake Bay Preservation Areas is accomplished in a manner that protects the quality of state waters.*

Motion was made by Mr. Hogg, seconded by Mr. Hubbard, that the Board not approve the addition of paragraph (UU) as outlined above within AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE”, codified as Section 156 of the Northampton County Code. All members were present and voted “yes.” The motion was unanimously passed.

ITEM #4

A. Proposed Subdivision Text Amendment:

(VV) All record plats and final site plans shall show the location of all primary and 100% reserve on-site sewage disposal system areas and shall provide the following notation: “All on-site sewage disposal systems must be pumped out at least once every five years.”

B. Related VA Codes and Regulations:

§ 62.1-44.15:72. Board to develop criteria.

- E. In developing such criteria, the Board shall provide that **any locality** in a Chesapeake Bay Preservation Area that allows the owner of an on-site sewage treatment system not requiring a Virginia Pollutant Discharge Elimination System permit to submit documentation in lieu of **proof of septic tank pump-out shall require** such owner to have such documentation certified by an operator or on-site soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, maintain, or design on-site sewage systems.

9VAC25-830-130. General Performance Criteria.

Through their applicable land use ordinances, regulations and enforcement mechanisms, local governments shall require that any use, development or redevelopment of land in Chesapeake Bay Preservation Areas meets the following performance criteria:

7. Onsite sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall:
- a. **Have pump-out accomplished for all such systems at least once every five years.**
- (1) If deemed appropriate by the local health department and subject to conditions the local health department may set, local governments may offer to the owners of such systems, as an alternative to the mandatory pump-out, the option of having a plastic filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Such a filter should satisfy standards established in the Sewage Handling and Disposal Regulations (12VAC5-610) administered by the Virginia Department of Health.
- (2) Furthermore, in lieu of requiring proof of septic tank pump-out every five years, local governments may allow owners of onsite sewage treatment systems to submit documentation every five years, certified by an operator or onsite soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design onsite sewage systems, that the septic system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it.

- b. *For new construction, provide a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site. This reserve sewage disposal site requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local health department. Building shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or an onsite sewage treatment system that operates under a permit issued by the board. All sewage disposal site records shall be administered to provide adequate notice and enforcement. As an alternative to the 100% reserve sewage disposal site, local governments may offer the owners of such systems the option of installing an alternating drainfield system meeting the following conditions:*

9VAC25-830-190. *Land Development Ordinances, Regulations, and Procedures.*

- A. *Local governments shall review and revise their land development regulations, as necessary, to comply with § 62.1-44.15:74 of the Act. To achieve this:*
4. *Local land development ordinances and regulations shall provide for (i) depiction of Resource Protection Area and Resource Management Area boundaries on plats and site plans, including a notation on plats of the requirement to retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of 9VAC25-830-140 (ii) a plat notation of the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable; and (iii) a plat notation of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area;*

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board approve paragraph (VV) as outlined above within AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE", codified as Section 156 of the Northampton County Code. All members were present and voted "yes." The motion was unanimously passed.

ITEM #5

- A. Copy of corrective action agreement:



Corrective Action Agreement
 Northampton County
 Chesapeake Bay Preservation Act Compliance
 Evaluation
 February 26, 2013
 Page 56 of 1

Regulatory Reference	Required Corrective Action
Section 4 VAC 10-20-190 A 4	Northampton County must adopt an ordinance revision that requires a plat notation of the requirement for the five-year pump-out for onsite septic systems as outlined under the Chesapeake Bay Preservation Area Designation and Management Regulations.
Section 4 VAC 10-20-130 7	For compliance with the Regulations, Northampton County must develop a plan for ensuring that all active agricultural activities in designated CBPAs have undertaken an agricultural assessment.

This Corrective Action Agreement shall be signed by the County Manager for Northampton County on or before March 26, 2013.

Northampton County agrees to complete the corrective actions noted above on or before February 26, 2014.

Signature: _____ Date: _____

Name & Title: _____

* * * * *

B. Related VA Codes and Regulations:

§ 62.1-44.15:71. Program compliance.

Program compliance reviews conducted in accordance with § 62.1-44.15:69 and the regulations associated with this article shall be coordinated where applicable with those being implemented in accordance with the erosion and sediment control and stormwater management provisions of this chapter and associated regulations. The Department may also conduct a comprehensive or

partial program compliance review and evaluation of a local government program more frequently than the standard schedule.

Following completion of a compliance review of a local government program, the Department shall provide results and compliance recommendations to the Board in the form of a corrective action agreement should deficiencies be found; otherwise, the Board may find the program compliant. When deficiencies are found, the Board will establish a schedule for the local government to come into compliance. The Board shall provide a copy of its decision to the local government that specifies the deficiencies, actions needed to be taken, and the approved compliance schedule. If the local government has not implemented the necessary compliance actions identified by the Board within 30 days following receipt of the corrective action agreement, or such additional period as is granted to complete the implementation of the compliance actions, then the Board shall have the authority to issue a special order to any local government imposing a civil penalty not to exceed \$5,000 per day with the maximum amount not to exceed \$20,000 per violation for noncompliance with the state program, to be paid into the state treasury and deposited in the Virginia Stormwater Management Fund established by § 62.1-44.15:29.

The Administrative Process Act (§ 2.2-4000 et seq.) shall govern the activities and proceedings of the Board under this article and the judicial review thereof.

In lieu of issuing a special order, the Board is also authorized to take legal action against a local government to ensure compliance.

* * * * *

Action Items:

(20) Consider a request from Dr. David Smith for withdrawal of property within the Dalbys AFD

Staff noted that such requests require a public hearing by the Planning Commission, which said body was recommending approval of the request. The request was also recommended for approval by the AFD Advisory Committee. The Board also received supplemental information from the applicant, providing justification for his request. Based on information received from Mrs. Anne Sayers, Commissioner of the Revenue, if the Board approves the withdrawal of the property as requested, roll-back taxes would be assessed and are estimated to be approximately \$500.00.

The Board recognized Mrs. Christine Tankard, agent for the applicant, who indicated that Dr. Smith hoped to be able to sell the farmhouse to a young couple who would locate to the County. Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the Board approve the request of Dr. David Smith for withdrawal of property within the Dalbys AFD, identified as Tax Map 98, double circle A, parcel 32. All members were present and voted “yes”, with the exceptions of Mr. Hogg and Mr. Bennett who abstained. The motion was passed.

(21) Consider approval of FY 2015 Local Government Agreement with the Eastern Shore Health District.

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the Board approve the FY 2015 Local Government Agreement with the Eastern Shore Health District. All members were present and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Hogg, seconded by Mr. Trala, that Mrs. Jackie Chatmon be moved from an At-Large Representative on the Northampton County Planning District to a District One Representative; her term of office remains the same (expiring June 30, 2017). All members were present and voted “yes,” with the exception of Mr. Bennett who voted “no.” The motion passed.

Mr. Bennett thanked Mr. Ron West, who was in the audience as a media representative, for his assistance at a prior Board meeting and for his initial agreement to serve on the County’s Ad-Hoc Emergency Care Committee, although it was noted that other circumstances had intervened, causing Mr. West to rescind his decision to serve.

Mr. Hogg asked that a letter of congratulations be sent to the Eastern Shore Birding Festival committee for its recent successful event.

In response to a question from Mr. Hogg, Mr. Hubbard noted that the President of Farm Bureau has been invited to attend next month's meeting of the Board to receive a Resolution showing the Board's support for the agriculture industry.

Recess

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, October 27, 2014, in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the work session. All members were present and voted "yes." The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR