

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 18th day of October, 2011, at 4:00 p.m.

Present:

Willie C. Randall, Chairman	Samuel J. Long, Jr., Vice Chairman
H. Spencer Murray	Oliver H. Bennett
Laurence J. Trala	

Absent:

Richard Tankard

The meeting was called to order by the Chairman.

Closed Session

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

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

*Appointments to Boards/Commissions*

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

*District Four Waste Collection Site*

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

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

*Hospital Suit  
Assessment Suits*

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

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

The Chairman read the following statement:

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

Board and Agency Presentations:

(1) Dr. Walter Clemons, Division Superintendent of the Public School System, distributed information comparing the difference in enrollment between 3/31/2011 and 9/30/2011. He also provided information from the Virginia Department of Education’s School Accreditation Report on each of the school facilities. Dr. Clemons informed the Board that the School Board will be discussing the reacquisition of the former middle school property and will respond to the County’s request regarding same by the end of the month. Lastly, Dr. Clemons noted that the School Board has been alerted to the possibility of additional QZAB grant funds and that the School Board will be discussing this matter later tonight.

(2) Ms. Denise Bland and Ms. Kandy Bruno requested the Board's favorable consideration of the following resolution:

## **RESOLUTION**

### **NORTHAMPTON COUNTY BOARD OF SUPERVISORS SUPPORT FOR MAINTENANCE OF FEDERAL FUNDING FOR COMMUNITY HEALTH CENTERS INCLUDING EASTERN SHORE RURAL HEALTH SYSTEM, INC.**

**WHEREAS**, Eastern Shore Rural Health System, Inc., as a member of America's Health Center network, is a vital part of our nation's safety net providing health care to 23 million people in medically underserved communities; and

**WHEREAS**, Health centers have proven their ability to improve health, reduce illness, and reduce health costs; and

**WHEREAS**, the survival of Eastern Shore Rural Health System, Inc. is critically important to the health and wellbeing of our local communities; and

**WHEREAS**, the communities served by health centers, including Northampton County, have higher proportions of both uninsured persons and individuals covered by Medicaid; and

**WHEREAS**, Eastern Shore Rural Health System, Inc. currently provides medical, dental and preventive healthcare services to 29,000 people on the Eastern Shore; and

**WHEREAS**, Eastern Shore Rural Health System, Inc. is an integral component of future economic development by offering a system of care for potential business growth and offering employment opportunities on the Eastern Shore; and

**WHEREAS**, the current federal fiscal situation threatens important domestic programs like Health Centers;

**NOW THEREFORE BE IT RESOLVED**, that the Northampton County Board of Supervisors hereby supports the National Association of Community Health Center's "Campaign for America's Health Centers" in its efforts to demonstrate to the federal and state governments that health centers like Eastern Shore Rural Health System, Inc. are an essential part of America's commitment to health care and an essential part of the strategy to deliver cost effective, efficient AND high quality care; and

**BE IT FURTHER RESOLVED**, that the Northampton County Board of Supervisors pledges their strong support for the efforts provided by Eastern Shore Rural Health System, Inc.

as well as the National Association of Community Health Centers, The Virginia Community Health Care Association, and others; and hereby appeals to Congress and the Administration to assure that this support continues.

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Motion was made by Mr. Murray, seconded by Mr. Long that the foregoing resolution be adopted. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

(3) Mr. Pat Coady of the Eastern Shore of Virginia Broadband Authority, updated the Board on the past three years’ operations. He distributed a “Project Overview – Broadband Project Status of Construction by Distance and Dollars” hand-out, which is on file in the Office of the County Administrator.

In a matter not on the agenda, the Chairman recognized a representative from the Fire and Rescue Commission, Mr. Warren Wisneski, a member of the Eastville Fire Department and Chairman of Cape Charles Rescue Service. Mr. Wisneski said that there had been extreme setbacks in the last several months between the career and volunteer staffs. He said that Ms. Hollye Carpenter, the County EMS Director “did not want to work with us”, and that “her policies indicated her desire to have the volunteer system fail”. He noted that the situation has “reached a crisis level” with multiple requests for leave from the southern part of the county and the he was very concerned that ambulance coverage will be significantly reduced.

Consent Agenda:

- (4) Minutes of the meetings of September 13 and 26, 2011.
- (5) Consider an amendment to the Northampton County Board Member Manual as a result of the relocation of the County offices.
- (6) Consider a resolution to change the date of the regular November meeting from Tuesday, November 8<sup>th</sup> (Election Day) to Monday, November 7<sup>th</sup>.

## RESOLUTION

BE IT RESOLVED by the Northampton County Board of Supervisors, this 18th day of October 2011, that the regular meeting of the Board, scheduled for Tuesday, November 8, 2011 at 4:00 p.m., in the Board Chambers, 16404 Courthouse Road, Eastville, Virginia, be changed to Monday, November 7, 2011, at 4:00 p.m., in the Board Chambers, 16404 Courthouse Road, Eastville, Virginia; and

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

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

### County Officials’ Reports:

(7) The County Administrator presented the following Budget Amendments and Appropriations which stated in part:

**TO:** Board of Supervisors  
**FROM:** Katie H. Nunez, County Administrator  
**DATE:** October 14, 2011  
**RE:** Budget Amendments and Appropriations – FY 2012

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

1. The County has received notice that it has received supplemental funding in the amount of \$5,000 from the Town of Cape Charles. Request is made to accept the supplemental funding for the stated purpose of the Town of Cape Charles’ contribution to funding OpSail 2012/Tall Ships Initiative which will be combined with the County’s allocation for this initiative and amend the County’s FY 2012 budget accordingly.

Motion was made by Mr. Long, seconded by Mr. Bennett that the budget amendment and supplemental appropriation be approved as presented. All

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

2. The County has received insurance proceeds in the amount of \$128.20 as a result of a windshield replacement in a Facilities Management vehicle. These funds need to be returned to the Facilities budget. Additionally, the County has received insurance proceeds in the amount of \$234.67 as a result of a windshield replacement for a Jail vehicle. These funds need to be returned to the Regional Jail Account.

Motion was made by Mr. Trala, seconded by Mr. Bennett that the budget amendment and supplemental appropriation be approved as presented. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

3. The County has received a one-time reduction restoration through the State Compensation Board for the Sheriff’s Budget in the amount of \$47,286.00. These funds should be returned to the Sheriff’s Office.

Motion was made by Mr. Long, seconded by Mr. Trala that the budget amendment and supplemental appropriation be approved as presented. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

4. At long last, the State jail reimbursement has been received in the amount of \$3,444,581.20 (an increase of \$344,581.20 from the budgeted \$3,100,000). These funds should be returned to the County’s General Debt Fund.

Motion was made by Mr. Murray, seconded by Mr. Long that the budget amendment and supplemental appropriation be approved as presented. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

5. The County has received a request from the Eastern Shore of Virginia 911 Commission for an increase in its Capital Fund revenues and expenditures as a result of additional PSAP grant funds in the amount of \$35,200.00.

Motion was made by Mr. Trala, seconded by Mr. Long that the budget amendment and supplemental appropriation be approved as presented. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Amendments and appropriations approved as noted on the attached pages.

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**TO:** Northampton County Board of Supervisors  
**FROM:** Katie H. Nunez  
County Administrator  
**DATE:** October 17, 2011  
**SUBJECT:** Budget Amendments & Appropriations – FY 2012

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

Grant funds have been received by the Northampton County Sheriff's Office from the Department of Motor Vehicles as follows:

\$16,500.00 for traffic enforcement [to be returned to Part-Time Salaries line item, 100.3102.50050]

\$7,250.00 for selected equipment purchase (one in-car camera and one radar unit) [to be returned to Equipment line item, 100.3102.55950]

\$300.00 for VAHSO approved training conference [to be returned to Conventions & Education line item, 100.3102.51750]

Amendments and appropriations approved as noted on the attached pages.

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

(8) Ms. Sandra Benson, Director of Planning, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Kings Creek Water Sampling and Analysis, Comprehensive Plan Advisory Committee, Information Item – RC&D Council Grant, and Request for Letter of Commitment. The last item concerned a grant opportunity that could result in the acquisition of free technical assistance

from Smart Growth America. Each of the tools involves a hands-on workshop to be attended by community stakeholders and leaders so that the strategies and solutions identified, while consistent with Smart Growth principles, are crafted by the locality. Motion was made by Mr. Murray, seconded by Mr. Long, that staff be instructed to craft a letter of support, contingent on the Board approving the wording of the letter before it is submitted. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

The Board recessed at 6:15 p.m. for a dinner break.

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

The invocation was offered by Mr. Oliver Bennett.

The Pledge of Allegiance was given.

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

- (i) 10/24/11: Work session cancelled
- (ii) 10/26/11: 3 p.m.: State Officials/Baldwin Group
- (iii) 11/28/11: Work session – Topic to be announced

The County Administrator’s bi-monthly report was presented as follows:

**TO:** Board of Supervisors  
**FROM:** Katie H. Nunez, County Administrator  
**DATE:** October 14, 2011  
**RE:** Bi-Monthly Update

**I. PROJECTS:**

**A. Construction Projects – Status Reports:**

1.) County Administration Renovations:

County Administration moved from our temporary headquarters in Machipongo to Eastville from October 7 thru October 10. County staff handled the entire move with assistance from inmate labor. There are punchlist items remaining on the project but nothing that will interfere with operations. Landscaping is in progress and new signage is still forthcoming for the front of the county complex. We are scheduling an

open house on Friday, November 4 from 12 pm – 4 pm so the general public may receive a guided tour through the building.

B. ESVA Public Services Authority Update:

The ESVA PSA met on September 20 , 2011. Attached is a copy of the tabulated survey results for the adjacent areas of the proposed Southern Node project which was presented at the PSA meeting. ESVA PSA's application to DEQ for funding for the Northern Node has been shortlisted. The State Water Control Board must hold a public hearing on the draft funding list before finalizing any funding.

C. Potential Proposed Zoning Changes:

In accordance with Board action from your August worksession, staff has been compiling a list of potential changes that we feel may be beneficial. This is still a draft list and has been broken up into short term (one to two months to advance to public hearing) and long term (eight months minimum to advance to public hearing). The spreadsheet has been attached for your initial review and input.

*The Board agreed with the initial contents of the spreadsheet; Mr. Randall suggested the inclusion of a review of the Chesapeake Bay Act criteria which extends throughout the entirety of the County.*

D. Transient Occupancy Tax:

In the course of meeting with representatives of the ESVA Tourism Commission, it has been brought to my attention that the County's ordinance relative to the distribution of the Transient Occupancy Tax requirements was not adhered to during the establishment of the Fiscal Year 2012 budget. In the preparation of the FY12 budget, I was following the Board policy regarding the Transient Occupancy Tax where I felt there was flexibility to make adjustments in order to provide a funding stream to support the OpSail2012/Tall Ships Initiative and was not aware that the County ordinance contained stricter language. I have enclosed both the County ordinance section and the County Policy and would like to discuss this further with the Board.

I have also met with the Northampton County Tourism representatives to discuss this and will be able to present their viewpoint in how best to address this matter going forward.

*The County Administrator suggested that this will be a topic of conversation at a future work session.*

## **II. MEETINGS**

**III. GRANT OPPORTUNITIES**

**IV. OTHER**

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Citizen Information Period:

(10) Ms. Jenny O’Neill and Mrs. Ann Snyder of Waste Watchers, a non-profit, volunteer group that promotes proper disposal of trash, addressed the Board and presented a petition containing almost 2,000 signatures, asking that the judicial, civic and law enforcement officials enforce the Virginia State litter laws that are already on the books. Other suggestions from the group included influencing the local migrant farming population to make sure that they know about the convenience centers and the implementation of recycling in the county buildings.

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Public Hearings:

Chairman Randall called to order the following public hearing:

(11) Consider an amendment and appropriation to the Fiscal Year 2012 County Budget to reflect certain grant receipt and expenditures.

Pursuant to the Code of Virginia Section 15.2-2507, the proposed amendments and appropriations are set out below:

(1) Math and Science Partnership Grant from the Department of Education (through ODU) in the amount of \$64,774. This revenue will be tracked separately within the School Operating Fund with expenditures classified within the category of Instruction.

(2) U. S. Department of Education Migrant Student Information Exchange Data Quality Grant in the amount of \$4,366.72. This grant will be tracked within the Federal Grants Fund with revenues classified as Other Federal Funds and expenditures classified within the category of Instruction.

(3) Dollar General Literary Foundation grant for Kiptopeke Elementary School in the amount of \$5,000 – to be used to purchase new technology, equipment, books, materials, and software to support literacy initiatives in NCPS. This grant will be tracked within the School Operating Fund, with revenues classified as Other Miscellaneous Revenue and expenditures classified within the category of Instruction.

(4) 2011-2012 Career and Technical Education – Jobs for Virginia Graduates Grant from the Virginia Department of Education in the amount of \$21,000. The CTE-JVG Grant 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. This grant will be tracked separately as State Revenue and expenditures will be classified under the School Operating Fund within the category of Instruction.

(5) 1003(g) School Improvement Funds awarded to NCPS for Kiptopeke Elementary School and Northampton High School in the amount of \$2,153,443.57. This grant will allow these two schools to continue implementation of 1003(g) school improvement initiatives which began with the original award in Fiscal Year 2010. Grant revenues will be tracked in the existing 1003(g) Revenue account, and expenditures will be classified under the Federal Grants Fund within the category of Instruction.

(6) Budget appropriation reduction in the amount of \$8,569.28 for the 2011-2012 School Operating Budget. This is to reflect the actual amount of the 2011-2012 Title I, Part A grant award. Title I, Part A Revenues are tracked separately as Federal Revenues, and Expenditures are classified under the Federal Grants Fund within the category of Instruction.

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

The County Administrator provided background on the foregoing requests, noting that the size of the requests necessitated a public hearing.

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

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

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

(12) Consider AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “NORTHAMPTON COUNTY PURCHASE OF DEVELOPMENT RIGHTS ORDINANCE” (The amendments reflect changes in the Procedures & Ranking Sheet attached to the Ordinance)

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,  
“NORTHAMPTON COUNTY PURCHASE OF DEVELOPMENT  
RIGHTS ORDINANCE”**

BE IT ORDAINED, by the Board of Supervisors of Northampton County, Virginia, that that certain ordinance entitled “Northampton County Purchase of Development Rights Ordinance” be amended to read in full as follows:

**Sec. 1. Title**

This ordinance shall be known as the “Northampton County Purchase of Development Rights Program.”

**Sec. 2. Purpose**

The purpose of this Ordinance is to further goals of Northampton County’s Comprehensive Plan for the protection of productive farmland and associated forest lands, groundwater recharge areas and surface water, as a foundation for a strong rural community, a healthy environment and a thriving economy.

**Sec. 3. Background and History**

An important goal of the County Comprehensive Plan, adopted in 2001, is to “Ensure the preservation and development of progressive alternative and environmentally compatible agriculture and related industries as important components of Northampton County.” The Plan’s implementation strategies also include a mandate to “Support programs and efforts to protect the County’s prime agricultural lands from conversion to non-compatible land uses.”

In support of these goals, the County Board of Supervisors endorsed the development of a Purchase of Development Rights (PDR) Program through its approval of the Delmarva Conservation Corridor Plan in April 2003. It was the Board’s charge that:

- The PDR program be a strictly voluntary program, designed to benefit the County, its citizens and landowners.
- The procedure and standards for determining which sites to purchase be equitable and transparent.
- Public and private funding (including donated value) be leveraged to the maximum extent possible for purchases of development rights under this program.

**Sec. 4. Program Definitions**

**Agriculture** - For the purpose of this PDR program, includes real estate devoted to agricultural and horticultural use. The following is a list of qualifying activities: production for sale of plants and animals useful to man, or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government; production for sale of fruits, nuts, berries, vegetables, nursery and floral products. Land producing sod, feed grains or hay also qualifies as agricultural.

**A-1 Agricultural zone** – Permits density of housing units as currently defined in Northampton County’s zoning ordinance.

**Conservation District** – A land use category which includes barrier islands, tidal marshes, and designated upland conservation areas such as the ES National Wildlife Refuge, state park, and state Natural Areas.

**Conservation Easement** – A voluntary legal arrangement between the owner of a property and a non-profit organization or government agency endorsed by the Northampton County Board of Supervisors, in which the owner agrees to restrict future uses of the land in perpetuity. The easement document specifies the rights of holder to monitor and enforce the agreement and records the restrictions on land use. Subsequent owners must comply with the provisions of the easement.

**Delmarva Conservation Corridor Plan** – A multi-state demonstration program adopted in June 2003 with a goal of preserving farmland and habitat.

**Development Rights** – An interest in real property established under a purchase of development rights program which is made severable from the parcel and which may be sold or donated as provided for in a PDR program.

**Purchase of Development Rights (PDR) Program** – A comprehensive program providing for the establishment and purchase of development rights. The program established by this ordinance includes most of the components suggested in the Virginia Department of Agriculture and Consumer Services Model PDR program 2003 guidance.

**Value of Development Rights** – Difference between the value of the property at its highest and best use under current zoning and its value if it continues in its current use, as determined by a professional appraiser with training in valuing conservation easements.

**Violations** – Defined in Northampton County Code of Ordinances or other State or Federal regulations applicable to activities on agricultural or forest land.

## **Sec. 5. Purchase of Development Rights Program**

There is hereby established a Purchase of Development Rights Program for Northampton County by which the County can acquire, in accordance with the provisions of the Ordinance and to the extent of available funding, the development rights on eligible parcels of farmland located in A-1 or Conservation Districts. The acquisition of development rights shall be accomplished by the purchase of conservation easements upon such parcels.

## **Sec. 6. Applicability**

The PDR Program shall be available for all qualifying lands in the County, except those lands under the ownership or control of the United States of America, the Commonwealth of Virginia,

or an agency or instrumentality thereof. Any conservation easement acquired pursuant to this chapter shall be voluntarily offered by the owner. Nothing in this Ordinance shall be construed as a limitation upon the County's authority to acquire land for public purposes other than those set forth in this Ordinance. Participation in this program is subject to the conditions described in Section 7 and the current *Northampton County PDR Program Procedures* as adopted by the Northampton County Board of Supervisors and attached hereto.

### **Sec. 7. Eligibility criteria**

Purchase of Development Rights may be considered only on properties which meet all of the following criteria:

- a) At least 50% of the tract's soils are prime agricultural soils (Bojac or Munden) based on the most recent soil maps used by the County's Planning and Zoning Department.
- b) The tract is located in either the A-1 Agriculture or the Conservation zoning district and is in the Agriculture/Forest Land Use Area as mapped on the Future Land Use and Development Map in the County's Comprehensive Plan.
- c) There must be no existing violations on the easement parcel. Applicants found to have violations may reapply after these are satisfactorily resolved.
- d) A permanent conservation easement will apply to the entire parcel of land on which development rights are being donated or sold.

Tracts which meet the minimum criteria will be scored and ranked to develop a priority list for purchase as funds become available. A description of the ranking process and factors are contained in the current *Northampton County PDR Program Procedures*.

### **Sec. 8. Purchase of Development Rights (PDR) Committee Established; Powers and Duties**

(a) *Establishment.* The PDR committee is hereby established, as follows:

- (1) The committee shall consist of five or more members appointed by the Northampton County Board of Supervisors. Each member shall be either a property owner in Northampton County, or a member of a conservation easement holding agency and conservation organization or both. Committee members should have expertise in one or more of the following fields: land and water conservation or management, farming, forestry, horticulture, conservation biology, and planning.
- (2) The initial terms of the members shall be as follows: One-third serves for three years; one-third serves for two years; and the remainder serve for one year. After the initial term each term runs three years.
- (3) The members of the Committee shall serve without pay, but the Board may, in its

discretion, reimburse members for actual and necessary expenses incurred in the performance of his/her duties.

(4) The Committee shall elect a chairman, vice chairman and secretary at its first meeting each calendar year. The secretary need not be a member of the committee.

(5) The Board will appoint a non-voting technical advisor with agricultural experience.

(6) The PDR program administrator shall be an ex officio member of the committee.

(b) *Powers and duties.* The PDR committee shall have the powers and duties to:

(1) Help the PDR program administrator promote the program to the public and Northampton County landowners

(2) Review the ranked applications and supporting documentation and approve each pool of properties recommended to the Board of Supervisors for purchase of development rights. A majority of the members is required for approval. Evaluations and calculation of scores for each parcel will be conducted according to the current *Northampton County PDR Program Procedures*. Assignment of points will be done by County staff.

(3) Annually review the program's eligibility and ranking criteria and recommend to the administrator any changes needed to maintain the program's consistency with the comprehensive Plan, or to improve the administration, implementation and effectiveness of the program.

(4) Establish procedures for the conduct of Committee meetings.

(5) Determine standard provisions and restrictions for deed easements.

(6) Members of the Committee will abstain from reviewing or ranking any parcel in which he or she has a financial interest.

## **Sec. 9. Designation of Program Administrator; Powers and Duties**

(a) *Designation.* The PDR Program administrator shall be appointed by the County Board of Supervisors.

(b) *Powers and duties.* The administrator shall work with the PDR Committee to ensure the following tasks are completed by the appropriate parties:

(1) Maintain reasonable and standard procedures, guidance, and forms for the administration and implementation of the program.

(2) Provide staff support to the PDR committee and the Northampton County Board of Supervisors.

- (3) Coordinate the evaluation of all applications to determine their eligibility and ranking score and insure that all ranking determinations are made by qualified individuals with appropriate technical certifications or credentials.
- (4) Provide ranked applications and supporting information to the PDR committee.
- (5) Negotiate conservation easement terms with landowners offering to sell development rights.
- (6) Coordinate with landowner on appraisal to determine value of easement.
- (7) Present the Committee's recommended pool of properties for purchase of development rights to the Board of Supervisors.
- (8) Prior to each offer to purchase, verify the price of each easement and the percentage of total value donated.
- (9) Identify possible county, state, federal and private resources available to fund the program. Maximize the number of parcels and acres in the program by fully utilizing and leveraging those sources.
- (10) In cooperation with the PDR committee, publicize the benefits of the program and provide information to landowners to help them evaluate opportunities from sale and/or donation of development rights.
- (11) For each conservation easement accepted into the program, establish baseline data, terms and conditions of the easement, and a monitoring plan. Verify that the easement is accurately recorded on the deed and on zoning plats.
- (12) Ensure that the monitoring program is implemented through regularly scheduled inspections.
- (13) Establish a procedure for correcting easement violations and initiate enforcement actions as required.
- (14) Develop annual program budgets for pre- and post-acquisition costs associated with screening, evaluating, appraising, acquiring and monitoring easements. Maintain records on the expenditures associated with the program and develop a range of cost estimates for possible enforcement actions.
- (15) Coordinate with county planning staff to prepare an annual report which shows the parcels of land protected through PDR and other easements in order to determine the effectiveness of the program and suggest changes in procedures.

## **Sec. 10. Application, Evaluation and Purchase Offers**

Applicants are encouraged to review the application process, evaluation and ranking criteria, and other program information contained in the current Northampton PDR Program Procedures. Applications evaluated according to the procedures described in this document will be ranked for purchase, subject to the availability of funds. Recommendations for purchases will be made by

the PDR Committee and submitted to the Northampton County Board of Supervisors for approval.

### **Sec. 11. Nature of Rights Acquired**

No interest in land other than a perpetual conservation easement shall be acquired by the County pursuant to the provisions of this Ordinance, and no such interest shall be acquired by the exercise of the power of eminent domain.

The acquisition of a conservation easement by the County shall not extinguish any rights of the landowner except for the right to develop the property for any use other than an agricultural use, and shall not confer upon the public any right of entry or access, or any other rights, express or implied.

In order to ensure that land is being used in accordance with the terms of the PDR agreement, an agent of the Purchase of Development Rights Committee will make annual or bi-annual inspections of the property. These inspections will be pre-arranged with the property owner.

### **Sec. 12. Conservation easement terms and conditions.**

Each conservation easement shall conform to the requirements of the Open-Space Land Act of 1966 (Code of Va., §10.1-1700 et seq.). The deed of easement shall be in a form approved by the county attorney, and shall contain, at a minimum, the following provisions:

(a) *Restriction on new dwellings.* The maximum density, footprint and location of new dwellings shall be determined on a case-by-case basis with the Virginia Outdoors Foundation.

(b) *Conservation easement duration.* A conservation easement acquired under the terms of this chapter shall be perpetual. There are no provisions for repurchase of these rights or future exchange of properties.

(c) *Other restrictions.* In addition to the foregoing, the parcel shall be subject to standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to, restrictions pertaining to: (i) accumulation of trash and junk; (ii) display of billboards, signs and advertisements; (iii) blasting (iv) conduct of industrial or commercial activities on the parcel; and (v) monitoring of the easement.

(d) *Designation of easement holders.* The Virginia Outdoors Foundation or another public body as defined in Section 10.1-1700 of the Code of Virginia; or an organization eligible according to Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, shall be the easement holder.

(e) *Enforcement.* The deed of easement shall provide that the rights acquired by the Virginia Outdoors Foundation or other easement holder or by their successors in interest by the deed of easement may be enforced in any lawful way including but not limited to the assessment of

damages and injunctive relief and that the grantor of the easement or its successor in interest shall bear the costs of litigation, including but not limited to attorney's fees, in any case in which the grantor or its successor in interest is found to have violated the terms of the easement.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2011.

# Northampton County PDR Program Procedures

## Draft for Public Hearing October 18, 2011

### Section I. Application and evaluation procedure

(a) The submission of an application to offer a conservation easement for sale under the Purchase of Development Rights (PDR) program is not a binding contractual offer to convey any interest in the landowner's property, but shall be revocable at will by the landowner prior to the execution of [an option agreement](#) or purchase agreement, without penalty. The following steps describe the application process:

(1) Applicant obtains and reviews a package of information, including application form and ranking factors (contained in Appendix A).

(2) Applicant submits a complete application package with a non-refundable processing fee no later than December 14th. No incomplete applications will be processed. A complete checklist of information and documents required is contained in the application package. The following information or documents are required to complete an application form:

- County tax map and parcel number and the zoning designation of the parcel
- Applicant's proof of ownership and acreage in production over the past 2 years
- Copy of lease with a farm operator if land is rented
- Copies of any certified nutrient management plan(s), [conservation plan, and/or forestry plan](#)
- Record of any existing conservation easements, or copy of management plan for habitat (usually prepared/endorsed by a conservation organization or agency), if any
- Other supporting documentation, including deeds or surveys
- Signature of all landowners if parcel has more than one owner
- Permission from the landowner for the following individuals to enter the property, upon reasonable notice: the program administrator, an independent appraiser, and other staff or technical specialists assigned to evaluate or appraise the property.

(b) The following describes the process for evaluating and ranking eligible parcels for Purchase of Development Rights offers.

(1) The Program administrator will coordinate the activities required for determining the eligibility of parcels and ranking all applications. A ranking form to facilitate this process is contained in Appendix A.

(2) Some of the information needed to score the ranking factors can be obtained from public records. Other information will be determined as follows:

- Acreages and distances to specified features will be calculated using Geographic Information System databases maintained by USDA's Farm Service Agency.
- Verification of Best Management Practices will be determined through site visits conducted by the NRCS certified technical service providers or other certified professionals designated by the

PDR committee.

- Evaluation of habitat supporting threatened or endangered species will be verified through Virginia Department of Natural Heritage databases and staff.
- The preliminary estimated value of development rights will be determined by a land appraiser certified in appraising conservation easements.

(3) Prior to final score determination, owners will have the opportunity to review the calculations and provide any missing information which affects their score. The landowner will be informed of the ranking of their land with regard to the score of the #1 ranked property to provide a basis for the landowner to decide whether or not to ~~invest in an appraisal and~~ continue to compete in the PDR evaluation process. ~~When~~ with the preliminary value has been documented submission of the appraisal when completed, a landowner must also submit what percentage of the development rights value, if any, they wish to donate before a final score can be calculated.

(4) After a property receives a final score under the ranking system, the complete evaluation and application will be presented to the PDR committee. The committee may request an explanation of how a score was determined by any of the agencies, departments, or independent entities conducting the evaluation and scoring.

(5) After reviewing each scored application and documentation of the evaluation, the Committee will approve the ranking that determines the order of offers to purchase development rights. Based on the rankings, they will recommend a pool of properties which the program manager will present to the Board of Supervisors for decisions on funding.

(6) Up to six ranked parcels will comprise a pool of candidates for each round of funding. The highest ranking property will be eligible for purchase first if enough money is available for the entire tract. In the event there are not sufficient funds to purchase the highest ranking property, the committee and landowner will endeavor to locate alternative sources of funds for the purchase. After 18 months, if funding is still not available, the Committee will decide if it is still viable to continue with this purchase or move to an alternate property. After 70 days, if there obviously will be no additional funds available, the 2nd ranked property will be considered. After that purchase is made, the application of the 1st ranked property. All qualifying applications not selected will be returned to the applicants to be updated and resubmitted in future rounds at the landowner's discretion. remain on file and be considered with the next pool of applicants when additional money becomes available. Changes to the ranking process will only apply to applications submitted in subsequent application rounds.

(7) If a reliable source of future funding is established, the PDR Committee may allow purchase of development rights through a series of annual payments.

## Section II. Calculation of the Value of Development Rights

(a) *Calculation.* The value of the development rights of any tract or parcel is calculated by determining the fair market value of the property subject to the existing zoning, easements or land use regulations, and subtracting the value of the property without development rights and without provision for repurchasing those rights or exchanging properties at a future date.

(1) The specific terms of the easement agreement must be established before the value of development rights can be calculated.

(2) ~~After the landowner signs an agreement acknowledging the easement terms upon which the appraisal will be based, the~~ PDR program administrator shall ~~assist the landowner in~~ arrange for an appraisal of the property by an independent appraiser with experience in valuing conservation easements for the County's option or purchase agreement.

(3) Completed appraisals shall be reviewed and approved by the PDR committee and the agency to which the easement will be conveyed.

### Section III. Purchase of Development Rights and Establishment of Conservation Easement

(a) *Purchase offer.* The formal offer to purchase will be jointly made to the landowner in writing by the prospective grantee of the easement and the County Administrator after approval by the Board of Supervisors.

(1) The amount of the offer will be subject to available funding. It shall be conditioned upon the absence of any defects in title or other restrictions or encumbrances which may, in the opinion of the prospective grantee's counselor the County attorney, adversely affect either party's interests in accomplishing the purposes of this ordinance.

(2) The amount of each offer will be based upon the appraised value of the conservation easement, adjusted by any portion of that value that will be donated, if any, to the grantee. The offer shall include the purchase price, a schedule of payments if they are to extend over several years, the proposed deed of easement, and the date by which a written acceptance must be received by the County administrator.

(3) The Board of Supervisors may only approve purchases agreements for which there is available funding, or option agreements contingent upon funding becoming available based on priority rankings determined through the evaluation process described herein and in Appendix A.

(b) *Conservation Easement.* Once an offer to purchase a conservation easement has been accepted by the landowner, the following actions will occur to establish and record the conservation easement.

(1) The owner and an authorized representative(s) of the holder(s) of the easement each sign the deed of easement.

(2) The deed shall be recorded in the office of the clerk of the circuit court of Northampton County. A single conservation easement may be established for more than one parcel under the same ownership.

(3) Within 30 days after the acquisition of development rights, the Planning and Zoning Director shall note the acquisition and date thereof on the official zoning map.

(c) *Allocation of costs.* The applicant shall pay the grantor's tax, if any, and **all** other costs, including: **environmental site assessments**, surveys (if required), recording costs, and other charges associated with closing on properties for which an easement is purchased. Additional costs for which applicant is responsible are: independent appraisals or legal, financial, or other advice, or expenses or fees in connection with the release and subordination of liens to the purchased easement.

(d) *Purchase offers not accepted.* If an owner elects not to accept a purchase offer, then the county administrator may make an offer to purchase to the owner(s) of the next highest prioritized parcel(s) remaining on the list of parcels referred by the Board of Supervisors.

## Ranking Factors for Prioritizing Northampton County Parcels for Purchase of Development Rights

<b>Qualifying Factors</b>	<b>Each tract must meet these qualifications to be considered and ranked.</b>	
Prime Agricultural Soils – Bojac or Munden (determination based on 2002 Soils Maps)	At least 50% of tract’s soil’s must have these soil types	
Located in A+ or Conservation District		
<b>Scored Factors</b> No existing violations on tract	<b>POINTS</b>	<b>Clarifications/Notes</b>
<b>Factors that affect Farmland Productivity (43 possible points)</b>		
<b>Parcel Size</b>	(circle one)	
<b>50-99 acres</b>	3	
<b>100-199 acres</b>	6	
<b>200-299 acres</b>	8	
<b>300 or more acres</b>	10	
<b>Percent of tract in pasture or crop production (Includes field grown ornamentals and/or land with greenhouses)</b>	(circle one)	
<b>50% or more</b>	4	Average over last three years
<b>60% or more</b>	6	
<b>80% or more</b>	10	
<b>Proximity to unique commercial (open to public) agricultural support services (such as grain elevators, fertilizer or agricultural chemical mixing &amp; distribution facilities, <del>and</del> packing houses, <del>and</del> brokers or equipment dealers.)</b>	(circle one)	
<b>Within 1 mile</b>	1	
<b>Within ½ mile</b>	2	
<b>Contiguous</b>	3	

<b>Farm owner interest in farming</b>	(circle one)	
<b>Owner has at least a 3 year contract with farm operator/leasee</b>	4	
<b>Owner has financial interest in farm operation (examples: investment in conservation practices, irrigation, drainage or share in a crop.)</b>	6	
<b>Tract is farmed by owner or immediate family (father, mother, brother, sister)</b>	10	

### Ranking Factors for Prioritizing Northampton County Parcels for Purchase of Development Rights

<b>Scored Factors</b>	<b>POINTS</b>	<b>Clarifications/Notes</b>
<b>Proximity of tract to other farms with perpetual easements</b>	(circle one)	
<b>Within 1 mile</b>	4	
<b>Within ½ mile</b>	6	
<b>Land Management Factors for Sustainable Agriculture (21 possible points)</b>		
<b>BMPs and other conservation measures (add points for each practice verified and calculate total)</b>	(circle each one that applies)	<b>Field verification by NRCS/SWCD or certified technical specialist</b>
<b>Irrigation</b>	2	Capacity exists to irrigate at least 50% of <u>property-cropland</u> (based on average rainfall). No points unless farm also has adequate collection of runoff.
<b>Collection of runoff</b>	2	Use NRCS methods to calculate adequate retention
<b>Certified Nutrient Management Plan</b>	3	Plan implemented in last two years by DCR certified evaluator
<b>Integrated Pest Management Practices</b>		Verifiable evidence of good practice, including scouting and records of

	2	pesticide use
<b>Conservation tillage practices</b>	4	Including mulch, ridge-till, no-till and strip till, 60% coverage for past 2 of 3 years
<b>Grass <del>filler</del>-filter strips</b>	4	Continuously vegetated, unbreached, <del>15</del> 20' wide from top edge of ditch (field side)
<b>100' wide riparian buffer</b>	4	Continuous along bank of shoreline
<b>Factors Protective of Drinking Water and other Resources (27 possible points)</b>		
<b>Groundwater Recharge Protection Acres within recharge area</b>	(circle one)	
<b>50-99 acres</b>	4	
<b>100-199 acres</b>	8	
<b>200-299 acres</b>	10	
<b>300 or more acres</b>	13	
<b>Proximity to non-farm protected areas, including state or federal parks, wildlife refuges, wildlife management areas or other sensitive natural areas identified in County Comprehensive Plan.</b>	(circle one)	
<b>Within 1 mile</b>	2	
<b>Within ½ mile</b>	4	
<b>Contiguous</b>	6	

**Ranking Factors for Prioritizing Northampton County Parcels for Purchase of Development Rights**

<b>Factors Protective of Drinking Water and other Resources (continued – 27 possible pts)</b>		
	(circle each one that applies)	
<b>Includes or is adjacent to a perennial stream</b>	2	
<b>Contains a Resource Protection Area</b>	2	
<b>Contains Threatened or Endangered species <u>or Natural</u></b>	2	<a href="#"><u>DCR Natural Heritage Database</u></a>

	<u>Heritage Site</u>		
	<b>5% or more of tract has protection for habitat</b>	2	Habitat is part of conservation easement program or managed according to a plan prepared by conservation organization/agency
<b>Cost effectiveness of Offer (9-5 points)</b>			
<b>Points for the following two factors can only be calculated after a preliminary the appraisal</b>			
	<b>Percentage of development rights value donated</b>	(circle one)	Values determined by procedure established by PDR program managing entity
	<u>0 – 8%</u> <del>More than 25%</del> <del>less than 50%</del>	<u>13</u>	
	<u>9-16%</u> <del>More than 50%</del>	<u>35</u>	
	<u>17-25%</u>	<u>5</u>	
	<del>County's cost per acre (conservation easement)</del>	<del>(circle one)</del>	<del>Total cost of property minus all non-County sources of funding and owner's donation value, divided by total acres in easement.</del>
	<del>The second lowest cost per acre</del>	<del>3</del>	<del>Relative to other parcels in the "pool" eligible for purchase</del>
	<del>The lowest cost per acre</del>	<del>4</del>	

\* \* \* \* \*

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

Mr. Peter Stith, PDR Coordinator, explained the proposed modifications.

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

Motion was made by Mr. Murray, seconded by Mr. Long, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "NORTHAMPTON COUNTY PURCHASE OF DEVELOPMENT RIGHTS ORDINANCE" be adopted as presented. All members were present with the exception of Mr. Tankard and voted "yes," with the exception of Mr. Bennett and Mr.

Trala who voted “no.” The motion was passed.

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

(13) Consider a proposed amendment to the Enterprise Zone. The proposed amendments will include deletions of properties with non-commercial zoning and the inclusion of properties as requested by private property owners and the Town of Cape Charles.

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

The County Administrator noted that this public hearing had been previously held in the spring but that due to an advertising error and the lack of proper notification letters to affected property owners, the State was requiring that the public hearing be repeated. She reminded the Board that the amendments to the EZ were brought about due to changes in the underlying zoning as a result of the 2009 Comprehensive Zoning Ordinance Amendments as well as specific requests from property owners and the Town of Cape Charles. The list of properties proposed for inclusion and deletion are set out below:

**Inclusions**

MAP_PIN	Owner	TotAcres
83A3-2-2-91A	WILLIAMS, MILLER J JR & LINDA R	0.098
83A3-2-2-92A	SONG, MIJA S & WING, KEITH	0.108
83A3-2-2-93A	BAY AVENUE PROPERTIES LLC	0.117
83A3-2-2-94A	PARHAM, DAVID J & MARGARET M	0.127
83A3-2-2-95A	DICKINSON, W ANDREW III & LAGO, DAYNA MARIE	0.136
83A3-2-2-96A	BROWN, JEFFREY N & MELANIE A	0.145
83A3-2-2-97A	BAY AVENUE PROPERTIES LLC	0.155
83A3-2-3-12	SAM & ELVIS LLC	0
83A3-2-3-13	SAM & ELVIS LLC	0
83A3-2-3-14	LEWIN, DALE C	0
83A3-2-3-15	GORDON, RONALD H. & MARY R.	0
83A3-2-3-16	HART, DONALD L JR & SHARON BETH JACKSON	0
83A3-2-3-18A	RESTEIN, JOSEPH J III & BAILEY, JANE RESTEIN &	0
83A3-2-3-17A	RESTEIN, JOSEPH J III & BAILEY, JANE RESTEIN &	0
83A3-2-3-17B	THE EDWARD W RALEIGH REVOCABLE TRUST &	0
83A3-2-3-18B	THE EDWARD W RALEIGH REVOCABLE TRUST &	0
83A3-2-6-10A	DUNTON, BRENDA ELIZABETH &	0.1567
83A3-2-6-11	J & M ENTITY LLC	0

83A3-2-6-9A	MAYER, HENRY J & SANDRA L	0.3018
83A3-3-1	MORRIS, HENRIETTA S T	0
83A3-3-2	PRUITT, JAMES A JR & ETTA KAYE	0
83A3-2-7-10	WALKER, WILLIAM A & ANN HAYWARD	0
83A3-2-7-11	WALKER, WILLIAM A & ANN HAYWARD	0
83A3-2-7-12	WALKER, WILLIAM A & ANN HAYWARD	0
83A3-2-7-13A	WALKER, WILLIAM A & ANN HAYWARD	0
83A3-2-7-13B	FOX, STEPHEN K	0
83A3-2-7-14	FOX, STEPHEN K	0
83A3-2-7-8	KINCANNON, CHARLES D & SUSAN H	0
83A3-2-7-9	KINCANNON, CHARLES D & SUSAN H	0
83A1-2-10-13	SAVAGE, GEORGE J. JR. & VIRGINIA C.	0
83A1-2-10-14	SAVAGE, GEORGE J. JR. & VIRGINIA C.	0
83A1-4-S	PARR, JULIA C	0
83A1-4-T	TEW, WALLACE G & VIOLET J	0
83A1-4-U	TEW, WALLACE G & VIOLET J	0
83A1-2-11-5	COSTA, LORI A &	0
83A1-2-11-6	COSTA, LORI A &	0
83A1-2-11-7	WELLS FARGO BANK NA AS TRUSTEE ON BEHALF OF THE	0
83A1-2-11-8	MEEHAN, MAUREEN E	0
83A1-2-11-9	SAGE, CAROL B	0
90-15-M1B2	BAY CREEK L L C	0.517
90-15-M1B1	BAY CREEK SOUTH LLC	3.71
76-A-16C	NOTTINGHAM, JOHN M JR	6.12
15C-A-17	SHORE HOLDINGS INC	0.53
15C-A-18	SHORE HOLDINGS INC	0
90-15-M2	BAY CREEK SOUTH LLC	31.85
	road frontage, etc.	94.5085
	total	138.5800

### Deletions

MAP_PIN	Owner	Acreage
105-A-28	BRADSHAW, EDWARD T	50.23
21A1-5-10	NOTTINGHAM, CLYDE JOSEPH & NOTTINGHAM, CHARLES &	0.16
21A1-5-11A	SATCHELL, ANNIE	0.06
21A1-5-11B	NOTTINGHAM, CLYDE JOSEPH & NOTTINGHAM, CHARLES &	0.05
21A1-5-12	SATCHELL, ALBERT (DEC'D)	0.17
21A1-5-13	CONOR, ROSE ANN	0.17
21A1-5-14	PERKINS, HENRY JR (DEC'D)	0.17
21A1-5-2	CONSOLIDATED MEDICAL SERVICES INC	0.11
21A1-5-3	JONES, LARRY N & BARBARA ANN	0.12

21A1-5-4	JONES, LARRY N & BARBARA A ETALS	0.12
21A1-5-5	SESSOMS, MARY E	0.14
21A1-5-6	SESSOMS, MARY E	0.16
21A1-5-7	WHITCROSS, NEVILLE E (DEC'D) & SHERYL D	0.23
21A1-5-8	COLLINS, BRENDA L SESSOMS &	0.20
21A1-5-9	COLLINS, BRENDA L SESSOMS &	0.13
21A1-A-111A	STURGIS, WILLIAM J II ETALS	0.18
21A1-A-178	WASHINGTON, LORENZO & MARGARET N	0.39
21A1-A-179	LFN LLC	0.32
21A1-A-189	BROADWATER LODGE #71 AF & AM	0.15
21A1-A-190	SCOTT, DAVID R & ANDREA D	0.18
21A1-A-191	BROWN, DANIEL A & LAUREN M & BROWN, GARRISON M II	0.39
40A-1-A	WYATT, HIAWATHA JR	0.61
40A-1-B	WEEKS, JOSEPH W & MARY HELEN	0.26
40A-1-C	THOMAS, MARGARET ANN COLLINS	0.43
40A-1-D	WESCOTT, MARGIE SAMPLE	0.43
40A-1-E	WESCOTT, MARGIE SAMPLE	0.43
40A-1-F	RIDDEL, JENNIFER J	0.62
40A-2-1	HAFER, MITCHELL L &	0.47
40A-2-2	HAFER, MITCHELL L &	0.27
40A-2-3	THOMAS, FRANCES M & ALEXANDER H SR	0.28
40A-2-4	THOMAS, FRANCES M & ALEXANDER H SR	0.44
40A-2-5	THOMAS, FRANCES M & ALEXANDER H SR	0.20
40-A-30	MADONIA, BATISTA J SR & EVELYN M	4.19
40-A-30A	RODRIGUEZ, FRANCISCO & MARIA L	1.62
40-A-31	SMITH, ULYSSES S & VIRGINIA A	9.28
40-A-31A	LINDEMAN, HENRY E & MICHELE L SPRAY	5.82
40-A-61	CANONIE ATLANTIC COMPANY	1.20
40A-A-1	MONTALVO, BONIFACIO J & MARIA IRMA	0.47
49-A-16	NEWMAN, MARK M & SHERYL L	2.56
49-A-18	WYATT, HIAWATHA JR	0.25
49-A-19	WYATT, HIAWATHA JR	0.03
49-A-20	BURNS, LAURA R	0.18
49-A-21	BURNS, LAURA R	0.27
49-A-22	MCALLEN, NATALIE C &	0.37
49-A-23	SCHAUM, JEROME B & MARILYN C	0.39
49-A-24	FLOYD, H ALLEN III &	0.44
49-A-25	WEHRENBURG, PHYLLIS T & SAMUEL B	0.47
49-A-26	ERICSON, ERIC ETALS	2.34
49-A-27A	ERICSON, ERIC ETALS	1.36
49-A-28	STORCK, ROY E & TERRY	3.88
58A1-3-5	STEELMAN, J DAVID STEELMAN II & JEAN PAGE	1.00
58A1-A-23	CROCKETT, JOHN D & DIANE	0.33

58A1-A-31	STURGIS, EDGAR S III	0.59
58A2-1-8	NOTTINGHAM, JOHN M III & AMY R	0.25
58A2-A-22	HOLLAND, EDWARD SR (DEC'D)	0.31
58A2-A-24	DUER, JOAN HOLLAND	4.41
83A3-2-2-79	LOPER, MARTIN GERARD & FRANCES JOHNSON	0.10
83A3-2-2-79A	ROBINS, VILETTE T	0.07
83A3-2-2-80A	ROBINS, VILETTE T	0.06
83A3-2-2-80B	SMITH, RANDOLPH W & GENEVA M	0.06
83A3-2-2-83	SMITH, RANDOLPH W & GENEVA M	0.12
83A3-2-2-84	CREDLE, GARY	0.12
84-4-E1	DORMIN LLC	3.63
84-4-E2	DORMIN LLC	1.54
84-8-29	BECO TOWER HILL LLC	2.41
84-A-153A	MORRIS, PHILIP J	5.77
84-A-57	WENDELL, FRANCIS E JR & KIMBERLEY STARR	3.22
84-A-86	MORRIS, PHILIP J III & IRENE G	1.57
84C2-11-A	RABIL FAMILT LLC	4.30
84C2-14-A	TRAVIS, ARAMINTA EVANS	0.35
84C2-14-B	NEWMAN, RAY E	0.15
84C2-18-A	CHERITON VOLUNTEER FIRE CO INC,	2.52
84C2-3-1	BURDEN, DAVID A	0.20
84C2-3-2	BURDEN, DAVID A	0.18
84C2-3-3	OUTTEN, PAGE ROBBEN & DANA R	0.19
84C2-3-4	OUTTEN, PAGE ROBBEN & DANA R	0.21
84C2-3-5	PARTIN, DIANE R & DAVID G	0.16
84C2-3-5A	MEARS, WAYNE LEE & MARY LENA	0.12
84C2-3-6	MEARS, WAYNE LEE & MARY LENA	0.13
84C2-A-3	WILKINS, HELEN H	1.10
84C2-A-33	MOORE, ADA RODRIGUEZ	0.33
84C2-A-34	NORTHAMPTON POST NO 56, AMERICAN LEGION	1.14
84C2-A-37	WIDGEN, JOHN W JR	3.24
84C2-A-38	THE PGW FAMILY TRUST OF 2001	3.60
84C2-A-39	LEMOND, LARRY E & STEPHANIE I	1.05
84C2-A-4	KELLAM, ANNE L &	1.44
84C2-A-40	HENEGHAN, HENRY J JR & JO ANN	1.23
84C2-A-41	GARRETT, NANCY WESCOAT HARWOOD	0.67
84C2-A-42	THE YVONNE WHITE & EARL THOMAS BAGWELL REV LIV	0.52
84C2-A-43	BURGESS, BETTY H &	0.63
84C2-A-45	BURGESS, BETTY H &	0.56
84C2-A-46	SANDLIN, WAYNE H & KIMBERLEY P KRAEMER	0.65
84C2-A-5	KELLAM, ANNE L &	1.05
84C2-A-6	LANSDALE, JOHN ELBRIDGE & HUTCHINSON, WILLIAM E	0.21
84C2-A-7	HOLROYD, DESSIE SMITH	0.28

84C2-A-79	CHERITON BAPTIST CHURCH, TRUSTEES FOR	1.47
84C2-A-8	NEWTON, DIANE JESSIE	0.27
84C2-A-80	FITZGERALD, WADE H JR & GAIL K	0.45
84C2-A-81	FITZGERALD, WADE H JR & GAIL K	0.53
84C2-A-82	CHERITON, THE TOWN OF	0.43
84C2-A-87	RIPPON, JOHN DOUGLAS	0.18
84C2-A-88	RIPPON, JOHN DOUGLAS	0.25
84C2-A-89	FILLMAN, CHARLES L & JEAN G	0.27
84C2-A-90	LEWIS, RICHARD D SR & EVELYN D	0.22
84C2-A-92	TATEM, TERRI L	0.29
84C2-A-93	MENDISADD INC	0.37
84C2-A-95	CHERITON METHODIST CHURCH TRUSTEES	1.98
84C3-A-18	WILLIAMS, SHELDON LEE & KATHLEEN GAIL	15.10
84C3-A-19	WILLIAMS, SHELDON LEE & KATHLEEN GAIL	5.33
	Total	172.27

MAP_PIN	Owner	TotAcres	LegDesc1
90-16-117	BAY CREEK SOUTH LLC	0.336	LOT 117
90-16-118	MAMAC LLC	0.281	LOT 118
90-16-119	BAY CREEK SOUTH LLC	0.264	LOT 119
90-16-120	BAY CREEK SOUTH LLC	0.264	LOT 120
			LIGHT HOUSE PARCEL
90-17-LHP	BAY CREEK L L C	0.195	2
90-16-121	BAY CREEK SOUTH LLC	0.286	LOT 121
90-16-122	BAY CREEK SOUTH LLC	0.286	LOT 122
90-16-123	BRANCH BANKING AND TRUST COMPANY	0.286	LOT 123
90-16-124	BAY CREEK SOUTH LLC	0.286	LOT 124
			LIGHT HOUSE PARCEL-
90-16-LHP	BAY CREEK L L C	0.149	1
90-A-1D			
			1D-8D PALMER
90-2-1D	BAY CREEK SOUTH LLC	129.4	COURSE
90-16-125	BAY CREEK SOUTH LLC	0.285	LOT 125
	total	132.318	

\* \* \* \* \*

The County Administrator also noted that a letter of support has been received from Henry and Sandy Mayer, owners of the Chesapeake Bay View Bed & Breakfast, 212 Bay Avenue in Cape Charles (Tax Map 83A3-2-6-9A).

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

Motion was made by Mr. Murray, seconded by Mr. Trala, that the amendments to the County's Enterprise Zone be approved as presented and that the following resolution be adopted therefor. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

### **RESOLUTION**

WHEREAS, the County of Northampton is applying for enterprise zone amendments jointly with the County of Accomack; and

WHEREAS, the County of Northampton is designated to act as program administrator; and

WHEREAS, the Board of Supervisors of the County of Northampton hereby authorizes the County Administrator to submit all information needed to apply for enterprise zone amendments and to carry out all program administrative and reporting requirements on its behalf.

NOW, THEREFORE, BE IT RESOLVED that the County of Northampton hereby approves enterprise zone amendments as set forth in the attached documentation.

\* \* \* \* \*

#### Action Items:

(14) Consider scheduling for public hearing a request from the Cape Charles Christian School for tax exempt status.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the Board approve the request from the Cape Charles Christian School and schedule same for public hearing. All members were present with the exception of Mr. Tankard and voted "yes." The motion was

unanimously passed.

(15) Consider adoption of a resolution endorsing First Med, Inc. to establish an office and conduct business in Northampton County (it offers Basic and Advanced Life Support services).

Motion was made by Mr. Long, seconded by Mr. Trala, that the following resolution be adopted. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

### **RESOLUTION**

WHEREAS, First Med Inc. desires to offer Basic and Advanced Life Support services in Northampton County; and

WHEREAS, the provision of such services will be under the medical control of an Operational Medical Director who is a licensed physician in the Commonwealth of Virginia; and

WHEREAS, the Rules and Regulations Governing Emergency Medical Services, established by the State Board of Health, require endorsement of the governing body, for an EMS agency to provide such services.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby endorse First Med Inc. to establish an office and conduct business in Northampton County, but does not, however, recognize First Med Inc. as an integral part of the public safety network.

\* \* \* \* \*

#### Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Murray, seconded by Mr. Trala, that the County Attorney be authorized to settle the lawsuits with Messrs. Robbins, Scott and Melchor as previously discussed. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

(16) Mr. Randall:

(A) “Watch for Children” signage – Tower Hill Subdivision, Rts. 1321, 1322

Motion was made by Mr. Trala, seconded by Mr. Long that the following resolution be adopted, requesting “Watch for Children” signage at Routes 1321 and 1322 in the Tower Hill Subdivision. All members were present with the exception of Mr. Tankard and voted “yes.”

The motion was unanimously passed. Said resolution as adopted is set forth below:

### **RESOLUTION**

BE IT RESOLVED, that the Northampton County Board of Supervisors hereby requests the Commissioner of the Virginia Department of Transportation or his representatives to provide, in accordance with Section 33.1-210 of the Code of Virginia, and install “**Watch for Children**” signs at the described location shown below.

Along Routes 1321 and 1322 in the Tower Hill Subdivision

The Northampton County Board of Supervisors also requests these signs should be paid out of the secondary construction allocations allotted to Northampton County.

\* \* \* \* \*

(B) Town of Nassawadox/Captains Deck Turn Lane

The Chairman noted that he was in receipt of a letter from Nassawadox Mayor Estelle Murphy concerning a VDOT requirement for the Captain’s Deck Restaurant to construct a turn lane on Route 13 in order to obtain approval to rebuild their restaurant. This construction is estimated to cost \$25,000. Mr. Bennett wondered if the other two entities (Northampton County Health Department and the Best Value Inn) could be contacted to see if the cost could be split between all three affected parties and perhaps this could be suggested to the Mayor for her to pursue. It was the consensus of the Board to provide a letter of support to VDOT, to see if this requirement could be waived.

Mr. Long questioned two county ordinances currently in effect: use of muzzle-loading weapons and the use of dogs and/or rifles. The County Administrator indicated that these items

were among the topics planned for discussion at a proposed October 27<sup>th</sup> meeting with the Sheriff, Mr. Long and representatives from Farm Bureau. Mr. Murray also asked to attend.

Mr. Long also asked that the matter of a public firing range at the landfill site could be brought up for discussion at a future meeting.

Mr. Peter Lawrence, Chairman of the Comprehensive Plan Advisory Committee, was in attendance and was recognized by the Board. He noted that there was still some confusion on the part of the Committee as to its charge.

#### Closed Session

Motion was made by Mr. Long, 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:

(B) 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.

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

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for that purpose as set out in paragraph 1 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that this was the only matter of discussion during the closed session.

#### Recess:

Motion was made by Mr. Murray, seconded by Mr. Long, that the meeting be recessed until 3:00 p.m., Wednesday, October 26, 2011, in the Board Chambers, 16404 Courthouse Road, Eastville, Virginia, in order to conduct a meeting with the Baldwin Group and state/federal officials. All members were present with the exception of Mr. Tankard and voted “yes.” The

motion was unanimously passed.

The meeting was recessed.

\_\_\_\_\_CHAIRMAN

\_\_\_\_\_ COUNTY ADMINISTRATOR