

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held at the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 17th day of November, 2015, at 4:00 p.m.

Present:

Richard L. Hubbard, Chairman

Oliver H. Bennett, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Larry LeMond

The meeting was called to order by the Chairman.

Closed Session

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

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

Appointments to boards, committees: (A-N Regional Housing Authority, Board of Appeals for the Building Inspector, Eastern Shore Area Agency on Aging, Industrial Development Authority of Northampton County and its Towns, E. S. Community Services Board, Purchase of Development Rights Committee, RC&D Council, Wetlands Board) County Administrator's 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.

Drummond Property

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

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

legal advice by such counsel.

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

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

The Chairman read the following statement:

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

Board and Agency Presentations:

- (1) Eddie Lawrence, Superintendent, Northampton County Public Schools (Mr. Lawrence will be arriving later in the evening and will be heard during the 7:00 p.m. session.)
- (2) Kris Tucker – Economic and Community Development Director

Mr. Kris Tucker, the County’s newly-hired Economic and Community Development Director, was introduced to the Board.

Consent Agenda:

- (3) Minutes of the meetings of October 13 and 26, 2015.
- (4) Approval of Abstracts of Votes Cast in the 2015 November General Election and Spread Same Upon the Minutes of this Meeting.

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

County Officials’ Reports:

(5) Mr. John J. Andrzejewski, Finance Director, presented the following Budget Amendments and Appropriations for the Board's review:

MEMORANDUM:

TO: Board of Supervisors
FROM: John J. Andrzejewski, Director of Finance
DATE: November 17, 2015
RE: Budget Amendments and Appropriations – FY 2016

Your approval is respectfully requested for the following budget amendments and supplemental appropriations as requested by the Sheriff's Office:

\$10,000.00 – This represents a budget appropriation transfer of Compensation Board funding from vacancy savings to the Sheriff's Office Repairs and Maintenance (\$5,000) and Police Supplies (\$5,000).

\$35,144.87 – This represents a budget appropriation transfer from Fines & Forfeitures Revenue to Salaries and Wages representing a 1% bonus for the Sheriff, Animal Control and Jail Departments. This request is not supported by the County Administrator or the Finance Director. Any pay increase should be considered for all Board of Supervisor positions.

\$4,620.00 – This represent a budget appropriation transfer from Fines & Forfeitures to Police Supplies – Firearms for the purchase of 11 rifle scopes (\$420 per scope).

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At the request of the Board, the three requested items were considered individually.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the foregoing budget amendment and appropriation for \$10,000.00 be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Hogg, seconded by Mr. Trala, that consideration of the \$35,144.87 requested item above (for 1% bonus for the Sheriff, Animal Control and Jail Departments) be tabled until the November 23rd work session. All members were present and

voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. LeMond, that the foregoing budget amendment and appropriation for \$4,620 be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM:

TO: Board of Supervisors
FROM: John J. Andrzejewski, Director of Finance
DATE: November 17, 2015
RE: Budget Amendments and Appropriations – FY 2016

Your approval is respectfully requested for the following budget amendments and supplemental appropriations as requested by the Northampton County School Board:

\$705.13 – This represents a budget appropriation increase to the Federal Grants Fund within the category of Instruction to reflect the final FY16 aware of the Carl D. Perkins Career and Technical Education Act Funding.

\$51,200.00 – This represents a budget appropriation increase to State Revenue within the Capital Improvement Fund, School Security Upgrades Grant, to reflect award of the School Security Equipment Grant from the Commonwealth of Virginia.

\$-8,264.71 – This represents a budget appropriation decrease of the Actual Title I, Part A allocation under the Elementary and Secondary Education Act. The reduction will be under the category of Instruction.

\$8,264.71 – This represents a budget appropriation increase to reflect the final awards of Title I, Part C funding from the Virginia Department of Education. The increase will be under the category of Instruction.

\$-356.07 – This represents a budget appropriation decrease to reflect the final Title III, Part A award under the Elementary and Secondary Education Act (ESEA). The reduction will be under the category of Instruction.

\$-381.65 – This represents a budget appropriation decrease to reflect the final award of Title IV, Part B, Rural and Low Income School Program under the Elementary and Secondary Education Act (ESEA). The reduction will be under the category of Instruction.

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At the request of Supervisor Bennett, the first item above was considered separately.

Motion was made by Mr. LeMond, seconded by Mr. Hogg, that the foregoing budget amendment and appropriation in the amount of \$705.13 be approved as presented. All members were present and voted “yes”, with the exception of Mr. Bennett who abstained. The motion was passed.

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

The Fourth Quarter, FY 2015, and First Quarter, FY 2016, Financial Statements were distributed to the Board. Questions can be directed to the Finance Director next week at the work session.

At approximately 5:45 p.m., the Board recessed for the supper break.

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

Mr. Bennett provided the Invocation.

The Board recited the Pledge of Allegiance.

Board & Agency Presentations (Continued from 5:00 p.m.)

(6) Eddie Lawrence, Superintendent

The Superintendent shared a powerpoint presentation with the Board which detailed school accreditation, construction projects and teacher morale.

Northampton County Schools

School Accreditation

Occohannock Partially Accredited: Improving School-Pass Rate

	15	14	13
Reading	71%	66%	59%
Math	84%	71%	67%
Science	75%	76%	72%
History	95%	82%	83%

Northampton County Schools

School Accreditation Status

Kiptopeke

Accreditation Denied

	15	14	13
• Reading	69%	55%	60%
• Math	77%	76%	57%
• Science	89%	70%	73%
• History	93%	83%	88%

Northampton Middle School

- School Accreditation
- NMS Partially Accredited: Improving School-Pass Rate

	15	14	13
• Reading	61%	50%	55%
• Math	66%	60%	63%
• Science	66%	63%	65%
• History	69%	61%	64%

Northampton High School

- School Accreditation

	Fully Accredited		
	15	14	13
Reading	75%	79%	61%
Math	77%	71%	63%
Science	71%	77%	72%
History	67%	73%	70%
GCI	85%	85%	88%

School Enrollment

School	Sep14	Sep 15	Oct14	Oct 15
KES(K-6)	430	453	409	419
OES(K-6)	437	475	437	460
NMS	257	231	250	224
NHS	464	443	448	460
Total	1,588	1,602	1,544	1,563
		+14		+19

NCPS Pre-K Enrollment

•KES #63

•OES #49

Construction Project NHS



NHS Cafeteria Wall Project



Next Steps

- The items left to be completed:
- Roof - punch list items such as flashing, replace tank lid, replace downspout, touch up elastomeric coating in places
- General Contractor - The stucco finish has to be recoated due to the surface appearance not matching.

Next Steps

- Drainage work: The contractor is suppose to start drainage work as soon as the roofing contractors are finished. We anticipate this will be next Monday.

Next Steps

- **Asphalt repairs: The contractor has to come back and repair several areas due to grade issues.**

* * * * *

Chairman Hubbard read the following statement:

A letter from Mr. Leo Kellam regarding the proposed zoning ordinance amendments was published in the Saturday, November 14, 2015, edition of the *Eastern Shore News*. The editor of the *Eastern Shore Post* has told our County Administrator that the same letter will be published in the Friday, November 20, 2015, edition of that newspaper and offered her an opportunity to respond.

I believe that there is a consensus by the Board to ask our Administrator to read into the record her response which is on behalf of the Board and its staff and which the Board endorses.

At this time, the County Administrator read the following letter:

To the Editor:

In his letter Mr. Kellam expresses his opinion about how he wishes his real estate to be zoned and why. He also makes allegations such as that the proposed zoning map includes what he calls “spot zoning” and constitutes a “taking” of value from his property. None of those remarks is in any sense unusual in rezoning situations. Mr. Kellam’s wishes and opinions with respect to the zoning of his property should be offered to the Board of Supervisors and taken into consideration by them. (As a matter of fact, Mr. Kellam’s assertion that the proposed rezoning would prohibit “the sale of crops” is categorically false.)

Unfortunately, though, Mr. Kellam's letter also includes defamatory allegations about the Board of Supervisors and, inferentially, its staff which are profoundly, dangerously and unjustly divisive of and corrosive to the relations between the citizens of Northampton County who are of different races. Mr. Kellam goes so far as to allege that "the sitting Board is engaged in a war on the minority population." It is hard to imagine a more baseless and irresponsible accusation; an accusation which follows the similarly despicable and racially inflammatory remarks made by Mr. Ken Dufty at the public hearing on November 2, 2015, regarding the proposed zoning ordinance.

I advise the readers of this letter that I was present at virtually every meeting at which the County's staff worked on the proposed rezoning. No one ever even remarked on the race of any owner of property and, indeed, in the giant majority of cases no one was even consciously aware of the name, much less the race, of the property owners. I have never seen the slightest sign that any of the staff members who worked on this project has any animus toward anyone based on race or anything else.

As to the Board of Supervisors, their meetings are matters of public record with all remarks being audio recorded and minutes being maintained. While there has been enthusiastic disagreement among members of the Board about some provisions of the proposed ordinance, not a single member of the Board has ever suggested that any change be made based on racial considerations nor has any member ever suggested that any of his colleagues might be so motivated. I personally attended virtually every single executive session attended by the Board of Supervisors and I unambiguously and without reservation report that the substance of the proposed rezoning was never discussed and, if it ever came up in some peripheral sense, no member of the Board of Supervisors ever exhibited even the slightest indication that he was motivated in any way by racial considerations or was even mindful of the race of any interested party.

It is natural that a general rezoning of the real estate in the County would give rise to passions among some or even many people. But it is worthy of note that over a process which has extended for most of two years (the first public hearing was held in March of 2014), Ken Dufty's noxious statement on November 2, 2015, was the first time anyone suggested that there was some racial dimension to the proposed rezoning. It cannot be a coincidence that that theme was unleashed at exactly the time when it became apparent that the Board may well vote on the proposed map and ordinance. The fomenting of racial animus to gain some perceived advantage on a public policy question is a truly nasty tactic engaged in with reckless disregard for the welfare of Northampton County. Mr. Dufty and Mr. Kellam should be ashamed of themselves.

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Citizens' Information Period (only matters pertaining to County business or items on Board agenda for which a public hearing has not already been scheduled).

Mr. Bob Meyers read the following statement:

Please enter the following in the PUBLIC RECORD 17Nov15 NHC Co BOS meeting

Mr. Chairman & Mr. Hogg, this morning you attended a Bi-County Ground Water meeting where the lack of ground Phosphorus studies for the Eastern Shore were demonstrated to be non-existent. Knowing Phosphorus quantities resulting from chicken manure were identified as necessary to make intelligent decisions for protecting the Bay and the County's waterways. These are critical for shellfish growing and to all the businesses that rely on that for a living. I am noting for the record, that even though the Eastern Shore, as noted by Governor McAuliffe is one of the largest producers of shellfish in the United States, you are continuing on a course of proposed zoning that may imperil our waters for this industry because of your collective ignorance. For your education, I am submitting an example of what Maryland has done to address what was to them, a previous unknown.

On the same zoning issue, many citizens of the county have repeatedly given you examples at meetings of your lack of preparedness to comply with well documented good zoning practices and studies required by Virginia Code. I addressed this same problem at the last meeting and at the recent Zoning Public Hearing. I am aware that there were letters written to you about this for the Hearing with requests to be read into the Public Record and were ignored. During the Hearing several citizens spoke about the zoning designations that were not clearly explained. They identified specific examples of zoning changes to their property that had no justification, were not based on any consistent method, were not recognizing the existing property use, or the character of the neighborhood, and appeared to be completely arbitrary. In two cases presented, the changes appeared to be discriminatory in nature. Further actions by the lawyer on the Planning Commission and by you Mr. Chairman, appear to support that impression.

As I stated before, this zoning proposal you have directed and allowed your Administrator to pursue has been poorly conceived, poorly prepared, and poorly executed. I am asking, as countless others have before me, and will continue:

PLEASE STOP THIS PROCESS NOW AND CORRECT ALL THE SUBSTANDARD WORK YOU HAVE PERMITTED SO FAR. YOUR ERRORS CONTINUE TO BE EXPOSED. ===Bob Meyers, 7516 Prettyman Circle, Exmore

Submitted by Bob Meyers 17 Nov 2015 BOS meeting for the PUBLIC RECORD
As an example of Studies for Zoning that should be done and have not been to date.

More Phosphorus, Less Monitoring

MARYLAND'S MANURE OVERLOAD CONTINUES AS EASTERN SHORE POULTRY
INDUSTRY EXPANDS AND STATE CUTS WATER QUALITY MONITORING



SEPTEMBER 8, 2015

ACKNOWLEDGEMENTS

This report was researched and written by Courtney Bernhardt, Kara Burkhart, and Eric Schaeffer of the Environmental Integrity Project.

THE ENVIRONMENTAL INTEGRITY PROJECT

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

For questions about this report, please contact EIP Director of Communications Tom Pelton at (202) 888-2703 or tpelton@environmentalintegrity.org.

EXPLORE THE INTERACTIVE MAP

<http://arcg.is/1PQhHKM>

PHOTO CREDITS

Cover photo by Bukranovskiy/shutterstock.com. Park river by Sergey Buganov/shutterstock.com.

Executive Summary

Poultry operations on Maryland's Eastern Shore continue to spread chicken litter loaded with phosphorus onto croplands that already have too much, according to the latest data from reports filed by farmers. Nearly four-fifths of the phosphorus from chicken litter that poultry operators applied to crops went onto fields that had "excessive" soil phosphorus levels, as defined by the Maryland Department of Agriculture's Nutrient Management Manual.

These practices deserve close scrutiny because over 200 new poultry houses have been permitted for construction since November 2014 but are not yet operating on the Delmarva Peninsula.¹ The growth of the poultry industry makes it harder to understand why last year, Maryland eliminated almost 60 percent (9 of 16) of its water quality monitoring sites that measured phosphorus pollution in rivers that run through the center of the Eastern Shore's poultry industry and into the Chesapeake Bay.² Improved monitoring is essential to determine if the state's new phosphorus control regulations are working to reduce runoff from agriculture, which is the largest single source of pollution in the nation's largest estuary.

To address the problem of phosphorus pollution from the poultry industry, Maryland Governor Larry Hogan's administration on June, 8, 2015, enacted new regulations to reduce the over-application of manure as fertilizer to farm fields. The new rules will slowly begin to limit application of poultry litter to soils that have too much phosphorus through the use of a formula called the Phosphorus Management Tool. However, the industry's growth may offset the benefits of the new regulations. For this reason, Maryland should consider a moratorium on the permitting and construction of new poultry houses until the phosphorus pollution problem is under control. Some residents of Somerset County, where 67 to 70 new poultry houses are permitted for construction, have called for a moratorium.³

Every year, Maryland's large poultry operations file with the state documents called annual implementation reports that detail the amount of phosphorus in poultry litter applied to crops onsite, and how much is needed for plant growth given soil conditions. The reports also identify the phosphorus content and the destination of any poultry litter shipped offsite.

The latest available annual reports from eight Eastern Shore counties, covering the 2013 calendar year, reveal that:

- Ninety three poultry operations reported spreading poultry litter containing 886,158 pounds of phosphorus to more than 18,000 acres in 2013. Seventy nine percent of that phosphorus was spread on soils that already contained well beyond the amount needed for crop growth, based on soil phosphorus concentrations and recommendations in Maryland's Nutrient Management Manual.
- Twenty-six poultry operations spread 6 percent of the total phosphorus to 1,312 acres of cropland where phosphorus levels are so high that application of more phosphorus is now banned by new state regulations.
- Three hundred and sixty-one poultry operations exported 215,349 tons of poultry litter containing over 5 million pounds of phosphorus to other destinations in 2013. Of the total phosphorus exported, 73 percent went to other farmers, largely on the Eastern Shore; 20 percent went to manure brokers; 7 percent went to a fertilizer processing company called

MORE PHOSPHORUS, LESS MONITORING | 1

Perdue AgriRecycle; and 4 percent could not be tracked at all based on limited information provided by poultry operations. Crop farmers that import poultry litter do not have to report field-level information about the nutrients they actually apply to crops.

The annual reports were filed by 498 poultry operations in Kent, Queen Anne's, Caroline, Dorchester, Talbot, Wicomico, Worcester, and Somerset counties. These operations reported a 2013 annual production of nearly 277 million broilers. The expansion of the industry on the Eastern Shore could create more waste than the state can deal with and still meet U.S. Environmental Protection Agency pollution limits for the Chesapeake Bay.

Agriculture accounts for 55 percent of the phosphorus pollution that stimulates algal blooms and robs the Bay of the oxygen needed to support aquatic life, and poultry litter accounts for most of the phosphorus runoff on Maryland's Eastern shore. The waters of the Eastern Shore should be clean enough to sustain rather than threaten the habitat that oysters, crabs, and fish need to thrive. Yet phosphorus concentrations in Eastern Shore rivers and streams remain unacceptably high, and either increased or remained stagnant between 2003 and 2013, according to the state's own monitoring data.⁴

Incredibly, the state shut down 9 of its 16 routine water quality monitoring stations on the lower Eastern Shore in December 2013, citing federal budget cuts from the U.S. Environmental Protection Agency's Chesapeake Bay Program. Among the stations eliminated were two out of three on the Pocomoke River (a site of toxic algal blooms and fish kills during the *Pfiesteria* crisis of 1997), and all sites serving the Transquaking River. Reduced monitoring will make it much harder to determine whether the state's new efforts to limit runoff pollution with the Phosphorus Management Tool are working or need to be strengthened.

Maryland should take the following steps to address the problem:

- State officials should immediately restore funding and resume water quality monitoring where cutbacks occurred in Eastern Shore rivers. Eliminating this vital data is penny-wise and pound foolish, and will harm Chesapeake Bay restoration efforts.
- Maryland should require all farms on the Eastern Shore to identify where their poultry litter is applied, how much phosphorus it contains compared to soil concentrations, and the amount recommended for healthy crops. That level of information is currently required only for large poultry operators that apply litter to their own fields. But the data shows that the majority of the litter "exported" to other farms ends up on Eastern Shore farmland anyway, often within the same county and still within the Bay watershed.
- The poultry industry appears poised for an expansion in Somerset County that could significantly increase bird and waste production. Given the magnitude of the phosphorus problem on the Eastern Shore and in the Bay watershed, Maryland should consider a moratorium on further permitting or construction of poultry houses until the state fully implements the Phosphorus Management Tool and can demonstrate that it has the manure overload problem under control.

**CALLING ON ALL MINORITY PEOPLE
IN NORTHAMPTON COUNTY !!!**

The County is getting ready, if we don't stop them, to:

- 1) REZONE MANY BLACK-OWNED PARCELS IN THE COUNTY TO RESIDENTIAL FROM AGRICULTURE, WHILE LEAVING MANY PARCELS OWNED BY *WHITE* PEOPLE ALONE:**
- 2) REZONING COULD RAISE TAXES AND WILL STOP THE USE OF LAND FOR MANY FARMING PURPOSES;** (There are 19 uses that will be prohibited)
- 3) ELIMINATES AFFORDABLE HOME OPTIONS, OUTLAWING MOBILE HOME PARKS AND AFFORDABLE HOUSING BONUSES.**

THIS ATTEMPT BY THE BOARD APPEARS TO BE A WAR ON MINORITY AND THE ECONOMICALLY CHALLENGED PEOPLE IN THE COUNTY, AND WE MUST UNITE TO LET THEM KNOW WE DO NOT WANT IT, AND DIDN'T ASK FOR IT !!

WE HAVE ONE MORE CHANCE TO TELL THEM WE ARE EQUAL AND IMPORTANT. COME TO THE BOARD MEETING AT THE EASTVILLE COUNTY OFFICE BUILDING, SECOND FLOOR, AT 7PM TUESDAY, NOVEMBER 17, 2015.

If you need a ride, call 757-442-7889. It is time to raise our voices to stop this unfair rezoning plan!

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Mr. Robert C. Richardson of Seaview said that he believed the County should have only four districts (agriculture, residential, commercial and industrial) and that the Board should permit the incoming board to address the proposed zoning ordinance amendments.

Mrs. Roberta Kellam read the following comments:

Good evening. My name is Roberta Kellam, 7514 Wellington Neck Road, Franktown. For my second to last opportunity to make a 3 minute statement, I will focus on only one of the numerous errors, red herrings, inconsistencies and deficiencies in the proposed County-wide Rezoning that I seem to discover every time I decide to study the document closely. I've been particularly troubled lately by a comment made by County Administration at the November 2 Public Hearing regarding the "700 pages" of old zoning code that the County Zoning Administrator must keep on the books as a result of the Existing Subdivision district in our current zoning code. What I discovered in my research is that this statement from our county administration and others is nothing but a red herring, because, in fact, adopting a new Zoning Ordinance will only serve to add an additional several hundred pages of code and regulation while nothing will be taken away.

How can the rezoning of existing subdivisions be contemplated without a thorough understanding of a myriad of legal issues, such as vested rights in zoning, subdivision law, the legal status of filed subdivision plats and due process? The 2009 Zoning Code which created the Existing Subdivision Zoning District was prepared by an experienced land use lawyer who advised that it was in the County's best interest to rezone all past subdivisions as Existing Subdivision district. Let me restate that: THE COUNTY'S BEST INTEREST. Has anyone inquired as to why such legal advice was given to the County Board? Could it be due to vested rights in zoning, subdivision law, or something else? Could it be due to the rather strange mechanism for subdivision of land that was permitted under the 2000 Zoning Code? I am aware of complaints about the Existing Subdivision District, but it seems to me that the problems originating in the 2000 Zoning Code will not be resolved by slapping a new Residential District name on those subdivisions.

It should be noted that the 2009 Existing Subdivision District applies specifically to subdivision that were rezoned between December 28, 2000 and the date of adoption of the 2009 Code, as well as to subdivisions that were rezoned under the December 28, 2000 Zoning Code. However, the 2000 Zoning Code rezoned properties that were subdivided under the 1983 Zoning Code. Clearly it is not the 2000 or the 2009 Zoning Code that require the Zoning Administrator to keep past Zoning Codes on the books. No, I'm afraid that this is another case where the real motivations are hidden, and the Board is being led in a direction without being given any genuine and unbiased legal advice, legal analysis, suite of options, or analysis of the potential consequences of changing the Zoning Code in this manner. Again, I ask that you abandon this Rezoning of the entire County in favor of listening to the voters and allowing the next Board to take up the Zoning matter.

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Ms. Janice Langley, Secretary of the Northampton County Branch, National Association
for The Advancement of Colored People, read the following letter:

NAACP

Northampton County Branch:
National Association for The Advancement of Colored People
P. O. Box 105, Nassawadox, Virginia 23413 • 757 442 1738



November 16, 2015

To: Northampton County Supervisors:

We the Officers and Members of Northampton County Branch NAACP are submitting this letter of concern over Northampton County's proposal to rewrite the 2009 zoning ordinance in an attempt to enact a completely new zoning code by the end of this calendar year.

Specifically, the NAACP is concerned about the proposed "up zoning" of lands in neighborhoods as well as individual parcels of land inhabited and owned by members of the Minority Community. We have received complaints from members of the Community at large and members within the local NAACP Chapter suggesting the proposed rezoning is unfair and targets the underprivileged black residents of Northampton County.

After several investigations of these complaints, it was concluded, that land owned by members in the black community of Northampton County slated for "up zoning" from their current agriculture designation to residential use, while adjacent property that is owned by their neighboring white counterparts remains untouched. We remain neutral at this time that the Board is not intentionally discriminating against the minority population; any

reasonable person who looks at this disparity would most definitely conclude that the rezoning appears to have a discriminatory propensity.

We know the Board is aware, "up zoning" lands that are agriculturally designated eliminates many uses associated with farming once they are rezoned to residential. The Board is also aware that none of the members of the Community that this proposal affects have requested their property be REZONED.

The public NOTICE people received in the mail about the proposed rezoning is admittedly confusing and convoluted to the point of frustration for many minority members. People did not understand what affect the new proposed zoning would have on their property and the impact this change would cause in their lives.

It is therefore very distressing and most disturbing that the Board has closed the official record of this proceeding at a time when many, not only the minority population, but others are just beginning to learn the potential impact of this proposed act.

Finally, as President of the Northampton Branch NAACP, I want to express my concern on behalf of the NAACP members and the Community about the Board's proposal to eliminate measures in our current zoning ordinance which support and encourage the lack of affordable housing units in Northampton. The elimination of the mobile home overlay district and also the elimination of the affordable housing bonus appears to run directly counter of the Federal government's policy of supporting affordable housing pursuant to Title VIII of the Civil Rights Act of 1968.

Therefore, I am requesting that the Northampton County Board of Supervisors refrain from moving forward with the proposed

rezoning process until citizens have been fully informed and clearly understand all potential effects these changes will have on their property and the impact on their future lives when all the racial and social inequalities of these proposals have been eliminated.

I would like to thank the members of the Board in advance for your consideration of the aforementioned requests.

Sincerely,



Jane G. Cabarrus, President
Northampton County Branch NAACP



Submitted By: Janice Langley, Secretary
Northampton County Branch NAACP

Cc: File Copy
Mr. Jack Craveley,
Virginia State Conference NAACP (Richmond, VA)

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Mr. Leo Kellam distributed copies of the real estate assessment card for his property at 9208 Milton Ames Road and said that he and his black neighbors are proposing to be rezoned to R-3, prohibiting him from selling his crops.

Mr. Larry Jones said that he has small, commercial lot zoned agriculture. He said that he won't be able to grow crops on his land if the rezoning is approved.

Mrs. Martina Coker read the following comments:

Comments to BOS November 17, 2015

Martina Coker

Cape Charles, VA

I find it so frustrating to be standing here still talking about this proposed rezoning of the County. So much time and money has been wasted on this effort. This document is flawed beyond repair, yet you have continued to push it, requiring staff and county citizens to take time from other far more worthwhile endeavors to continue to comb the document for unintended consequences because it was pushed forward without the good process that should have been used.

No doubt more flaws remain, but so far you have seemed uninterested in what harm you might cause the citizens of this County by pushing forward something that was so poorly thought through and which is absolutely not in alignment with the Comprehensive Plan of this County.

I keep hoping that you will come to terms with the fact that this rezoning should not move forward. We unfortunately need to accept the money and time that has been wasted but we could stop the harm from getting worse. Please table this rezoning ordinance. Do not cause further harm to our community by wasting resources

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Mr. Rich Glielman said that many of the Board members have ignored the sentiments of the vast majority of the County residents and that it was “immoral of the Board” to act on the proposed rezoning before the new board assumes office.

Mr. Ken Dufty said that the minority community was present tonight. He also said that 19 uses are lost when property is rezoned to R-3. Additionally, he said that Chairman Hubbard had no right to visit Mr. Leo Kellam yesterday and tell him that he didn't own his property. He urged the Board to stop the current zoning ordinance amendment process.

Mrs. Janet Sturgis read the following comments:

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Janet Sturgis, Wellington North

please read into record

I hail from a tradition that teaches
we gain immortality through our good
deeds and that our memories live on
~~through our good deeds and that our~~
~~memories live on~~ through our good
works.

Please do the right thing and abandon
the new zoning regulations, as currently
proposed, and honor the public mandate
and leave any + all zoning rewrites to
the new Board of Supervisors taking office
in January 2016

* * * * *

Mr. Dave Kabler said that the proposed rezoning is faulty and will ruin his business. He said that the Board should let the incoming board deal with it.

Mr. Andy Teeling, a Painter resident, indicated that better schools equal better business and that the current rezoning process is distracting to the citizenry.

A letter from Dr. Art Schwarzschild was entered into the record as follows:

Dear Members of the Northampton County Board of Supervisors,

I was hoping to attend this meeting in person, but unfortunately have a conflict with a meeting of the ANPDC Resource Conservation and Development Committee of which I am a member, representing Northampton County.

First I would once again like to thank each of you for your continued service to Northampton County. I know that the last few years have been challenging and you have wrestled with a number of difficult and contentious issues.

One of the more challenging issues has been your continued efforts to revise and update the Northampton County Zoning Ordinance. I think we can all agree the current zoning ordinance is lengthy, complicated and can be viewed as cumbersome to those wishing to bring change or new developments into the county. As such, I am in agreement with you and the county staff in regards to the need to update, clarify and simplify the zoning ordinance.

That being said, I continue to be at odds with the manner in which you have worked to develop your revisions to the zoning ordinance and many of the specific changes you have put forward. Past efforts to revise the zoning ordinance were accomplished through a transparent procedure that began with public information and input sessions, moved on to a public process for revising the County's Comprehensive Plan, and then used the newly approved Comprehensive Plan as a guide in updating the zoning ordinance.

In contrast, this latest effort to revise the zoning ordinance started behind closed doors with select members of the county staff and other unspecified parties tearing apart the current zoning ordinance and putting together a series of proposed changes that are diametrically opposed to the desires of the greater community as codified in the Comprehensive Plan. The proposal was then presented to the community in a very confusing fashion with no clear comparison to the current zoning ordinance or reference to either economic or scientific studies used to support the proposed changes.

During the past 18 months communities, business interests, citizen groups and individual citizens have used the public comment periods to express alarm and dismay at the process and make specific recommendations to many of the zoning changes being proposed. To your credit you

have listened to these comments and have made a number of significant changes to your proposed revisions of the zoning ordinance.

Unfortunately, more changes are still needed as was clearly evident during the most recent public information session held at Northampton High School on Monday November 2nd.

The results of the recent election can be viewed as a referendum on your efforts to change the county zoning ordinance. For this reason I ask you to table your proposed changes and allow the newly elected Board to take on this challenge when they take office. In support of this request I would like to ask the following questions to individual members of the board.

To Chairman Hubbard, I ask: Given the results of the recent election, why would you want to continue to move forward with a process and proposal that is clearly not approved by the majority of your constituents?

To Mr. Trala I ask: do you really want one of the last acts of your years of service to Northampton County to be pushing a series of zoning changes that will only be revised or rescinded by the next Board? Why would you want to put this burden upon your successor?

To Mr. Bennett and Mr. LeMond I ask: Should you vote to move forward with these proposed zoning changes after you failed to hold even a single meeting with the communities you were elected to represent and which stand to be drastically impacted by these changes, do either of you think you will run unopposed during the next elections?

And let me be perfectly clear on this, Mr. Bennett, should you vote in favor of the proposed zoning changes I can guarantee that you will NOT be unopposed during the next election and I have already heard from a number of Willis Wharf residents who look forward to the opportunity to support a candidate who will meet with them and represent their views.

Therefore I once again ask you to table your proposed revisions to the Northampton County Zoning Ordinance. Please wait for the newly constituted Board to take office so that they can start this process over as it should have been done in the first place. Given the overwhelming amount of public comment on this topic I am certain that there will be no problem finding people willing to participate in citizen information and input sessions. People who will eagerly listen to presentations of economic surveys and scientific studies to support the development of a new Comprehensive Plan that truly codifies the desires of the entire Northampton County Community. These informed people will then be prepared to assist in revising the zoning ordinance based on the Comprehensive Plan in order to help ensure a productive and sustainable future for Northampton County and all its varied residents.

Thank you and best wishes,

Art Schwarzschild
4231 Willis Wharf Rd.

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The following future meeting agenda was shared with the Board:

Work session/other meeting agendas:

- (i) 11/23/15: Work Session: Topic to be determined
- (ii) 12/28/15: Work Session: Potential Action on Zoning Ordinance Amendments
- (iii) 1/25/16: Work Session: Topic to be determined

(7) The County Administrator's bi-monthly report was distributed to the Board as

follows:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: November 12, 2015
RE: Bi-Monthly Report

I. Projects:

A. USDA Grant Obligation Update:

As an update from your October 13, 2015 meeting, we have continued to move forward with meeting the requirements of this agreement. USDA has signed off completely on all items except for the 2 generators for the School. Staff is still developing the procurement documents for the 2 generators for the elementary schools.

To date, we have now committed \$496,283.85 of the \$599,734.80 obligation or 82.75%.

B. SET (Stronger Economies Together) Grant:

Work is progressing on the regional SET Grant. The first community meeting was held on October 27, 2015. The next forum is scheduled for Tuesday, December 15, 2015 from 8:30 a.m. – 12:30 p.m. There is limited seating for this forum; however, this is the second of six forums that will be held over the next nine months.

C. FY2015 Audit:

Our auditors have completed their field work for the FY2015 audit and are working on the draft financial statements which will be provided to the County for review by November 24, 2015. The finalized audits have to be submitted to the Auditor of Public Accounts by the end of November and the final Comprehensive Audited Financial Report (CAFR) must be completed by the end of December.

D. FY2017 Budget Process:

The FY2017 Budget process has been opened and attached is the budget calendar. The budget call has been released to all County departments and to outside agencies with budget requests due back in by December 4, 2015. The calendar reflects the reassessment public notice hearing and we have prepared two calendars: the preferred schedule as well as a “last resort” schedule for budget adoption.

E. Emergency Management Exercise:

On Tuesday, November 17, 2015, the County Emergency Management team in conjunction with the Department of Health will be conducting a Closed Point of Distribution (POD) Exercise in the gymnasium of the old middle school in Machipongo.

The Closed POD is designed to allow for the following in the event of a biological terrorist attack:

- distribution of free meds (mass prophylaxis)
- provision of important information during and after a public health emergency
- to answer questions and address concerns about the event
- for first responders (police, fire and EMS), county staff and their families ONLY. Public distribution (Open PD) would occur at a designated Neighborhood Community Health Center (Bayview and/or Franktown)

F. Hecate Solar Energy Project:

Staff met with representatives from Hecate regarding a proposed solar energy project in the County. We have provided them the necessary information to proceed with an application for a re-zoning under the current ordinance as well as the information to proceed with a Special Use Permit if the proposed ordinance is passed. They will be completing both sets of paperwork and will submit this in the next week to start getting on the Planning Commission calendar for the month of December.

G. Sunset Beach Renovation Project:

On October 20, 2015, staff convened a team meeting with representatives of the Sunset Beach proposed renovation project to ensure the project is moving toward approval of all necessary permits by state and local agencies. Project approvals are still progressing and should be in hand by end of the calendar year.

H. Update on County Property Discussion from October 2015 Worksession
County Admin – Wastewater Land:

As a correction to staff report to the Board regarding the county property behind the jail where the drainfields are located, we believe that USDA is in error and that there is no crop planted on county property but that it is to the west of our property and across a dirt road. I have attached an email from Public Works

Director Mike Thornes as well as a copy of the site plan showing the layout of the county drainfields.

- I. AFD Committee Report on Scoring Application Forms:
 The AFD Advisory Committee is working on revising the application forms as requested by the Board of Supervisors. The Committee’s recommendations and the current application & ranking forms are attached.

The Board indicated that this item would be discussed at the November 23rd work session.

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Lastly, the County Administrator distributed the following memorandum in reference to the concerns expressed earlier relative to uses allowed in the agricultural vs. R-3 zoning districts as well as a spreadsheet which illustrates timelines followed in the last Comprehensive Plan and Zoning Ordinance Review processes. These documents are set out below:

MEMORANDUM

TO: Northampton County Board of Supervisors
 FROM: Development Department Staff
 SUBJECT: Proposed Zoning
 DATE: November 17, 2015

The following table compares the proposed uses in the Agriculture and R-3 districts specifically related to permitted agriculture uses.

Agriculture District	Residential-3 District
<u>Accessory uses, structures and buildings</u>	<u>Accessory uses, structures and buildings</u>
<u>Agricultural business office</u>	
<u>Agriculture crop production operation</u>	<u>Agriculture crop production operation</u>
<u>Agricultural research facility</u>	
<u>Agriculture - domestic husbandry</u>	<u>Agriculture - domestic husbandry</u>
<u>Agriculture - intensive farming</u>	
<u>Agriculture - traditional husbandry*</u>	
<u>Agriculture support business</u>	

<u>Aquaculture operation</u>	<u>Aquaculture operation</u>
Farm stand	Farm stand
<u>Fishing, commercial</u>	Fishing, commercial
<u>Floriculture operation</u>	<u>Floriculture operation</u>
Horticulture operation	Horticulture operation
<u>Migrant labor camp</u>	
<u>Ponds, agricultural irrigation</u>	
<u>Sales, agricultural products and accessory goods</u>	
<u>Silviculture operation</u>	<u>Silviculture operation</u>
<u>Uses similar to permitted uses</u>	<u>Uses similar to permitted uses</u>
<u>Viticulture operation</u>	<u>Viticulture operation</u>
<u>Winery, licensed farm</u>	<u>Winery, licensed farm</u>

***Agriculture – traditional husbandry** requires a Special Use Permit in the R-3 district.

Single-Wide Mobile Homes (SWMH) are often considered an affordable housing option. By state code, SWMHs must be permitted by-right in the Agriculture district. The table below shows where SWMHs are permitted by right or require a special use permit in the current versus the proposed zoning.

CURRET ZONING (2009)		PROPOSED ZONING	
By-Right	Minor SUP	Permitted	SUP
A/RB	Hamlet	AG	Residential
Conservation	Waterfront Hamlet	Conservation	Residential-1
	Village-1	Hamlet	Residential-3
	Village-2	Village	Residential-Mixed
	Waterfront Village-1	Village-WB	
	Waterfront Village-2	Cottage Community	
	Existing Cottage Com.	Residential-5	
	Town Edge-1	Town Edge	
	ESD-RVR		
	ESD-RVRR		
	ESD-RVRM		
	ESD-CDR1		
	ESD-CDRM		

Multi-family dwellings are one of the ways to provide for affordable housing. Currently, multi-family housing is limited to six districts, permitted by major special use permit only, and the types of multi-family housing are very specific. The proposed zoning provides for more multi-family opportunities by increasing the density in some districts (Village, Village-Commercial, Village-Waterfront Business and Hamlet) and providing a general use for multi-family that would allow various options of that housing type.

Another tool for providing affordable housing is the Accessory Dwelling Unit (ADU). ADUs can provide low rent housing options for renters while also providing income for owners.

The current §154.108 Affordable Housing Incentives and Standards **only apply to a rezoning application** that includes the provisions for affordable housing units. The Board may increase the density up to 10% higher than allowed in that district. If the Board is desirous of seeking additional options on housing options, §15.2-2305 of the Va Code provides guidance on affordable dwelling unit ordinances. The Board may wish to direct the Planning Commission to study this issue further if they feel the housing options are not sufficiently diverse.

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Action Items:

- (8) Consider action on Petition Received from Citizens on Bell Lane

It was the consensus of the Board to refer this request to the Virginia Department of Transportation for review and report back to the Board.

- (9) Consider actions relative to requests submitted by Ad-Hoc Emergency Care Committee

MEMORANDUM:

TO: Northampton County Board of Supervisors
FROM: Pat Coady, Chairman
Ad-Hoc Emergency Care Committee
DATE: October 22, 2015
SUBJECT: Pilot Program

The Ad-Hoc Emergency Care Committee has voted to request that the Board of Supervisors enter into an agreement with the Virginia Department of Health (Eastern Shore District) and Riverside Shore Memorial Hospital for the creation of an “EMS Utilization Intervention Program”, and to provide funding not to exceed \$7,500.00, with the condition that \$10,000 would be supplied from Riverside Hospital.

Said pilot program is looking to reduce avoidable frequent re-usage of county ambulances for medical services through creation of an enhanced or increased visiting nurse program. This program would be a 12-month pilot and would be evaluated for its effectiveness to determine if it should be expanded to a longer-term program.

Your consideration is greatly appreciated and we hope it is favorably acted upon by the Board of Supervisors.

* * * * *

Motion was made by Mr. Hogg, seconded by Mr. LeMond, that the Board enter into an

agreement with the Virginia Department of Health and Riverside Shore Memorial Hospital for the creation of an “EMS Utilization Intervention Program” and to provide funding not to exceed \$7,500.00, with the condition that \$10,000 would be supplied from Riverside Hospital. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM:

TO: Northampton County Board of Supervisors
FROM: Pat Coady, Chairman
Ad-Hoc Emergency Care Committee
DATE: October 22, 2015
SUBJECT: Planning Grant Application

The Ad-Hoc Emergency Care Committee has voted to request that the Board of Supervisors submit a planning grant to the Virginia Department of Housing & Community Development and/or the Rural Development Division of USDA for the purpose of studying and developing a telecommunications strategy and plan focused on the placement of wireless and/or cell towers and provision of data services countywide.

Said plan should encompass the public safety telecommunications needs for the Sheriff’s Office, Emergency Medical Services, Fire Services, and the regional E-911 Commission as it pertains to Northampton County as well as to how best to insure adequate coverage for private carrier needs for cellular and broadband coverage.

If the grant requirements are regional, the County and Committee would be authorized to seek inclusion of Accomack County as a participant.

Said plan should also identify potential federal and state funding sources that may be utilized to implement said plan.

Your consideration is greatly appreciated and we hope it is favorably acted upon by the Board of Supervisors.

* * * * *

Motion was made by Mr. Hogg, seconded by Mr. Trala, that the Board submit a planning

grant to the Virginia Department of Housing & Community Development and/or the Rural Development Division of USDA for the purpose of studying and developing a telecommunications strategy and plan focused on the placement of wireless and/or cell towers and provision of data services county-wide, as outlined above. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Pat Coady, Chairman of the Ad-Hoc Emergency Care Committee, was recognized and addressed the Board noting that the Board should consider funding for additional EMS staff in the upcoming budget cycle. He noted that he has contacted a military clearinghouse with regard to job postings for members leaving the service and wanting to relocate to the area.

Mr. Hogg noted that he had recently held a district meeting where the subject of EMS staffing was discussed. He said that there was still a concern about the level of expertise and training that the current staff possess and that there possibly was a need to enhance existing personnel through training opportunities as well as seeking new personnel, such as through the military as Mr. Coady mentioned. He urged his fellow Board members to be very inventive in the upcoming budget year.

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Matters Presented by the Board Including Committee Reports & Appointments

(10) Mr. Hubbard: Reconsideration of marshland conservation designation previously approved by the Board at the request of the Nature Conservancy

Delegate Rob Bloxom was recognized and indicated that “giving someone else jurisdiction over our marshes is a concern”. While The Nature Conservancy has indicated that the marshland designation would not change jurisdictional authority, Delegate Bloxom said that his experience with the U. S. Fish & Wildlife Service means that “nothing will be done.”

Accomack County chose not to provide the requested endorsement. It was the consensus of the

Board to conduct further discussions on this matter at its November 23rd work session. Delegate Bloxom indicated that he would return for the work session and it was noted that representatives from The Nature Conservancy as well as the A-N Planning District Commission should also be invited.

(11) Mr. Hogg: Legislation to eliminate the Health Department's design of well and septic system permits.

Mr. Hogg reported that legislation is being crafted to eliminate the Health Department's role in the design of well and septic system permits for single-family dwellings. He said that this would cause financial hardship on the County's citizens and asked the Board to notify its legislative delegation and the Director of the Health Department to oppose the privatization of this service. Motion was made by Mr. Hogg, seconded by Mr. LeMond, and unanimously passed. It was noted that this position has already been included in the County's Legislative Agenda and distributed to the delegation. The Virginia Association of Counties is also opposing this proposed legislation.

Motion was made by Mr. Trala, seconded by Mr. Hogg, that Mr. Oliver H. Bennett be reappointed to the Eastern Shore Area Agency on Aging/Community Action Agency for a new term of office commencing January 1, 2016. All members were present and voted "yes." The motion was unanimously passed.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that Mr. Richard L. Hubbard be reappointed to the Eastern Shore Community Services Board for a new term of office commencing January 1, 2016. All members were present and voted "yes." The motion was unanimously passed.

Recess

Motion was made by Mr. Trala, seconded by Mr. LeMond, that the meeting be recessed until 5:00 p.m., Monday, November 23, 2015, in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, for the regular work session. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR