

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held at the Northampton County Office of Emergency Medical Services, 13294 Lankford Highway, Machipongo, Virginia, on the 12th day of November, 2014, at 3:00 p.m.

Present:

Larry LeMond, Chairman

Richard L. Hubbard, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Oliver H. Bennett

The meeting was called to order by the Chairman who stated that the purpose of the meeting was to conduct a site visit with regard to the Board's proposed plan for construction of a new EMS garage. The property owner, Mr. George Drummond, was also present and discussed with the Board the parameters of the subject property. Afterwards, the Chairman recessed the meeting and the Board returned to the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia.

Closed Session

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

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

Appointments to boards, committees

New hires/terminations report

Status report from County Administrator on terminated Regional Jail employee and suspended Emergency Medical Services employee

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

Update on EMS site location

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

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

Verizon Wireless Lease Agreement
Declaration Network – letter of intent
Pending special use permit petitions

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) Presentation of Resolution Recognizing the Importance of Agriculture in Northampton County

While this item was held until the 7:00 p.m. session, it is presented here in order to preserve the order of the agenda. The Board recognized Mr. Steve Sturgis, President of Northampton County Farm Bureau, who thanked the Board for its support of the agriculture industry. Motion was made by Mr. Hubbard, seconded by Mr. Trala, that the following

resolution be adopted. All members were present and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

**Local Government Resolution in Recognition
of the Importance of Agriculture
in Northampton County, Virginia**

WHEREAS, Northampton County views agriculture as its leading industry and recognizes the need to protect and maintain a healthy economy and provide for the conservation of agriculture; and

WHEREAS, the Northampton County Board of Supervisors desires to preserve, protect and enhance its agricultural land resources, to maintain the rural character of our community and ensure the continuation of the quality of life that County residents have enjoyed for generations; and

WHEREAS, the Board recognizes that agriculture provides economic, fiscal, health, scenic, tourism, environmental, cultural, and recreational benefits to Northampton County; and

WHEREAS, Northampton County is considered a major agricultural producer. From the 2012 Census of Agriculture, Northampton County, with its 147 farms and 56,050 acres, ranked #1 in Wheat Production and Vegetable Sales, #2 in Vegetables Harvested (acres), and #3 in Market Value of Crops including Nursery and Greenhouse, in the Commonwealth.

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

That this Board, on behalf of the citizens of Northampton County, recognizes the vital importance of agriculture to Northampton County and honors and thanks all of those who have contributed and who continue to contribute to the success of the agricultural industry in Northampton County.

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(2) Ms. Lisa Sedjat, newly-hired Executive Director, Eastern Shore Community Services Board: introduction to Board of Supervisors

Ms. Lisa Sedjat was introduced to the Board members and noted that she has been on staff for approximately 90 days and is enjoying the “very purposeful work”.

Consent Agenda:

(3) Minutes of the meetings of October 1, 14 and 27, 2014.

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

County Officials’ Reports:

(4) Mrs. Leslie Lewis, Director of Finance, presented the following Budget Amendment and Appropriation Request for the Board’s consideration:

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: November 5, 2014
RE: Budget Amendments and Appropriations – FY 2014

Your approval is respectfully requested for the attached budget amendment and supplemental appropriation:

\$25,000.00 – This request represents a transfer at year-end from the General Fund (100-32000) to the Reserved Fund Balance (100-33100). This represents reimbursement by the Eastern Shore Broadband Authority of start-up funding as provided by the County.

Thank you for your attention to this matter.

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

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis
Director of Finance
DATE: November 5, 2014
RE: Budget Amendments and Appropriations – FY 2015

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

\$18.00 – This represents an increase in the final Title VI-B Section 619 Award under the Individuals with Disabilities Education Act (IDEA).

\$10,445.00 – This represents an increase in the final Title VI-B Section 611 Award under the Individuals with Disabilities Education Act (IDEA).

Thank you for your attention to this matter.

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

Mrs. Lewis presented the 4th Quarter, FY 2014 Financial Statement Package with a cover memo as outlined below:

TO: Board of Supervisors, Northampton County
FROM: Leslie M. Lewis, CPA, Director of Finance
DATE: October 14, 2014
SUBJECT: June 30, 2014 Financial Statement Package

Enclosed please find the quarterly financial package as of June 30, 2014. In the General Fund, 98% of budgeted revenues and 98% of expenditures have been recorded for the year compared to 103% and 98% last year at the same time. These reports are inclusive of year-end revenue and expenditure accruals. Although the audit is not yet complete, large additional adjustments are not anticipated. Fiscal year-to-date revenues exceeded expenditures by \$3,012 compared to \$1,200,239 at the same time last year. At June 30th, 94% of the current year’s tax levy had been

collected and recorded consistent with the same percent collected last fiscal year, FY 13. For the current fiscal year, FY 15, we are anticipating this collection rate to increase to 955 due to the first time bi-annual real estate tax billing.

For the current fiscal year, the School Operating Funds reflect revenue collections at 99% of the budget and expenditures at 96% compared to 96% and 95% respectively last year. The Social Services operating fund reflects revenue collections of 86% and expenditures at 86% of the adopted budget compared to 89% and 89% last year. The Eastern Shore Regional Jail Fund shows that 102% of revenues have been collected while 101% of expenditures have been recorded compared to 100% and 94% last year. Information on all capital projects' budget performance for the year and life-to-date is included behind the Capital Projects Performance Report divider.

A chart depicting the County's cash flow pattern is included in the report after the Treasurer's statement of account. At June 30, 2014, operating cash balances were \$13,569,914 compared to \$11,775,550 last year at the same time. As depicted in the chart behind the "Collections" tab, 94% of the current year tax levy has been collected and 98% of tax year 2012, 99% of tax year 2011 and 2010 has been collected. For more information on delinquent tax collections, please see the Collections section of this report. Included are the Top 40 reports as of June 30, 2014, collection percentage reports and other information on delinquent tax collections.

In summary, for the fiscal year ending June 30, 2014, it appears County revenues are consistent with budgeted estimates. We continue to collect delinquent taxes and anticipate the current year tax collection rate to rise. Minimal growth in local revenue is expected to continue for FY 15 and the level of state and federal funding remains in question as we continue the formulation of the County's next operating budget. Please note we have started working on the FY 16 annual budget this month with plans to have an adopted budget by April 15, 2015.

If you have any questions about the financial reports or need more information, please give me a call at 678-0440 extension 550.

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Additionally, the First Quarter, Fiscal Year 2015 Financial Package was distributed for the Board's review but discussion will be held at a later meeting.

Closed Session

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

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

Update on EMS site location

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

*Verizon Wireless Lease Agreement
Declaration Network – letter of intent
Pending special use permit petitions*

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 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.

At approximately 6:15 p.m., the Board recessed for the supper break.

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

The invocation was offered by Mr. Bennett.

The Pledge of Allegiance was recited.

(In a divergence from the agenda and with the concurrence of the Board, the Chairman indicated that Tabled Items #11 and #12 will be considered at this time. Action related to these topics is detailed later in these minutes in order to preserve the order of the agenda.)

Public Hearings:

Chairman LeMond called the following public hearing to order:

5) AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED, “AN ORDINANCE PROVIDING FOR THE BIENNIAL ASSESSMENT OF REAL ESTATE IN NORTHAMPTON COUNTY”

The purpose of this amendment is to repeal the ordinance which established a biennial real property reassessment process in the County. Due to a delay with the implementation of new real estate software, the reassessment schedule to take effective January 1, 2015 will not occur.

**AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED,
“AN ORDINANCE PROVIDING FOR THE BIENNIAL
ASSESSMENT OF REAL ESTATE IN NORTHAMPTON COUNTY”**

WHEREAS, an ordinance entitled, “An Ordinance Providing for the Biennial Assessment of Real Estate in Northampton County”, codified as Section 33.015 of the Northampton County Code, was adopted by the Northampton County Board of Supervisors on September 13, 2011 and subsequently amended on May 14, 2013; and

WHEREAS, it is the decision of the Northampton County Board of Supervisors to repeal this ordinance as a result of the death of the Commissioner of the Revenue’s vendor and the need to procure and migrate to a new vendor which has taken longer than projected to accept and “go live” with the new software; and

WHEREAS, due to the above circumstances, the work associated with the reassessment has not been able to be completed and the January 1, 2015 timeline cannot be met; and

WHEREAS, staff will present to the Board a new proposed calendar which is currently envisioned to have the next reassessment effective on January 1, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby repeals an ordinance entitled, “An Ordinance Providing for the Biennial Assessment of Real Estate in Northampton County”, codified as Section 33.015 of the Northampton County Code.

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

Ms. Katherine H. Nunez, County Administrator, indicated that due to the circumstances as described in the ordinance, the timeline for the next reassessment cannot be met. She indicated that once the software conversion process was complete and functional, the Board could then adopt another ordinance to put the reassessment back in place.

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

Motion was made by Mr. Hubbard, seconded by Mr. Hogg, that AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED, “AN ORDINANCE PROVIDING FOR THE BIENNIAL ASSESSMENT OF REAL ESTATE IN NORTHAMPTON COUNTY” be adopted as proposed. All members were present and voted “yes.” The motion was unanimously passed.

The Chairman called to order the following public hearing:

(6) Special Use Permit 2014-11: Mark & Rhonda Swanger have applied to locate a single-wide mobile home as a primary residence on property zoned Existing Subdivision Rural Village Residential, ESD-RVR containing 0.86 acres of land. The parcel is described as Tax Map 9B, double circle 4, lot 22 and is located along Pine Meadows Way, near Exmore.

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

Mr. Peter Stith, Long Range Planner, noted that the Planning Commission was recommending approval of the petition.

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

Motion was made by Mr. Bennett, seconded by Mr. Trala, that Special Use Permit 2014-11 be approved as presented. Mr. Hogg asked if the motion could be amended to include a time frame for installation of the mobile home. He confirmed with the applicant, who was present in the audience, that delivery was anticipated to occur by January 2015. Mr. Bennett did not agree to the amendment; therefore, the original motion was called. All members were present and voted "yes", with the exception of Mr. Hogg who voted "no". The motion was passed. When questioned by Mr. Hogg, Mr. Peter Stith confirmed that the zoning ordinance provides for an 18-month maximum period for special use permit implementation.

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

(7) Special Use Permit 2014-12: Lorenzo & Jose Rodriguez have applied to locate an accessory single family detached dwelling unit on property zoned Hamlet, H containing 1.33 acres of land. The parcel is described as Tax Map 68, double circle A, lot 88 and is located at 5292 Simpkins Drive, near Eastville.

(8) Special Use Permit 2014-13: Lorenzo & Jose Rodriguez have applied to locate a single wide mobile home on a property zoned Hamlet, H containing 1.33 acres of land. The parcel is described as Tax Map 68, double circle A, lot 88 and is located at 5292 Simpkins Drive, near Eastville.

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

Mr. Peter Stith indicated that the Planning Commission was recommending approval of both petitions. Staff noted that the existing single-wide home must be removed regardless of the approval or disapproval of the request. If it remains on the property as a storage building, permits must be obtained and all fixtures/facilities that make it a dwelling must be removed from the structure as well as adhering to setback and other related regulations. Conditions were recommended for Special Use Permit 2014-12 reflecting compliance with the Health Department for the septic and sewage system and for removal and/or compliance with the existing single-wide mobile home in line with the staff comment.

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

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Special Use Permit 2014-12 be approved with the following conditions:

- (1) this approval is subject to Health Department approval for the septic and sewage system; and
- (2) this approval is subject to the removal and/or compliance with the existing single-wide mobile home in line with the staff comment.

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

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Special Use Permit 2014-13 be approved. Mr. Hogg asked that the motion be amended to require inspection by the Building Inspector of the 26-year old mobile home as well as the establishment of a period not to exceed 18 months for completion of the provisions of the special use permit. Messrs. Trala and Bennett agreed with the motion amendment with the following conditions:

- (1) this approval is subject to the satisfactory inspection (of the 26-year old mobile home) by the Northampton County Building Inspections Department; and
- (2) this approval is subject to an 18-month time-line in which all of the installations requested through this special use permit shall have been implemented.

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

Citizens Information Period:

Mr. Jay Ford, Executive Director of Virginia Shorekeepers, reported on the public forum which was held last week concerning the proposed zoning ordinance amendments, noting that 140 citizens attended. He said that he was disappointed that the Board and staff have not answered the citizens' questions and submitted signed petitions, requesting that the Board withdraw the zoning petition.

Mrs. Roberta Kellam thanked the Board for its recent action where it stated its intention to retain the Chesapeake Bay Preservation Act regulations on the County's seaside. She said that the rezoning process cannot be cured except through the withdrawal of the application. Referencing the earlier resolution adopted by the Board in support of the agricultural industry, she said that the proposed ordinance was a blueprint for the subdivision of farmland.

Mr. David Kabler read the following comments:

November 12, 2014

Dear Northampton County Board of Supervisors,

Last Thursday evening I was privileged to speak before 140 of my fellow citizens and neighbors who gathered to learn more about your proposal to rezone our county. Following presentations of three former planning commissioners with whom I served and who many consider experts on our zoning ordinance and the top environmental research scientist of our precious seaside ecosystem, I gave a talk about the practical use of our zoning in my real estate business. When I called for the Board of Supervisors to withdraw your county-wide rezoning proposal, nearly everyone in attendance stood in support. Clearly there a rising tide of public sentiment against your proposal.

There has been no news of any kind of investment our Economic Development Director has attracted here in the last twelve months. I do know that our local real estate professionals have produced in excess of \$35mm in sales of single family homes, that last year 24 new housing starts were permitted, and that \$15mm in building permits were issued. That's \$50mm rotating throughout economy. Our zoning ordinance is working. In fact, my office has participated in 1/4 of that sales volume, and I use the zoning ordinance in every single transaction to impress upon my clients how safe and secure their investments are in Northampton County. All of my clients are favorably impressed by our ordinance that received such thorough public input.

I stand here before you tonight to call again for your withdrawal of this rezoning proposal. It was written behind closed doors without public input, is inconsistent with our Comprehensive Plan, encourages sprawling housing development along our tidal waters, threatens the safety of our main traffic corridor, takes away private property rights, spoils our rural character, endangers the purity of our waters, and ignores the revitalization of our small towns and villages. Yet you continue to plod through this totally flawed document making voluminous redline revisions with the intention of again presenting it for passage. Why is our government wasting so much time on such an obvious travesty of our zoning ordinance when such pressing issues as our failing schools, a closing hospital and a ballooning budget demand your attention?

Stop the bleeding right now and immediately withdraw this doomed county-wide rezoning proposal. I challenge at least one of you to have the courage and good sense to make such a motion before your colleagues tonight.

Sincerely,

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

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Mr. John Ordeman read the following comments:

On behalf of the Virginia Eastern Shorekeepers, I thank Rick Hubbard and Granville Hogg for attending our re-zoning forum, and I hope that those of you who did not attend will watch the video of the event, which you can get on your computers by logging on to CBES Northampton Forum on YouTube. You'll find that the several speakers, people who are knowledgeable about the Northampton zoning issues, people who have devoted their time and efforts to these issues, not out of self-interest but purely out of concern for what would best serve the community, all gave well-researched, fact-based presentations on the issues pertinent to the zoning proposal that has been presented to you. The forum was the best opportunity the people of Northampton County have had to learn about the deficiencies of the re-zoning proposal. I urge you to take the time to view the video. The presentations are all authoritative and informative, information you should definitely consider before making any decisions on zoning issues.

Some of those who did attend assumed that your absence was an indication that your minds were made up and you didn't want to hear additional facts. I hope that is not so and that you are still willing to listen to reason and public opinion. The people who elected you to make the important decisions that will impact the future of our county expect you to do so with open ears and open minds.

Because you thought, with good reason, that the current zoning code was, in some particulars, too restrictive and too complex, you directed the economic development director to "improve" the zoning code so as to make the county more business friendly and create jobs. Instead of following the appropriate procedure of soliciting comments and suggestions from the

public and beginning with appropriate reconsideration of the Comprehensive Plan, he directed the county staff in creating an extensive revision of the Zoning Code, making changes which would be bad for our existing major businesses – agriculture, aquaculture and tourism -- would not create new jobs, and would change irreversibly the very character and nature of our county. The proposal is bad, flawed in its conception and in its content. Tweaking parts of it will not make it good. We need to scrap it, and go back and start the process of revising and improving our zoning code properly. Let’s revisit the Comprehensive Plan and then, with adequate public input, make changes in the zoning code that make sense and have public support.

Please listen to the good people, people with only the best intentions, who are speaking out with reason and passion against the zoning proposal because they believe it will prove to be harmful to the community. They are against the proposal. They are not against you. What they really want is the opportunity to work with you to make the appropriate changes in the zoning regulations in the proper manner. Thank you very much.

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Ms. Donna Bozza, Executive Director of Citizens for a Better Eastern Shore, read the following statement:

Good evening, my name is Donna Bozza and I am speaking tonight as the new executive director of Citizens for a Better Eastern Shore. CBES is a 26 year old, pro-community organization.

That is why we recently co-sponsored along with Shorekeeper, the Northampton Community Forum. The official count – 140 citizens came out to hear an explanation of the proposed countywide rezoning.

Volunteering their time and expertise, the panel included several trained, experienced Virginia state certified citizen Planning Commissioners, a scientist and director at the University of Virginia’s Coastal Research Center, and a real estate broker of 40 years.

Citizens for a Better Eastern Shore was encouraged by the large attendance. Clearly there is a thirst for additional information about the proposed zoning. The lack of knowledge, confusion, and alarm residents expressed concerning the new zoning proposed is another indication that the county has not done an adequate job explaining the changes proposed.

As CBES has stated, Northampton County has provided no meaningful presentations on the details of the proposed zoning. Justifications for proposed changes were often not stated or are unsupported.

A recent economic development study commissioned by the county cited several impediments to economic development. The zoning now in place was not considered one of them.

County officials have stated at public meetings that no studies have been done concerning the impacts of the proposed rezoning on such things as property values and the county's successful economic engines: agriculture, aquaculture, and tourism.

No diverse public input was requested; county staff wrote the rezoning document with that input.

The backbone of county zoning is its Comprehensive Plan. As part of this deeply flawed process, the county skipped revising the Comp Plan in favor of fast tracking the zoning. This has resulted in a proposed zoning ordinance that is both inconsistent and incompatible with the county's existing Comprehensive Plan.

All of this has been a **grave** departure from established county procedure in regards to rezoning. This should be **unacceptable** to our local elected officials who uphold the fundamentals of our democracy – government for and by the people.

Much more is at risk than the cost of re-advertising a proposed zoning revision. Tourism, Agriculture and Aquaculture all face new risks under this new zoning proposal.

There is a real possibility we may derail the county's current job providers, jeopardize our home values and the tax base, and suffer a real loss of public trust.

It is not too late for the county to get back on track. CBEs, representing its nearly 1,000 members, urges the Northampton County Board of Supervisors to **withdraw the proposed rezoning**.

Let's all go back to the table as a community and review the county zoning using the reasonable and inclusive process, which has worked for us in the past.

Thank you,

/s/ Donna Bozza, Executive Director
Citizens for a Better Eastern Shore

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Mr. Ken Dufty of Exmore, addressed the Board relative to the history of biomass conversion and said that under the proposed zoning, biomass fuel conversion is allowed. He asked the Board to consider limiting this use to the industrial zones. He said that the public looks forward to working with the board and moving the County forward.

Ms. Linda Nordstrom of Exmore said that she has heard of many negative zoning

implications but has not heard anything about what improvements that the proposed zoning would bring and questioned how these changes would improve the County's deficiencies. She said that she looked forward to finding out from the County's leaders the reasons to proceed.

Mr. Bill Parr said that there were many reasonable people in the County who supported the proposed zoning ordinance, noting that currently, there are three working zoning ordinances in place. He said that the County needed to grow its tax base sustainable and needed a suitable ordinance for the community.

Ms. Katherine Horst encouraged the Board to withdraw the proposed zoning ordinance, noting that if passed, our culture will be forever changed.

Mr. Rick Clebin said that the proposed increase use of "by-right" uses was terrifying and that property owners' rights will be taken away. He said that the Board owes it to the public to explain its reasoning.

Mr. Frank Wendell asked what warranted review of the zoning ordinance prior to the Comprehensive Plan and why the historic model has not been followed.

Mr. Tankard Moulter of Marionville said that he had moved from a similar community where his property taxes had skyrocketed due to rapid growth.

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

Work session/other meeting agendas:

- (i) 11/24/14: Work Session: Proposed Zoning Ordinance Amendments
- (ii) 12/22/14: Work Session: Cancelled ?
- (iii) 1/26/15: Work Session: Proposed Zoning Ordinance Amendments

(9) The County Administrator's bi-monthly report was presented as follows:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: November 6, 2014

RE: Bi-Monthly Report

I. Projects:

A. Public Service Authority:

The next meeting of the PSA is November 18, 2014 @ 7:00 p.m. The subcommittee charged with reaching a draft agreement with the Town of Cape Charles met and developed accord on the principal issues, including price, gallonage, and other terms. I have been tasked in drafting an agreement that contains the substance of these discussions. The subcommittee will schedule their next meeting to review the draft agreement, when it is ready, with the intention of forwarding a final draft agreement to the Town of Cape Charles, the Public Service Authority and the Board of Supervisors for consideration by all parties.

B. Update on new software for the Commissioner of Revenue's office:

Our vendor, VISION APPRAISAL, is on-site with the staff in the Commissioner of Revenue's office for the final training session on the software the week of November 3, 2014 and for a final check on the database to ensure that setup is complete.

C. Rental Inspection Ordinance:

Building Official John Outten has met with staff from ANPDC to obtain information on their housing programs and vacancies/waiting lists for housing units as well as to review our issue and what we are trying to solve and to obtain their perspective and thoughts on the matter. From that meeting, staff is doing further outreach and is working to have a full response back to the Board for your December 9, 2014 meeting.

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(10) Report on Legislative Summary – Optional Items Not Discussed During the Last Three Months

The County Administrator presented the following table of optional legislative items to the Board, requesting guidance on each item. Said direction is set out below:

OPTIONAL LEGISLATION FROM THE 2014 GENERAL ASSEMBLY SESSION FOR BOARD'S REVIEW AND DETERMINATION

ITEM #	BILL NUMBER/TITLE	SUMMARY	RELEVANT CODE SECTION	STAFF RECOMMENDATION	ACTION BY DOS
#1	HB 1193 Virginia Freedom of Information Act: Participation in meetings in event of emergency or personal matters	Removes the requirement that a public body approve by a majority vote of the members present at a meeting the remote participation in the meeting by one of its members. Instead, the bill requires the public body to adopt a written policy allowing for & governing participation of its members by electronic communication means. Once adopted, the public body shall apply this policy strictly & uniformly to its entire membership.	2.2-5703.1	<i>If desired, the Board needs to direct staff to develop a written policy to allow for remote participation of its members. Such a policy would state that the member is limited to attending only two meetings by electronic means, or 25% of meetings annually, whichever is lesser.</i>	
#2	HB 304 Preliminary Subdivision Plats	Provides that localities may require the submission of preliminary subdivision plats for tentative approval only for plats involving more than 50 lots.	5.2-2250	It is highly unlikely that a 50 lot subdivision will be submitted for review and it is useful to have a pre-submittal meeting with developer and designers. However, it is not necessary to require a preliminary submission. <i>If desired, the Board needs to direct staff to develop an ordinance to include this provision.</i>	
#3	HB 430. Misuse of public assets	Allows localities to adopt an ordinance that provides a non-1111 fine officer, agent, employee or elected official, who misuses public assets when the value of such use exceeds \$1,000 or a 12-month period is guilty of a Class I misdemeanor.	18.2-112.1	<i>If desired, the Board needs to direct staff to develop an ordinance to include this provision.</i>	
#4	HB 477: Electronic Summons	Allows counties and cities to assess a fee not to exceed \$5 as part of the costs in each criminal or traffic case in district or circuit court to be used for the implementation and maintenance of an electronic summons system.	17.1-279	<i>If desired, the Board needs to direct staff to develop an ordinance to include this provision.</i>	
#5	HB 733: Parking in front of mailboxes	Allows localities by ordinance to prohibit vehicle parking that blocks access to mailboxes	46.2-1220	Sheriff brought recommendations that the Board amend its ordinances to reflect the revised language. The recommendations that wording should exclude disabled vehicles and conveyer equipment. <i>If desired, the Board needs to direct staff to develop an ordinance to include this provision.</i>	

OPTIONAL LEGISLATION FROM THE 2014 GENERAL ASSEMBLY SESSION FOR BOARD'S REVIEW AND DETERMINATION

ITEM #	BILL NUMBER/TITLE	SUMMARY	RELEVANT CODE SECTION	STAFF RECOMMENDATION	ACTION BY ROS
#6	HB851: Maximum Speed Limit on Limited Access/Traffic Control Highways	Applies statewide to 35 mph maximum speed limit on non-service roads. Highways that are currently applicable only in Albemarle, Clarke, Fauquier, Loudoun, Loudoun, Montgomery, Nelson, Page, Rappahannock, Warren & Wythe Counties and in any other county whose governing body adopts an ordinance to do so.	48.2-873.1	Sherrill Donohy does NOT recommend adopting such an ordinance since we do not have a community maintained driveway issue. <i>If desired, the Board needs to direct staff to develop an ordinance to include this provision.</i>	
#7	HB1200: Family Day Homes	If the local zoning administrator denies an application for a family day home serving six to 12 children, that the change carries an appeals process through the local governing body.	15.2-2292	Economic Development Director Charles McSwain does NOT recommend adopting such an ordinance; he feels that the existing appeals process afforded in the zoning ordinance is sufficient. <i>If desired, the Board needs to direct staff to develop an ordinance to include this provision.</i>	
#8	SB1144: Hybrid entities	Authorizes any locality to prohibit by ordinance the keeping of hybrid entities. The bill alters the definition of hybrid entities and makes technical amendments.	3.2-6581 and 3.2-6582	Sherrill Donohy recommends that the Board amend its ordinance to reflect the revised language. <i>If desired, the Board needs to direct staff to develop an ordinance to include this provision.</i>	
#9	SB549: Donations by localities: Emergency Relief	Provides that a locality may receive gifts and donations to any non-profit tax-exempt organization that is engaged in providing relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.	15.2-953	<i>If desired, the Board needs to direct staff to amend the Board's current donations policy to include such provisions.</i>	

With regard to item #1, staff was instructed to develop a policy for the Board's consideration. With regard to item #2, staff was directed to draft an ordinance for the Board's review. With regard to item #3, the Board chose not to pursue this optional legislation. With regard to item #4, the Board chose not to pursue this optional legislation. With regard to item #5, staff was directed to draft an ordinance for the Board's review. With regard to item #6, the Board chose not to pursue this optional legislation. With regard to item #7, the Board chose not to pursue this optional legislation. With regard to item #8, staff was directed to draft an ordinance for the Board's consideration. While there was some interest expressed by Mr. Bennett and Mr. Hubbard to consider a policy where such donations can be considered by the Board, Mr. LeMond, Mr. Hogg and Mr. Trala indicated their desire to retain the County's current policy which prohibits donations to charitable organizations. Therefore, with regard to item #9, the Board will not be pursuing this optional legislation.

Tabled Items:

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

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

Motion was made by Mr. Trala, seconded by Mr. Bennett that agenda items (11) and (12) remain on the table. All members were present and voted “yes.” The motion was unanimously passed.

(13) **Zoning Text Amendment 2014-01:** The Northampton County Board of Supervisors has filed to amend the Northampton County Code, Chapter 154: Zoning Code, §154.003 Definitions as follows, **1. Add Group home.** A respite care service facility, retirement home or supervised

living residential facility that houses more than eight individuals or otherwise is not a “residential facility” as defined herein. **Residential facility.** (1) A group home or other residential facility for which the Virginia Department of Behavioral Health and Developmental Services is the licensing authority in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons. “Mental illness” shall not include current illegal use of or addiction to a controlled substance as defined in Va. Code § 54.1-3401. or (2) any assisted living facility or residential facility for which the Department of Social Services is the licensing authority and in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff. **2. Add the following use to Appendix A, Category 8, SF Single-Family Residential Uses as follows:** a. Residential Facilities– allow by right in the Conservation, Agricultural, Hamlet, Waterfront Hamlet, Village – 1, Village – 2, Waterfront Village – 1, Waterfront Village – 2, Existing Cottage Community, Town Edge – 1, Town Edge – 2, Town Edge – Neighborhood Business districts; allow by minor special use permit in Village – Neighborhood Business and Waterfront Village – Neighborhood Business districts; and do not allow in Waterfront Village – Commercial, Town Edge – Commercial General, Existing Business, Commercial – 1 and Existing Industrial districts. b. Chart line number for Residential Facilities as “11”.

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that agenda item (13) be taken off the table. All members were present and voted “yes.” The motion was unanimously passed.

Staff noted that Mr. Hogg’s question from last month relative to whether the staff person must be a resident of the facility was already considered and answered by the General Assembly; i.e., staff persons may be resident or non-resident.

Motion was made by Mr. Trala, seconded by Mr. Hogg, that Zoning Text Amendment 2014-01 be approved as presented. All members were present and voted “yes,” with the exception of Mr. Hogg who voted “no.” The motion was passed.

Action Items:

(14) Consider action on proposed listing of median crossings as recommended by VDOT

It was noted that the proposed listing of median crossings as recommended by the Virginia Department of Transportation was in addition to the prior (2008) set of proposed median crossings as approved by the Board and forwarded to VDOT at that time. VDOT has

indicated that the proposed median crossing nearest to the former Candlelight Lodge property in Birdsnest has been removed from the listing as there is currently a deceleration lane in place.

Mr. Hogg had a concern relative to the median closest to Route 609 – just south of Nassawadox, indicating that this median provided the only access to the adjacent farm. Mr. Bennett indicated that he would like to view this median in person prior to making any decisions on this matter. Mr. Hogg also suggested that due to the passage of six years, perhaps the Board may wish to revisit the 2008 median locations submitted for closure.

It was the consensus of the Board to table discussion of this matter until next month. The County Administrator noted that should the Board decide to move forward with the proposed closures, she would recommend conducting a public hearing as was done in 2008 to solicit public input.

(15) Consider acceptance of \$90.00 from DMV for FY 2014 sales of Animal Friendly license plates and assign these funds to the Eastern Shore SPCA.

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the Board accept the \$90.00 in funding from the FY 2014 sale of Animal Friendly license plates and to assign these funds to the Eastern Shore SPCA. All members were present and voted “yes.” The motion was unanimously passed.

(16) Consider action on policy relative to EMTs volunteering in other units

The following draft policy relative to EMTs volunteering in other units was discussed by the Board:

**POLICY FOR FULL-TIME or PART-TIME EMERGENCY MEDICAL TECHNICIANS
SERVING AS VOLUNTEERS IN THE SAME CAPACITY FOR VOLUNTEER FIRE
and/or RESCUE SQUADS**

Reviewed: November 12, 2014
Adopted: _____

Purpose: The purpose of this policy is to provide a means by which County Emergency Medical Service Department (“the County”) employees may serve as volunteers with volunteer Fire and/or Rescue companies (“volunteer companies”). The intention is to clarify what is expected of these employees and to minimize the potential for any conflicts that may affect the relationship between the County and the volunteer companies.

Scope: This policy applies to all full-time and part-time employees employed by the Northampton County Department of Emergency Medical Services.

Policies and Conditions:

1. Full-time employees are permitted to volunteer within the County with the following restrictions:
 - a. An employee may not serve as an administrative or operational officer for a volunteer, licensed EMS company within Northampton County.
 - b. An employee may not serve as a member of the Board of Directors for a volunteer, licensed EMS company within Northampton County.
 - c. An employee may not serve as a representative to the Northampton Fire & Rescue Commission on behalf of any of the volunteer, licensed EMS companies.
2. Full-time and part-time employees may not wear the Northampton County Emergency Medical Services issued uniform while on their volunteer duty.
3. Full-time and part-time employees are expected to report for all scheduled shifts with the County prepared to perform in a satisfactory manner. Responding to calls during off-hours as a volunteer shall not be justification to cancel or fail to report to a scheduled work-shift with the County. It is the responsibility of the employee to schedule volunteer activities in such a way that they do not degrade the readiness and capacity of the employee to safely and competently discharge the employee’s responsibilities as a full-time or part-time employee of Northampton County.
4. Employees choosing to volunteer with one or more of the volunteer companies must sign the County disclaimer form prior to providing volunteer service to the volunteer companies.
5. Volunteer hours logged with any volunteer company will not be considered “hours worked” for the purpose of determining overtime or calculating leave time for the County.
6. Any employee sustaining an injury while volunteering will not be covered under the County’s Workers Compensation program.

NORTHAMPTON COUNTY DISCLAIMER FORM

FOR FULL OR PART TIME EMERGENCY MEDICAL TECHNICIANS SERVING AS VOLUNTEERS IN THE SAME CAPACITY FOR VOLUNTEER FIRE and/or RESCUE

SQUADS

I, _____, hereby acknowledge and agree that I have not been asked, induced, coerced, intimidated or required by any employee or agent of Northampton County to volunteer my services to any non-profit fire or rescue. I understand and acknowledge that any services I may render to any non-profit fire or rescue organization is of my own free will and that I will not receive compensation of any kind from Northampton County for such volunteer services.

I further understand and agree to abide by the policy of Northampton County pertaining to paid staff of the Department of Emergency Medical Services volunteering their services at non-profit fire or rescue organizations.

I further understand and agree that any bodily or mental injury or illness sustained by me resulting from or in the course of providing volunteers to any non-profit fire or rescue organization will not be covered by the County's workers compensation insurance program at this time or any time in the future; and

I hereby waive and release any claims, including claims under the Fair Labor Standards Act that I now have or may have in the future against Northampton County, its officers, employees and agents, resulting from or related to my volunteer activities with any non-profit fire or rescue organization.

Employee Name

Name of Volunteer Fire &/or Rescue Squad

Signature of Employee Volunteer

Date

* * * * *

Mr. Trala said that the state has a policy prohibiting compensation for volunteers and that the Board should follow that. Mrs. Nunez indicated that she was not aware of such a policy and Mr. Trala agreed to provide a copy.

Mr. Hogg questioned the ability of the volunteers to volunteer outside of Northampton County. The County Administrator stated that allowing volunteerism outside Northampton County would defeat the purpose as requested by the local volunteer units to help solve their

volunteer issues. The Board recognized Ms. Amy Wilcox of Northampton Fire & Rescue who agreed with the County Administrator's opinion. She relayed that stipends are offered to volunteers, but not compensation. The Board agreed to amend the policy to allow volunteerism outside of Northampton County.

It was the consensus of the Board to table action on this matter.

(17) Consider action on policy relative to Board recognition of citizens/groups' achievements

The following draft policy relative to Board recognition of citizens/groups' achievements was discussed by the Board:

POLICY FOR RECOGNITION OF ACCOMPLISHMENT
OF COUNTY CITIZENS OR BUSINESSES
BY THE BOARD OF SUPERVISORS

Reviewed: November 12, 2014

Adopted: _____

Purpose: The purpose of this policy is to provide a means of recognition by the Board of Supervisors for the accomplishments and successes of its citizens or its businesses.

Procedures

1. Staff will review published print and on-line media that covers Northampton County for stories, letters to the editor or media recognition that indicates that a Northampton County citizen or business has passed a particular milestone, received an award or achieved some similar type of accomplishment and prepare correspondence for the Board's monthly consent agenda.
2. Members of the Board of Supervisors will also notify staff if they become aware of any particular accomplishments or awards received by a Northampton County citizen or business for staff to prepare correspondence for the Board's monthly consent agenda.
3. Draft letters of recognition will be placed on the Board of Supervisor's monthly consent agenda for consideration and action. This will allow the Board members to review and become familiar with the proposed letters and to inform the public and media of the accomplishments of Northampton County citizens and businesses.
4. Upon adoption by the Board of Supervisors of the monthly consent agenda, the correspondence will be sent to the citizen or business.

* * * * *

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the foregoing policy be approved by the Board. All members were present and voted “yes.” The motion was unanimously passed.

(18) ~~Consider action on debt policy amendment~~

It was noted that this policy amendment has already been approved.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Bennett, seconded by Mr. Trala, that Ms. Linda Ashby be appointed to serve on the Ad-Hoc Emergency Care Committee. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hogg, seconded by Mr. Bennett, that Dr. Ervin Jones be appointed to serve on the Ad-Hoc Emergency Care Committee. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that Mr. Daniel Brown be appointed to serve on the Joint Industrial Development Authority of Northampton County and Towns, replacing Mr. Mark Bundy. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Bennett, seconded by Mr. Hogg, that Mr. Lemond, Mr. Trala, and Mr. Hubbard be reappointed to serve on the Accomack-Northampton Planning District Commission with new terms of office commencing January 1, 2015. All members were present and voted “yes.” The motion was unanimously passed.

(19) King’s Meadows Stormwater Management Pond – Mr. Hogg

The following staff report was provided to the Board:

Memorandum

To: Katie Nunez
From: Charles McSwain
Re: King's Meadows Stormwater Management Pond
Date: October 23, 2014

At the request of Supervisor Hogg, this memorandum reports the activity of a site visit to the above project facility by Chairman LeMond, Supervisor Hogg, Kelley Lewis and myself on Monday, October 6, 2014. The party inspected the level of water in the pond, the weir structure allowing water to drain from the pond into a 42-inch pipe, and the remote pipe outfall from which water drains into a wetland area on its way to Cherrystone Creek a couple hundred feet away.

Supervisor Hogg had created a temporary increase in the weir elevation and it was evident that water was running from the pond through the outfall system. The suggestion that water tends to run from the pond most of the year is probable based on observation and fact found by engineers in previous reports.

It should be noted that the pond was permitted and built in accordance with the regulations at the time.

The Board and the property owner may voluntarily choose to apply to the VDEQ to amend the design to a higher elevation weir to minimize the runoff of fresh ground water. Should the Board decide to pursue this, the staff is happy to inquire with VDEQ and provide a cost estimate.

* * * *

Mr. Hogg stated that there seems to be an issue with groundwater free-flowing out of the stormwater management pond and said that raising the weir would address that situation. He asked the Board if it wanted to move forward with correcting the issue. Mr. Hubbard responded that he saw no problem with notifying the property owner but was not supportive of the County stepping in to address the issue. Mr. Hogg replied that the cost to fix the problem is less than \$500. The Chairman asked for Mr. Hogg to provide an estimate.

The County Attorney informed the Board that he was not aware of any statutory authority to compel the property owner to make the repair and that if the state agency who permitted the construction (DEQ) is complaining, then they have the authority to address it. At this time, a citizen in the audience, Mr. Bob Meyers, agreed to assist Mr. Hogg in making the repairs, without labor costs.

Recess

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, November 24, 2014, in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the work session. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR