

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 9th day of December, 2014, at 4:00 p.m.

Present:

Larry LeMond, Chairman

Richard L. Hubbard, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Oliver H. Bennett

The meeting was called to order by the Chairman.

Closed Session

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

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

Appointments to boards, committees

New hires/terminations report

County Administrator's 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.

Offer for purchase of block-of-buildings across the street

(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 that purpose as set out in paragraph 1 (appointments), of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that this was the only matter of discussion during the closed session.

The Chairman read the following statement:

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

Board and Agency Presentations:

(1) Mr. Eddie Lawrence, Northampton County Public Schools Superintendent.

Superintendent Eddie Lawrence updated the Board on recent activities within the School System, noting that enrollment at the beginning of the school year, 1557, has now dropped to 1530. He stated that there were 113 pre-k and 24 special needs children who were not counted within the ADM. The Superintendent noted that Northampton High School has been included in the College Access Program through a \$1+ million private donation.

Lastly, Mr. Lawrence informed the Board of a recent inspection which revealed further deterioration of the northeast corner wall of the high school cafeteria as well as the ceiling area above the corridor next to the gymnasium. A site inspection is being planned for tomorrow and the Board was invited to participate. The structural engineer engaged by the school has requested that the brick veneer be removed in order to further determine the extent of the damage. He was not concerned about ceiling collapse.

In response to a question from Supervisor Hogg, the Superintendent indicated that there

was probably not any available emergency funding as the State has not replenished the Literary Loan Fund. No cost estimate will be available until the additional investigation is completed.

The County Administrator indicated that the Building Official should also be consulted.

In response to a question from Supervisor Hogg, Mr. Lawrence indicated that he had met with EMS Director Hollye Carpenter and that they had developed a plan for an after-hours EMT class next year.

The Chairman provided Superintendent Lawrence with the executed Deed for the lots recently transferred to the School System in the Selma Subdivision.

(2) Sue Simon, A-NPDC: Prioritization/Ranking of Road Improvements

The following powerpoint presentation was made to the Board:



Northampton County's Regional Long Range Transportation Plan Projects: Draft Prioritization Report

Presentation to
Northampton County
Board of Supervisors
December 9, 2014

Susan Simon, A-NPDC

Required Prioritization Process

- House Bill 2 requires prioritized, statewide approach;
- Data-driven, fair process to select projects, engage public, and hold CTB accountable (transparency);
- Process Flow (20+ -> 6 years): LRTP->Prioritization Process-> SYIP->Transportation Improvement Process.
- Collaborate, coordinate with public, stakeholders to develop process;

Desired Outcome: Gain better understanding of what you get for transportation \$\$; invest limited funds in improvement projects yielding greatest benefits;

TTAC Goals to Prioritize Project Data

- Plan, build, and maintain safe, efficient, well-drained highway system that preserves natural resources and existing communities' integrity;
- Improve safety, maintain traffic capacity on US Rt. 13;
- Enhance safety, capacity to improve main roadway network;
- Coordinate, plan, and support funding for all modes to improve multimodal transportation system;
- Support economic development, tourism initiatives by improving related facilities;

Methodology to Prioritize, Rank Projects

Implications for TTAC's and A-NPDC's mid- and long-term project selection, programming:

- Create transparency in the public and project selection process;
- Streamline project development;
- Strengthen link between planning and programming; and
- Provide better assessment of system performance based on project's technical need.

Ranking and Weighting Process

Category	Points
• Traffic volume	10
• Seasonal Traffic	5
• Safety Improvement (3 considerations)	30
• Critical Infrastructure	10
• Bicycle/Pedestrian Accommodation	10
• Day Ride Report	5
• Economic Development/Political Support/ Future Growth	30

Conclusion

- In cooperation with VDOT, A-NPDC continues the statewide initiative to develop and maintain regional long range transportation plan for this rural area.
- VDOT requested that A-NPDC/TTAC develop this decision-making tool based on customized criteria in conformance with HB2 and present priority project recommendations to the Counties' Boards of Supervisors.
- VDOT considers collaboration and coordination integral as they continue to develop the prioritization process
- I welcome your comments and feedback on this revised SYIP prioritization process.

The following Executive Summary of the Report is provided below:

EXECUTIVE SUMMARY

While transportation improvements are identified as a need, often there is a lack of objective direction as to which improvement carries more importance to a region. Therefore, a prioritization process is needed to clearly identify those projects that are critical to the transportation system. Deciding how to prioritize and separate the high priority projects from lower priority projects can be daunting given the amount of political and localized pressures to solve immediate needs. An objective, data-driven approach in decision-making is helpful to achieve consensus for long range priorities.

Legislation passed in July 2014 requires the governing Commonwealth Transportation Board (CTB) take a prioritized approach to funding projects. Therefore, the Accomack-Northampton Planning District Commission (A-NPDC), with assistance from its Transportation Technical Advisory Committee (TTAC), undertook a proactive approach to rank the projects identified in the 2035 Rural Long Range Transportation Plan (RLRTP). A scoring matrix, developed and based on data provided by the Virginia Department of Transportation (VDOT), as well as Accomack and Northampton Counties, ranked-based the goals within the 2035 RLRTP.

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Mr. Hogg asked if there was any potential to advance two of the mid- and long-term projects as well as suggesting that the Board may wish to take a look at the recommendation for #35 (closing access to Virginia Route 704). The County Administrator asked that maps of the affected roadways be included in the Report as well as notes detailing the segment lengths of project areas. Additionally, Ms. Nunez questioned how often the report will be updated.

Ms. Simon indicated that she will be happy to make the suggested changes and will have to research the answer to Ms. Nunez's question. The Report will be brought back for consideration by the Board following completion of these items.

Consent Agenda:

(3) Minutes of the meetings of November 12 and 24, 2014.

(4) Consider approval of the Abstracts of Votes Cast in the November 4, 2014.

Mr. Hogg requested that his specific wording (relative to Hurt & Proffitt), be incorporated on page 2 of the November 24th minutes. Motion was made by Mr. Trala, seconded by Mr. Bennett, that the consent agenda be approved as amended. All members were present and voted "yes." The motion was unanimously passed.

County Officials' Reports:

(5) 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: December 2, 2014

RE: Budget Amendments and Appropriations – FY 2015

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

\$7,032.85 – This request represents four insurance reimbursements as a result of damages sustained in the Sheriff’s fleet. Please transfer these funds to the Sheriff’s Vehicle Equipment & Supplies line item (100-3102-55600)

\$4,200.00 – This represents additional funding received from the Eastern Shore Area Agency on Aging for roof repair through the Culls Community Development Block Grant Project. Please transfer these funds to the Culls CDBG project line item (230-002644055).

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.

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis
Director of Finance
DATE: December 3, 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:

\$10,000.00 – This represents the budget for National Board Certification Incentive Award funding from the Virginia Department of Education for three qualifying teachers (1

initial, 2 continuing).

\$1,187.10 – This represents increases to reflect the final balances of Continuing Technical Education (CTE) Awards from the Virginia Department of Education:

Industry Certification Examination Award (new)	\$1,212.52
Workforce Readiness Award (new)	\$ 281.08
CTE Equipment Allocation (revised)	<u>(\$ 306.50)</u>
	\$1,187.10

Thank you for your attention to this matter.

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

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: December 4, 2014
RE: Budget Amendments and Appropriations – FY 2015

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

\$2,569.00 – This represents a request from the Sheriff for transfer of these funds from his Asset Forfeiture Account for the purchase of a Prolaser III to be used for traffic/speed enforcement. Please transfer these funds to the Sheriff’s Police Supplies line item (100-3102-55950).

Thank you for your attention to this matter.

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Motion was made by Mr. Hubbard, seconded by Mr. Bennett, 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: December 4, 2014
RE: Budget Amendments and Appropriations – FY 2015 (GRANTS)

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

\$7,500.00 – This represents grant funding awarded to the Sheriff’s Office from the Department of Motor Vehicles and will be used for personnel costs related to traffic enforcement. Please transfer these funds to the Sheriff’s Salaries & Wages – Part-Time line item (100-3102-50050).

\$15,042.00 – This represents grant funding awarded to the Sheriff’s Office from the Department of Motor Vehicles and will be used for personnel, police supplies and travel expenditures related to D-U-I enforcement. Please transfer these funds as follows:

Salaries & Wages, Part-time (100-3102-50050)	\$9,600.00
Police Supplies (100-3102-55950)	\$5,142.00
Travel – Meals & Lodging (100-3102-51750)	\$ 300.00

\$29,174.00 – This represents disaster assistance provided to the County as a result of costs incurred during Hurricane Sandy.

\$105,000.00 – This represents grant funding provided through the Virginia Department of Emergency Management – Homeland Security, for the E-911 Commission’s Interoperable Communications Enhancement Project.

Thank you for your attention to this matter.

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Motion was made by Mr. Trala, 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. Mr. Bennett commented that he was still interested in having cameras placed in certain County locations by the Sheriff’s Office.

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: December 4, 2014
RE: Budget Amendments – **FY 2015** -- State Aid Reductions

Your approval is respectfully requested for the attached budget amendments relative to the current fiscal year (FY 2015) Reduction in State Aid. Fund reductions are summarized below:

County Checks	\$ 14,846.00
(for Recordation Taxes, Child & Youth Services, Community-based Alternative Treatment Services)	
General Registrar	\$ 962.00
Local Electoral Board	\$ 150.00
Sheriff	\$ 8,587.00
Eastern Shore Regional Jail	\$ 67,028.00
Commissioner of the Revenue	\$ 662.00
Commonwealth Attorney	\$ 3,164.00
Circuit Court Clerk	\$ 2,433.00
Treasurer	\$ 459.00
TOTAL	\$ 98,291.00
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Thank you for your attention to this matter.

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

Due to the lateness of the hour, the 1st Quarter, FY 2015 Financial Statement Package will be discussed at a future meeting.

The following memorandum relating to insurance claims was distributed:

MEMORANDUM

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: December 4, 2014
RE: Update on Insurance Claims for FY2015

Enclosed is a spreadsheet that is tracking the Fiscal Year 2015 Insurance Claims for the County, as of 11/24/2014. Of note, one vehicle has been totaled in the Sheriff's Office. While insurance issued a check in the amount of \$21,925, the vehicle was a newer purchase and was in year one of our three year bank financed lease; therefore, insurance proceeds paid off the balance of the bank lease in the amount of \$16,004.97. While there are still some insurance proceeds remaining, they are insufficient to fully replace the vehicle.

We will need to discuss this further with you about whether we will replace the vehicle and how we will approach funding it.

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Motion was made by Mr. Hubbard, seconded by Mr. Trala, that the Board agree to fund the acquisition of the replacement Sheriff's vehicle from Undesignated Fund Balance (\$17,087) and express its desire and intent to provide one (1) car less (than the routine 3-car replacement cycle) for the Sheriff's Office in Fiscal Year 2016. All members were present and voted "yes," with the exception of Mr. Bennett who abstained. The motion was passed.

At approximately 6:30 p.m., the Board recessed for the supper break.

At 7:15 p.m., the Chairman reconvened the meeting.

The invocation was offered by Mr. Bennett.

The Pledge of Allegiance was recited.

Public Hearings:

Chairman LeMond called the following public hearing to order:

(6) Consider lease of space on the County-owned water tower, located west of the Social Services Building, 5265 The Hornes, Eastville, Virginia. The Board has received a proposal from Declaration Networks of Vienna, Virginia, for deployment of its antennas on the water tower. Additionally, the Board is soliciting inquiries from any other parties who may be interested in leasing space on the water tower.

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

Ms. Katherine H. Nunez, County Administrator, indicated that an expression of interest has been received from Declaration Networks of Vienna, Virginia, for deployment of its antennas on the County's water tower. In response to the advertisement for additional interested parties, a second expression of interest has been received from Chesapeake Bay Communications of Cape Charles, Virginia.

Mr. David Kelly of Wilsonia Neck indicated that he had been working for Declaration Networks for the last year and that his satellite internet service was costly and subject to the weather. He encouraged the Board to support the application by Declaration.

Ms. Patricia Barnes, a Wilsonia Neck resident and President of the Homeowners Association, also indicated that she supported the application by Declaration Networks.

Ms. Jonny Stevenson of Smith's Beach said that she was very excited and hopeful to have high-speed internet in the community.

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

Motion was made by Mr. Trala, seconded by Mr. Bennett, that staff and legal counsel be directed to work with both applicants to secure mutually agreeable lease terms and conditions. All members were present and voted "yes." The motion was unanimously passed.

At this time, with the concurrence of the Board, the Chairman diverged from the agenda and considered paragraph #3 of agenda item #8 as follows:

1. Pursuant to the Code of Virginia §15.2-2286 (A) (7), it states that “In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requested or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both.”

The Board of Supervisors is the applicant of the proposed zoning ordinance amendment and the Board voted on January 14, 2014 to submit this application for this proposed zoning ordinance amendment and the public hearing was held on March 11, 2014. Since the Code of Virginia does not make clear the date from which the 12 month window should be calculated from (the filing of the application of the zoning amendment or the date of the public hearing), staff recommends that the Board consider making the following motion at this time in order to be compliant regardless of the date from which this process started:

“I move to extend the zoning ordinance amendment application for six months beyond the twelve (12) month window from the original Board of Supervisors vote of January 14, 2014.”

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Based on consensus from the Board, motion was made by Mr. Trala, seconded by Mr. Hubbard that this item be tabled until after Citizens Information Period and be heard at its prescribed time. All members were present and voted “yes.” The motion was unanimously passed.

Citizens Information Period:

Mr. Tony Sacco of Capeville read the following comments:

“December 9, 2014

Northampton Board of Supervisors

Re: Custis Tomb Drive

My name is Anthony Sacco, I reside in Capeville.

Some twenty years ago Mr. DiCannio the builder of the subdivision gave the government of Northampton County \$100,000 – to widen the Custis Tomb Drive so vehicles of all types can travel in opposite directions to avoid head on collisions. What happened to that money?

To elude such incidents I was driven into a ditch, onto private property, and had to back up a long way for a Bus or a boat trailer to get by, two vehicles in opposite directions cannot make it at the same time.

If you view the files in the office of VDOT you will find that there was an approval and construction that was underway but for whatever the reason Mr. Tom Dixon then our Supervisor cancelled at the last minute the whole project without notice to the new home owners that had 100% rights to ‘Custis Tomb Drive’.

I am here tonight to request that you reconsider and make the road wider as early as possible.

If a disaster were to happen because of climate warming increasing the chances of Chesapeake Bay to rise above their normal sea level due to a heavy storm and a vehicle broke down blocking the narrow road the residence trying to escape we will all drown because there is no other way out.

Ms. Sayers Commissioner of the Revenue sent me a letter, you have there in front of you, stating that our sub-division gives the Treasurer total revenues of \$100,000 each year.

Equate that in some twenty years the Treasurer collected over One Million Dollars since the project was cancelled and we still live in a dangerous zone.

Thank you.

/s/ Anthony Sacco

2231 Arlington Chase Road
Cape Charles, Va. 23310”

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Ms. Roberta Kellam reiterated her comments from last month, stating that there was no cure for the defects of the proposed zoning ordinance amendments. She said that the review process was unethical and that the Board had ignored community visions. She stated that the proposed zoning ordinance amendments do nothing to support agriculture, aquaculture and tourism.

Mr. Andrew Follmer, President of the Cape Charles Business Association, read the following statement:

“Statement to the Northampton County Board of Supervisors December 9, 2014

By unanimous vote, we the Board of Directors of the Cape Charles Business Association, representing 60 members comprised mainly of small businesses in Northampton County, request that the Board of Supervisors completely withdraw its application regarding the ‘proposed 2014 Northampton County Zoning Code text and map and proposed Chesapeake Bay Preservation Areas text and map’. We further request a new process be launched to update the zoning code in accordance with an updated County Comprehensive Plan and based on relevant data.

I confirm that the above statement was adopted by unanimous vote at the CCBA Board of Directors Meeting on December 8, 2014.

/s/ Andrew Follmer
President
Cape Charles Business Association”

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Mr. George Proto of Cape Charles read the following statement:

“December 9, 2014

Northampton County Board of Supervisors
PO Box 66
Eastville, VA 23347

Subject: Proposed County-Wide Rezoning

I strongly request that the Board of Supervisors withdraw the recently proposed County zoning changes. It may well be that certain zoning changes are appropriate and beneficial to Northampton County, but to the best of my knowledge the proposed changes are inconsistent with the County’s Comprehensive Plan and the desire of a large portion of the County’s citizens.

If zoning changes are needed I urge the Board of Supervisors to follow the process which has been used successfully in the past:

1. Revisit the comprehensive Plan and modify as needed with appropriate public input.
2. Make zoning changes consistent with the revised plan.
3. Make zoning changes based on verifiable data and evidence as to desired goals and outcomes.

This County has a unique opportunity to develop in way that avoids the mistakes other governments have made in the past while providing financial well being for its residents. Please let us use this to our advantage.

Thank you for your kind attention.

Regards,

/s/ George R. Proto
607 Pine Street
Cape Charles, VA 23310”

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Mr. Jay Ford stated that it had been a year and the public has yet to have a meaningful conversation or response from the Board. He said that he approved of the proposed six-month extension (*to be discussed later in the agenda*), but wanted public discourse during that time.

Ms. Hannah DeMario read the following statement:

“To the board of Supervisors, good evening.

My name is Hannah DeMarino, 17 years old, born and live in Chariton, currently in the graduating class in Northampton High School.

I want to live, work, raise a family here after College Graduation.

I am inviting you all to my High School in Northampton to conduct your next regular meeting in the afternoon so the entire graduating class and the public to also hear and see our local Government how it operates.

Matters that concern me and my colleagues, are, will there be jobs, housing, shopping, recreations or do we have to separate from our birthplace and be given a passport to another place, state or country.

Most folks here, their future has come and gone, but now it’s our turn, the graduating class of 2015 to build a better place that our forefathers left us.

We are the youth the leaders of tomorrow and we want to stay here, but it’s all up to you, our future is in your hands. Do you want us to stay here in the land of our birth or like others before me are forced to leave our beautiful Northampton County?

I hope and pray you except my invitation an come to our school and conduct your business there and listen to the student body?

Remember, we are children today, your adults tomorrow!

God bless, America, Virginia, Northampton County----- and

Merry Christmas, Happy New Year to everyone,

Thank you

Hannah DeMarino
Chariton”

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Ms. Shannon Alexander of Painter said that she had been a resident for several years and owns an eco-tourism business. She said that she wants the rural character to remain.

Ms. Martina Coker said that she was concerned with the process used to develop the proposed zoning ordinance amendments and that zoning was not identified in the recent competitiveness assessment as being a detriment to economic development in the County.

Mr. Revell Walker of Willis Wharf said that the local aquaculture industry employed many citizens who lack higher education. He urged the Board to keep the waters clean and pristine for aquaculture.

Mr. Andrew Barbour said that the Board’s plan to use the zoning ordinance to bring industry is erroneous and that the proposed amendments will drive away industry. He asked the Board withdraw the application, review the Comprehensive Plan, and then make amendments to the zoning ordinance as needed.

Mr. Bob Meyers read the following comments:

“TO: Northampton BOS for the Record
RE: Economic destruction of the County

The Northampton County – Competitiveness Assessment
by **Investment Consulting Associates (ICA)** Newton Highlands, MA, July 7, 2014
was commissioned by the Northampton Economic Development Director and presented to the

BOS.

Report discusses several ways to build and enhance the 4 strengths that Northampton County already has:

Agriculture
Aquaculture
Tourism
Encouraging and supporting small businesses

BOS actions are contrary to what this report suggests you should be doing to benefit the County.

1. In the Agricultural area Chairman LeMond and Mr. Trala are working to systematically destroy the Agricultural Forest District Program (AFD). You are systematically removing a State program supporting agriculture by your removal of the AFDs. In addition to promoting agriculture the program was developed to leveling the playing field between the tax users and the tax payers.
2. In the Aquaculture area, all of you except Mr. Hogg will be removing large amounts of shell fish growing area by allowing the narrow shoreline lots you are planning. One shell fish grower has already written you that by doing this you are placing his business at risk.
3. In the Tourism area --- At the Feb 22, '14 Strategic Plan Workshop when discussing support for tourism, Mr. Bennett stated that he would not support tourism because it does not benefit "his people." I hope the rest of you will get Mr. Bennett to change his attitude.
4. Initiate a plan with the Director of Economic Development to start encouraging small businesses, the recognized backbone of our economy, that always need help developing workable business plans to increase profits and jobs. Utilize the Small Business Development Center to do this. It is an organization supported by our Governor and available locally.

And lastly, starting involving your most valuable resource by utilizing the input from the citizens of this County instead of locking them out and making your decisions behind closed doors.

RH Meyers, 7516 Prettyman Cir, Exmore, VA 23350"

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Dr. Arthur Schwarzschild said that the current zoning ordinance amendment process was confusing and that since the Board had been working on it for over a year, it was time to start from the beginning and get the public's input.

Ms. Deborah Bender read the following comments:

“Deborah Bender
Cape Charles

Northampton County needs to remove itself from the Public Service Authority. When I learned that the PSA’s proposed wastewater pipe from commercial properties on Route 13 to Cape Charles includes properties that are currently zoned agricultural I wondered. How can this be? It appears that the authors of the new zoning ordinance and rezoning might be in cahoots with the PSA.

If that is not so, why would the county rezone properties from agricultural to commercial? Did the owners of the properties ask to have their property rezoned? We may never know because the county is doing the rezoning. None dare ask why. It looks like a backroom deal.

We now hear that prisons would be allowed on property zoned agricultural. We all know of the long fight twenty years ago over a proposed federal prison near Cheriton. Now we would have no such fight. Prisons would be by-right on agricultural land. That appears to be an attempt to overrule the expressed desire of the residents of Northampton County not to become part of the prison industry.

Why has Northampton County and four towns in this county (Eastville being a notable exception) banded together to work on water issues for the county and ended up with a wastewater plan accepted without dissent by five commercial property owners. Who are those five property owners?

The people of Northampton County want clean water. They want livable communities. They want their tax monies spent wisely. They want an economy that does not destroy the rural character of the Shore. They want their children, all of them, to be educated so that they will have opportunities when they grow up. They want their elected and appointed officials and public servants to listen to them.

The PSA is not listening to the people. The PSA is a PUBLIC service authority. HOWEVER it’s goal appears to be to serve the interests of developers and mitigate the problem of an overbuild wastewater plant in Cape Charles. **It is time to disband the PSA.** It has been hijacked by special interests and is overwhelmed by conflict of interest. We need to find affordable ways to meet the water and wastewater needs of Northampton County citizens in a cost-effective manner.

You need to listen to the people of Northampton County and throw out this misguided plan to rezone our county without input from its residents. We are here tonight to tell you that your plans are off target.

If you, as our Board of Supervisors, with the exception of Granville Hogg, feel the need to act in the best interest of developers and not in the best interest of the very people that elected you, you each one need to do the right thing and step down from your positions.

You obviously are not acting in the best interest of the tax paying citizens of Northampton

County.

STEP DOWN AND LET PEOPLE THAT WILL DO THE RIGHT THING TAKE OVER AND GET THE COUNTY BACK ON TRACK.”

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Mr. Ken Dufty informed the Board that the section of the Code of Virginia that was referenced earlier pertaining to the twelve-month window for action on a zoning ordinance petition does not pertain to a total revision of such document. He said that zoning ordinance amendments need to be consistent with the Comprehensive Plan and congratulated Supervisors Bennett, LeMond and Hubbard for seeking public consultation. He urged the Board to “stop the process” and said that there was a “right way to do this”.

Mr. Douglas Greer, Mayor of Exmore, said that the County has a reputation for not being business-friendly and that in his experience, the Board needs to represent all of the citizenry.

Ms. Katherine Campbell of Machipongo Trail, said that the proposed zoning ordinance changes have been listed on the website and that the Board’s stated intent to not remove the Chesapeake Bay Preservation Act regulations from the seaside was evidence that it was listening to the public. She said that the County’s tax base and population were shrinking and that the current situation is not working. She indicated that adoption of the proposed zoning ordinance amendments would open the door for opportunity.

Ms. Dorie Southern of Oyster read the following comments:

“Dorie Southern, Oyster

As members of the board of Supervisors your staff should answer to you, not you to them. You should not serve as their cover for decisions they make and then blame on you.

Your interests should only be the welfare of the people of Northampton Count. If you have business interests or friendships or anything else that conflicts with your sole concern for the welfare of County residents, please recuse yourself from the zoning decision.

Northampton County appears to be moving pell-mell on an attempt to revive the county's economy by making it more "business friendly" through rezoning. What does that mean? Business friendly?

Does it mean that residents of Northampton County will be offered living-wage jobs, good education, affordable healthcare and respect? A lot needs to be done to make opportunities available to people living on the edge in this county.

Does it mean looking after the interests of developers? Trust me. You do not have to look out for the interests of developers. They are in the business of looking out for their own interests.

Last year in September, County residents, many of them commercial property owners, attended a public hearing about a special tax district for the PSA's planned sewer pipe for commercial properties on and near Route 13. Most speakers opposed the plan. But the PSA charged forward and has wasted \$70,000 for engineering for this unwanted pipe. That was after you tabled the plan and said you would review it. Where is the review?

In March this year, the Northampton County High School auditorium was filled to capacity with county residents of all shades and races objecting to the rezoning and zoning ordinance changes being put forward by county staff.

People want a say about what is going on in their immediate neighborhoods. They want to know what developers have up their sleeves. They want to object if their neighbor wants to put a prison or a chicken gulag next door to them. They want our seaside waters to get cleaner and cleaner.

You need to withdraw the rezoning and zoning ordinance changes that are wasting taxpayer time and money. Fast food jobs and work as hotel maids will not bring prosperity to Northampton County, nor will luxury development on the seaside waterfront. Please pay attention to the Comprehensive Plan and withdraw these zoning and zoning ordinance changes tonight. Save us all time and money."

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Mrs. Mary Miller of Eastville read the following comments:

"9 December 2014

To the Northampton County Board of Supervisors, Eastville VA 23347

I have a copy of a Memo from the Development Department dated November 4, 2014, referencing the Planning Commission's response to a Memo they received from the Board, dated October 28, 2014 – both Memos dealing with Chesapeake Bay Act recommendations from the Planning Commission. In the body of the Memo there is a reference, which I quote here:

'With respect to the Commission (sic) research on the subject of land use impacts on seaside

water quality.....'

This now is a request for information under the Freedom of Information Act. I am requesting to have available for my review the Planning Commission's '*...research on the subject of land use impacts on seaside water quality....*' as described in the above referenced Memo. I am not requesting copies of any records at this time.

The county website indicates that all FOIA requests except those to Constitutional Officers be made to the County Administrator—although that seems counter to the VA Code which appears to presume that requests would be made to the custodian of the records being requested. I am following the county directive to avoid possible delay in the 5-day required response time.

Mary Miller, PO Box 275, Eastville, VA 23347”

* * * * *

Mr. Dave Kabler said that he uses the existing zoning ordinance in his real estate business and that his office had participated in one-quarter of the sales volume in Northampton County. He said that the proposed zoning ordinance amendments will be bad for his business. When prompted, many in the audience rose in support of his request that the Board withdraw the zoning ordinance amendment application.

Ms. Donna Bozza, Executive Director for Citizens for a Better Eastern Shore, cited the frustration being felt by the public because they are not being heard. She, too, asked for the Board to withdraw the application.

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

Work session/other meeting agendas:

- (i) 12/22/14: Work Session: Proposed Zoning Ordinance Amendments or Cancelled ?
- (ii) 1/26/15: Work Session: Proposed Zoning Ordinance Amendments & Presentation of FY 2016 County Budget - Revenues
- (iii) 2/23/15: Work Session: Possible joint meetings w/ School Board and Planning Commission

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

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: December 4, 2014
RE: Bi-Monthly Report

I. Projects:

A. Public Service Authority:

The Public Service Authority met on November 18, 2014. At the prior meeting, preliminary contract construction documents and specifications of the Southern Node Commercial District were made available to the members for review. Final comments on these preliminary documents will be submitted to Hurt & Proffitt in early December 2014. Chairman John Reiter indicated that Hurt & Proffitt has provided a proposal for final engineering/bid assistance, construction administration and construction inspection services for the Southern Node Commercial District project which has been provided to the members. Chairman Reiter indicated that the PSA is not in a position to execute this proposal but recommended and the PSA agreed to authorize the Chairman to execute the proposal at such time as the Board of Supervisors approves the special tax district and mandatory connections and directs the PSA to go forward. The next meeting of the PSA is Monday, December 15, 2014 @ 7:00 p.m.

B. 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 it has taken longer than expected. I thought we would be prepared for the December meeting but, due to my illness for the last two weeks, this matter is not ready. I will have this for your January 2015 meeting.

C. Update on the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) proposed rule "Definition of Waters of the U.S. Under the Clean Water Act"

Earlier this year, the County submitted comments on the proposed rule issued by EPA and the Corps that would expand the definition of "Waters of the U.S. under the Clean Water Act". I have attached for your information the letter that the National Association of Counties (NACo) submitted on this issue. The public comment period on this matter closed on November 14, 2014 and a final rule is not expected to be issued prior to later spring/early summer 2015.

D. Planning Commission Charge to Study the Chesapeake Bay Preservation Act for the Seaside:

Pursuant to the Board of Supervisors' concurrence at the October 27, 2014 meeting that additional review and consideration were needed concerning the Chesapeake Bay Preservation Act (CBPA) as it relates to the seaside and that the

Board would remove the language in the proposed zoning ordinance that repeals the CBPA from the seaside, I have developed a proposed resolution outlining a charge to the Planning Commission to undertake this particular review. Please review and amend as needed. Please note that while the Planning Commission has indicated that they could complete this study by March 31, 2015, I am providing a completion date for the end of 2015. If the Planning Commission should finish before that date, then that is fine but this allows them ample time for this matter.

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, 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:

**RESOLUTION TO PROVIDE GUIDANCE AND DIRECTION TO THE
NORTHAMPTON COUNTY PLANNING COMMISSION FOR ITS STUDY OF THE
SEASIDE CHESAPEAKE BAY PRESERVATION ACT**

Whereas, at its meeting of October 27, 2014, the Northampton County Board of Supervisors directed that the Northampton County Planning Commission be tasked with a study of the Chesapeake Bay Preservation Area Act (CBPA) on the seaside of Northampton County and to provide a timeframe wherein a study of this matter would be accomplished; and

WHEREAS, in its initial consultation, the Northampton County Planning Commission has indicated that it could complete its study not later than March 31, 2015.

NOW THEREFORE, BE IT RESOLVED, the Northampton County Board of Supervisors authorizes and directs the Planning Commission to:

1. Study the Chesapeake Bay Preservation Act (CBPA) as it relates to the seaside in the following areas:
 - (a) the effectiveness of the CBPA on the seaside since its adoption;
 - (b) what measures, if any, should be provided to the aquaculture community that operates on the seaside (that are currently provided or not provided) under the CBPA.
2. Evaluate standards of the CBPA and its applicability to the seaside;
3. Review the recently enacted Stormwater Management Act and evaluate whether there is any duplication or replication of the CBPA within the Stormwater Management Act as it relates to the seaside;
4. Evaluate whether the CBPA or any modification thereof or some other type of

ordinance should be recommended for the protection of the seaside.

The Commission will present interim reports as needed to the Board of Supervisors; a final report addressing each charge will be presented to the Board of Supervisors no later than December 31, 2015.

* * * * *

E. Meeting with Cape Charles Rescue Squad and the Virginia Office of Emergency Medical Services:

At the request of Wayne Berry, EMS Program Representative from the Office of Emergency Medical Services (OEMS), I attended a meeting of the Cape Charles Rescue Squad, along with EMS Director Hollye Carpenter and Supervisor Granville Hogg to discuss the licensing of the Cape Charles Rescue Squad (“Squad”).

The Squad has been under a Correction Order from OEMS which has been extended until the end of December 2014 and has been issued a license valid for 90 days. Typically, OEMS issues a 2-year license for an agency to operate. The primary issue that resulted in the Correction Order is the insufficient data or absence of data of the runs performed by the Squad. The Squad is working on correcting this issue and OEMS believes that the Correction Order may be lifted by the end of December. However, OEMS is concerned because the run data showed that the Squad is not adequately covering the evenings that the Squad is wholly responsible for and is concerned whether there is a sufficient volunteer pool who are contributing to the Squad. OEMS extended their technical assistance, as needed, to the Squad but also stressed that the Squad is part of the County’s emergency safety program by ordinance and it is ultimately the County’s responsibility if emergency medical calls do not get answered.

* * * * *

(8) Zoning Amendments – Remaining Items for Discussion

The following memorandum was distributed for the Board’s review:

MEMORANDUM

To: Northampton County Board of Supervisors
From: Development Department Staff
Subject: Additional Items on proposed zoning
Date: December 5, 2014

Additional items included for zoning review:

1. Please see attached memo related to the vested rights section.

Two versions of proposed Vested Rights language were included for the Board's deliberation. Version (A) tracked language contained within the Virginia Code which allows rebuilding only when the nonconforming structure is destroyed by Act of God or natural disaster. Version (B) allows rebuilding when the nonconforming structure is destroyed for any reason. It was the consensus of the Board to approve Version (B)

2. Staff has been working on revisions to the sign section and will provide that at a later date.
3. Pursuant to the Code of Virginia §15.2-2286 (A) (7), it states that "In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requested or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both."

The Board of Supervisors is the applicant of the proposed zoning ordinance amendment and the Board voted on January 14, 2014 to submit this application for this proposed zoning ordinance amendment and the public hearing was held on March 11, 2014. Since the Code of Virginia does not make clear the date from which the 12 month window should be calculated from (the filing of the application of the zoning amendment or the date of the public hearing), staff recommends that the Board consider making the following motion at this time in order to be compliant regardless of the date from which this process started:

"I move to extend the zoning ordinance amendment application for six months beyond the twelve (12) month window from the original Board of Supervisors vote of January 14, 2014."

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

Mr. Hogg questioned if the proposed time frame should align with the 12/31/2015 deadline just now imposed on the Planning Commission for review of the seaside CBPA provisions.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board extend the zoning ordinance amendment application for six months beyond the twelve (12) month window from the original Board of Supervisors vote of January 14, 2014. All members were present and voted "yes," with the exception of Mr. Hogg who voted "no". The motion was passed.

4. Follow-up information below related to shoreline widths for Hamlets and Villages. Staff notes an error in the original analysis. Instead of measuring perpendicular **from** the side property line, the measurement was taken perpendicular **to** the opposite side property line. The revised numbers had more effect on the Hamlet parcels and less of an effect on the Village parcels.

It is important to note that with the revised measuring, there were more instances where the shoreline width was the actual measurement at the shoreline from side property line to side property line where they intersect the shoreline. In total, 26 out of the 34 Hamlet parcels or 76% are equal to or within 5 feet of the actual measurement at the shoreline and in the Villages, 37 out of 62 or 59% were within this range. It is also important to note the majority of the Village parcels are proposed to be Working Waterfront or Village Waterfront Business, with only 19 proposed to be Village and 5 of those are vacant. The Hamlets contain 16 vacant parcels.

The new mean for the Hamlet shoreline is 225.17 (previously 212) and the median is 252.55 (previously 173.64). For the Villages, the revised mean is 169.36 (previously 156.12) and the revised median is 101.3 (previously 103.15). Staff has provided a revised definition below. If the Board chooses to adopt the revised definition the mean for the Hamlets will be 238.4 feet and the median will be 261.22 feet. The mean for the Village parcels will be 185.72 feet and the median will be 114.72 feet.

Mr. Hogg distributed shoreline width measurement language he had obtained from Minnesota and asked staff to review and bring back a report. The Board agreed with Mr. Hogg's request and so directed staff.

5. **Staff has provided an alternate definition of shoreline width for the Board's consideration:**

Shoreline Width. The shoreline width as measured in feet as the straight line distance between the points of intersection of the side lot lines with the shoreline.

This item was held, pending decision on item #4 above.

6. As a result of the discussion related to Accessory Dwelling Units, staff has provided an illustration to show a 100 acre parcel zoned agriculture with 5 primary dwellings and 5 accessory dwellings. The first image shows what it would look like with the base parcel subdivided into 5 lots. The second image shows the 5 dwellings placed on the lot with the standards that are proposed. These dwellings have to be located as if they were going to be subdivided. In both cases the density requirement of 1 dwelling unit per 20 acres is met. In the current ordinance if a parcel meets the density a special use permit is required for an accessory dwelling unit. The current ordinance does not prohibit obtaining multiple special use permits for accessory dwelling units.

The policy questions for the Board are whether to require people to subdivide if they meet the density requirement and if the Board wants to allow additional primary dwellings on a lot if it meets the density requirement. If the Board decides to not allow additional primary dwellings

on a parcel, there should be specific language in the ordinance prohibiting them.

Following discussion by the Board members, a majority of the membership indicated support for the image displayed on the bottom of the page which illustrated placement of primary and accessory structures without the need for subdivision of the base parcel so long as density requirements can be met.

* * * * *

Tabled Items:

(9) **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.

(10) **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. Hubbard, seconded by Mr. Trala that agenda items (9) and (10) remain on the table. All members were present and voted “yes.” The motion was unanimously passed.

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

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

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. 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.

It was the consensus of the Board requested that a letter be sent to the Virginia Department of Transportation, seeking reaffirmation that VDOT will be meeting with affected agricultural interested parties as well as the School System and EMS Department, relative to the proposed listing of median closures as submitted by the Virginia Department of Transportation, in order to ensure that their input has been sought and considered prior to any action by the Board.

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

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

As requested by the Board last month, the following draft policy relative to EMTs volunteering in other units was amended (*text in yellow*) to allow volunteerism in other jurisdictions:

**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 employees are permitted to volunteer outside Northampton County without any of the foregoing restrictions.
3. Full-time and part-time employees may not wear the Northampton County Emergency Medical Services issued uniform while on their volunteer duty.
4. 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.
5. 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.
6. 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.
7. 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

* * * * *

The Board recognized Mr. Greg DeYoung from Community Fire & Rescue and Northampton Fire & Rescue who indicated that he was not in agreement with certain of the proposed conditions being imposed on the prospective volunteers. He also said that a county signatory line was needed on the Disclaimer Form to certify that the County has not coerced any employee. He also felt that the volunteer should not have to disclose with which agency they would be volunteering.

The County Administrator indicated that the proposed policy was drafted to protect the County and she believed that the changes requested by Mr. DeYoung would not provide that protection.

Supervisor Hogg recommended that the County and the volunteer staff work out an agreeable policy. Mrs. Nunez responded that she thought someone else needs to take the lead as

the proposed changes would not protect the County. Mrs. Beverly Leatherbury, Assistant County Attorney, noted that the policy was based on provisions within the Fair Labor Standards Act.

Motion was made by Mr. Hubbard, seconded by Mr. Hogg, that the matter be tabled pending development of a mutually agreeable policy document. All members were present and voted “yes.” The motion was unanimously passed.

Action Items:

(13) Consider action on policy amendment relative to Agricultural and Forestal Districts (AFDs)

The Board considered the following proposed amendments (*text in yellow*) to its AFD policy:

Northampton County Agricultural and Forestal Districts (AFDs) Policy

Reviewed: August 11, 2009
Adopted: August 11, 2009
Amended: August 25, 2009
Amended: April 10, 2012
Amended: _____

- I. Declaration of policy findings and purpose. It is the policy of the Commonwealth of Virginia and Northampton County to conserve and protect and to encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth of Virginia and Northampton County to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes. Agricultural and forestal lands are recognized as economic and environmental resources of major importance.
- II. Procedure.
 - (A) Creation of new districts and additions to existing districts.

Northampton County AFDs shall be established through the enactment of ordinances following the application and review process set forth in §15.2-4300 *et*

seq., the Agricultural and Forestal Districts Act, of the Code of Virginia as amended.

- (1) Applications may be submitted each year between January 15 and February 15 on forms supplied by the Northampton County Department of Planning and Zoning. No application will be accepted for land for which any applicable taxes are delinquent.
- (2) At a minimum each district shall consist of a core at least 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the AFD Advisory Committee or Planning Commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.

Real estate devoted solely to (i) agricultural or horticultural use and consisting of five acres or less; or (ii) forestal use consisting of 20 acres or less, may not receive the tax exemption benefit herein provided but may be included within the boundaries of an agricultural-forestal district.

- (3) Upon receipt of an application for creation of a new district or an addition to an existing district, the program administrator shall refer such application to the AFD Advisory Committee which shall review and make recommendations concerning the application or modification thereof to the Northampton County Planning Commission. The Planning Commission shall -notify by first-class mail all adjacent property owners and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain: (i) a statement that an application for a district has been filed with the program administrator; (ii) a statement that the application will be on file open to public inspection in the office of the clerk of the local governing body; (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the Planning Commission within thirty days of the date of the notice; (iv) a statement that any owner of additional qualifying land may join the application-within 30 days from the date of the notice or, with the consent of the Board, at any time before the required public hearing before the Board; (v) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the Board of Supervisors, at any time before the Board acts; and (vi) a statement that additional qualifying lands may be added to an already created district any time by following the process and application deadlines prescribed for the creation of a new district. The Northampton County Planning Commission

will conduct a public hearing and forward recommendation on the application to the Board of Supervisors. The Board, after receiving the report of the Planning Commission and the AFD Advisory Committee, will conduct a public hearing on the application and act to adopt, modify, or reject the application.

- (4) The Northampton County Board of Supervisors may direct that a second application period be offered in any given year. Notice of any supplementary application period shall be posted at least one (1) week prior to the beginning of the application period and a press release shall be published in the local newspaper. The Board shall act to adopt or reject applications or any modifications thereof no later than 180 days from February 15 and the other application deadline as may be selected in a given year.

- (B) Criteria for review of applications.

Applications shall be reviewed by the AFD Advisory Committee based upon certain criteria, including the suitability of soils, substantial agricultural and/or forestal operations, size of each parcel and number of parcels.

- (C) Withdrawal of land from an AFD.

At any time any owner of land lying within an AFD may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause. The request should detail the reason for the request, and if development of the land is contemplated, a description of the proposed development should be included. The withdrawal request shall be referred to the AFD Advisory Committee for its recommendation to the Planning Commission, which shall hold a public hearing and make recommendations to the Board of Supervisors. If the request is approved by the Board of Supervisors, land which is no longer part of an AFD will be subject to the assessment of roll-back taxes as determined by the Commissioner of the Revenue in accordance with Virginia tax law.

Upon the death of the owner of property within an AFD, any heirs have the right to withdraw the land from the AFD provided that written notice of withdrawal is filed with the Board of Supervisors and the Commissioner of the Revenue within two (2) years of the date of death of the owner.

- (D) Fees.

The fee for any application to create a new district or to add land to an existing district shall be \$500.00 as provided in Virginia Code §15.2-4303. Owners of qualifying property wishing to join an application following initial publication of the required notice of application will be assessed a fee based on actual costs of

processing the modification of the application, not to exceed \$500.00. The \$500.00 application fee shall also apply to the ten-year renewal of applications.

III. Effects of AFDs; review of AFDs.

(A) Taxes.

Land lying within an AFD automatically qualifies for agricultural or forestal use-value assessment by the Commissioner of the Revenue in accordance with Virginia tax law.

Pursuant to Code of Virginia §58.1-3235, if property receiving special land use assessment through an AFD is delinquent in taxes at June 1, the Commissioner of the Revenue shall remove such property from the land use program.

(B) Land use within an AFD.

The Northampton County Comprehensive Plan will be updated to reflect adopted AFDs, and the plan, zoning ordinance, and subdivision ordinance will continue to apply to land within an AFD to the extent that such ordinances are not in conflict with conditions to the creation or continuation of the district set forth in the ordinance creating or continuing the district. In addition, land use planning and administrative decisions and procedures affecting parcels of land adjacent to any district shall take into account the existence of the AFD.

(C) Review of districts.

The ordinance creating a district shall specify a time period for review of the district of not less than four (4) years nor more than ten (10) years from the date of its creation and every four (4) to ten (10) years thereafter. Historically, Northampton County AFDs have been established for a period of ten (10) years. The review shall begin at least ninety (90) days prior to the expiration of the period established when the district was created. Both the AFD Advisory Committee and the Planning Commission shall provide recommendations to the Board of Supervisors concerning the continuation, modification, or termination of a district. Either the AFD Advisory Committee OR the Planning Commission shall conduct a public meeting with owners of land within the district under review. The Board of Supervisors shall conduct a public hearing prior to action to continue, modify, or terminate a district. The Board of Supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance continuing the district. At any time during the review process up until the time of the Board's

action, land may be withdrawn from the AFD at the owner’s discretion by filing a written notice with the Board.

If the Board determines that a review of an AFD is unnecessary, it shall set the year in which the next review shall occur.

* * * * *

Mr. Hubbard asked to include “use of Best Management Practices” as a criterion to be used for evaluation. Mrs. Leatherbury suggested use of language from the Code of Virginia which specifies the criteria to be used in application evaluation.

Motion was made by Mr. Hogg, seconded by Mr. Bennett, that the Agricultural-Forestal District policy be adopted as amended and set out below. All members were present and voted “yes.” The motion was unanimously passed. Said policy as amended and adopted is set out below:

Northampton County Agricultural and Forestal Districts (AFDs) Policy

Reviewed: August 11, 2009
Adopted: August 11, 2009
Amended: August 25, 2009
Amended: April 10, 2012
Amended: Dec. 9, 2014

IV. Declaration of policy findings and purpose. It is the policy of the Commonwealth of Virginia and Northampton County to conserve and protect and to encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth of Virginia and Northampton County to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes. Agricultural and forestal lands are recognized as economic and environmental resources of major importance.

V. Procedure.

(A) Creation of new districts and additions to existing districts.

Northampton County AFDs shall be established through the enactment of ordinances following the application and review process set forth in §15.2-4300 *et seq.*, the Agricultural and Forestal Districts Act, of the Code of Virginia as amended.

- (5) Applications may be submitted each year between January 15 and February 15 on forms supplied by the Northampton County Department of Planning and Zoning. No application will be accepted for land for which any applicable taxes are delinquent.
- (6) At a minimum each district shall consist of a core at least 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the AFD Advisory Committee or Planning Commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.

Real estate devoted solely to (i) agricultural or horticultural use and consisting of five acres or less; or (ii) forestal use consisting of 20 acres or less, may not receive the tax exemption benefit herein provided but may be included within the boundaries of an agricultural-forestal district.

- (7) Upon receipt of an application for creation of a new district or an addition to an existing district, the program administrator shall refer such application to the AFD Advisory Committee which shall review and make recommendations concerning the application or modification thereof to the Northampton County Planning Commission. The Planning Commission shall -notify by first-class mail all adjacent property owners and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain: (i) a statement that an application for a district has been filed with the program administrator; (ii) a statement that the application will be on file open to public inspection in the office of the clerk of the local governing body; (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the Planning Commission within thirty days of the date of the notice; (iv) a statement that any owner of additional qualifying land may join the application-within 30 days from the date of the notice or, with the consent of the Board, at any time before the required public hearing before the Board; (v) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the Board of Supervisors, at any time before the Board acts; and (vi) a statement that additional qualifying lands may be added to an already created district any

time by following the process and application deadlines prescribed for the creation of a new district. The Northampton County Planning Commission will conduct a public hearing and forward recommendation on the application to the Board of Supervisors. The Board, after receiving the report of the Planning Commission and the AFD Advisory Committee, will conduct a public hearing on the application and act to adopt, modify, or reject the application.

- (8) The Northampton County Board of Supervisors may direct that a second application period be offered in any given year. Notice of any supplementary application period shall be posted at least one (1) week prior to the beginning of the application period and a press release shall be published in the local newspaper. The Board shall act to adopt or reject applications or any modifications thereof no later than 180 days from February 15 and the other application deadline as may be selected in a given year.

- (B) Criteria for review of applications.

Applications shall be reviewed by the AFD Advisory Committee based upon certain criteria as stipulated in § 15.2-4306 of the Code of Virginia of 1950 as amended, and to include the use of Best Management Practices (BMPs).

- (C) Withdrawal of land from an AFD.

At any time any owner of land lying within an AFD may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause. The request should detail the reason for the request, and if development of the land is contemplated, a description of the proposed development should be included. The withdrawal request shall be referred to the AFD Advisory Committee for its recommendation to the Planning Commission, which shall hold a public hearing and make recommendations to the Board of Supervisors. If the request is approved by the Board of Supervisors, land which is no longer part of an AFD will be subject to the assessment of roll-back taxes as determined by the Commissioner of the Revenue in accordance with Virginia tax law.

Upon the death of the owner of property within an AFD, any heirs have the right to withdraw the land from the AFD provided that written notice of withdrawal is filed with the Board of Supervisors and the Commissioner of the Revenue within two (2) years of the date of death of the owner.

- (D) Fees.

The fee for any application to create a new district or to add land to an existing district shall be \$500.00 as provided in Virginia Code §15.2-4303. Owners of qualifying property wishing to join an application following initial publication of

the required notice of application will be assessed a fee based on actual costs of processing the modification of the application, not to exceed \$500.00. ~~The \$500.00 application fee shall also apply to the ten-year renewal of applications.~~

VI. Effects of AFDs; review of AFDs.

(D) Taxes.

Land lying within an AFD automatically qualifies for agricultural or forestal use-value assessment by the Commissioner of the Revenue in accordance with Virginia tax law.

Pursuant to Code of Virginia §58.1-3235, if property receiving special land use assessment through an AFD is delinquent in taxes at June 1, the Commissioner of the Revenue shall remove such property from the land use program.

(E) Land use within an AFD.

The Northampton County Comprehensive Plan will be updated to reflect adopted AFDs, and the plan, zoning ordinance, and subdivision ordinance will continue to apply to land within an AFD to the extent that such ordinances are not in conflict with conditions to the creation or continuation of the district set forth in the ordinance creating or continuing the district. In addition, land use planning and administrative decisions and procedures affecting parcels of land adjacent to any district shall take into account the existence of the AFD.

(F) Review of districts.

The ordinance creating a district shall specify a time period for review of the district of not less than four (4) years nor more than ten (10) years from the date of its creation and every four (4) to ten (10) years thereafter. Historically, Northampton County AFDs have been established for a period of ten (10) years. The review shall begin at least ninety (90) days prior to the expiration of the period established when the district was created. Both the AFD Advisory Committee and the Planning Commission shall provide recommendations to the Board of Supervisors concerning the continuation, modification, or termination of a district. Either the AFD Advisory Committee OR the Planning Commission shall conduct a public meeting with owners of land within the district under review. The Board of Supervisors shall conduct a public hearing prior to action to continue, modify, or terminate a district. The Board of Supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance continuing the

district. At any time during the review process up until the time of the Board's action, land may be withdrawn from the AFD at the owner's discretion by filing a written notice with the Board.

If the Board determines that a review of an AFD is unnecessary, it shall set the year in which the next review shall occur.

* * * * *

(14) Consider adoption of corporate resolution for County credit card authorization.

Motion was made by Mr. Hogg, seconded by Mr. Hubbard, that the following credit card authorization resolution be adopted. All members were present and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

RESOLVED, that the Organization enter into a commercial credit card account ("Card Account"), relationship with SunTrust Bank ("Bank") and that any one of the individuals listed below:

Katherine H. Nunez, County Administrator
Janice K. Williams, Assistant to the County Administrator
Leslie Lewis, Director of Finance

is authorized to enter into, and execute and deliver on behalf of this Organization any agreements, documents, or other instruments the Bank may require in order to establish and administer the Card Account, and that this Organization shall be bound by the terms and conditions of said agreements, documents, or other instruments as the same may be amended from time to time.

FURTHER RESOLVED, that the undersigned are authorized and directed to furnish the Bank a certified copy of these resolutions, which resolutions shall continue in full force and effect until written notice of modification or revocation of the same has been received by the Bank and the Bank has had reasonable time to act on such notice, and to furnish to the Bank the names and specimen signature of the authorized persons named herein, and those persons from time to time holding such positions.

I hereby certify that the following are the names and specimen signatures of the authorized persons designated in the foregoing resolutions and that each presently holds that title indicated and has full authority for all acts noted herein.

Katherine H. Nunez, County Administrator
Janice K. Williams, Assistant to the County Administrator
Leslie Lewis, Director of Finance

* * * *

(15) Consider a request from Arthur Upshur for construction of a yurt on property within the Deer Path AFD.

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that the Board approve the request of Mr. Arthur Upshur for construction of a yurt on property within the Deer Path AFD and identified as Tax Map 48-6-A4. All members were present and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Mr. Roy Ballard be reappointed to the Northampton County Parks & Recreation Board for a new term of office commencing January 1, 2015. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hogg, seconded by Mr. Trala, that Mr. Robert Stubbs be reappointed to the Northampton County Parks & Recreation Board for a new term of office commencing January 1, 2015. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that Dr. John Ogram be reappointed to the Eastern Shore Community Services Board for a new term of office commencing January 1, 2015. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that the following individuals be appointed to the Eastern Shore of Virginia Broadband Authority:

Mr. John Reiter (to succeed Mr. Pat Coady), with a term of office expiring June 30, 2017;

Ms. Elaine Meil, as the joint appointee, (to succeed Mr. Michael Zodun), with a term of

office expiring June 30, 2017; and

Contingent upon the appointment of Mr. Pete Lalor by the Accomack County Board of Supervisors on December 17, 2014, the Northampton Board confirms Mr. Lalor's appointment.

All members were present and voted "yes" with the exception of Mr. Hogg who voted "no."

The motion was passed.

Closed Session

Motion was made by Mr. Bennett, 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.

*New hires/terminations report
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.

Offer for purchase of block-of-buildings across the street

(C) 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 discussion during the closed session.

Recess

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the meeting be recessed until 5:00 p.m., Tuesday, December 16, 2014, in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the County Administrator's evaluation. All members were present and voted "yes." The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR