

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, on the 10th day of February, 2009, at 4:00 p.m.

Present:

Jeff Walker, Chairman

Richard Tankard, Vice Chairman

Laurence J. Trala

Dave Burden

H. Spencer Murray

Absent:

William A. Hughes

The meeting was called to order by the Chairman.

Closed Session

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

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

Appointments to Boards/Commissions

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

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

(D) Paragraph 7: Consultation with legal counsel and briefings by staff members,

consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by counsel.

(E) Paragraph 29: Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Webtide Proposal

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

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 1,3, 5, 7 and 29 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.

Mr. Walker offered the invocation.

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 & Agency Presentations:

(1) Mr. Robert Isdell, Virginia Department of Transportation, commented on routine maintenance operations and noted that the Route 636 project is still on schedule and due for bid in July.

(2) Ms. Marian Huber updated the Board on the RC&D Council’s ongoing activities and noted that she would be retiring in March.

(3) Ms. Robin Rich-Coates, Chairman of the Eastern Shore Soil & Water Conservation District Board, presented information to the Board on the District's ongoing projects.

(4) Ms. Clelia Sheppard and Ms. Maryann Roehm of ARTS Enter in Cape Charles, requested County support of their organization and called specific reference to an annual challenge grant.

Consent Agenda:

(5) Minutes of the meetings of January 12, 13, 22, 27 and 28, 2009. Motion was made by Mr. Murray that the minutes of the meetings of January 12, 13, 22, 27 and 28, 2009 be approved. All members were present with the exception of Mr. Hughes and voted "yes." The motion was unanimously passed.

- (6) Consider A-95 Reviews entitled,
(a) "Two 6-passenger vans with wheelchair lifts". Applicant: Eastern Shore Area Agency on Aging/Community Action Agency.
(b) "15-passenger body chassis w/ wheelchair lift". Applicant: Eastern Shore Community Services Board.

Motion was made by Mr. Tankard that the foregoing A-95 Reviews be approved as submitted. All members were present with the exception of Mr. Hughes and voted "yes." The motion was unanimously passed.

County Officials' Reports:

(7) Mrs. Glenda Miller, Director of Finance, distributed the following budget amendments and appropriations with associated explanations:

"The attached supplemental appropriations and budget amendments represent the appropriation of grant proceeds for Northampton County Public Schools for one state and one federal grant. Also included is an appropriation of \$4900 in advertising for delinquent tax land sales. This appropriation will be funded by the receipt of sales proceeds in April from the first land sales conducted by James Elliott two years ago."

As a late arriving item, Mrs. Miller requested the Board's consideration of a budget amendment reducing the Court Services Unit's FY 09 budget.

| <u>G/L Account</u> | <u>Description</u> | <u>Debit Amount</u> | <u>Credit Amount</u> |
|--------------------|---|---------------------|----------------------|
| 100-0045-49000 | Appropriated Fund Balance (for tax ads) | 4,900.00 | |
| 100-1201-50950 | Advertising | 4,900.00 | |
| 910-0025-43675 | Other State Grants | 21,000.00 | |
| 910-6000-56555 | School Instruction Expenses | 21,000.00 | |
| 920-0034-44775 | Other Federal Grants | 272,943.00 | |
| 920-6500-55740 | Other Federal Grants Expenses | 272,943.00 | |
| 100-3303-55350 | Court Services office supplies | | 1,800.00 |
| 100-3303-50910 | Court Services contracted housing | | 6,000.00 |

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

Finally, Mrs. Miller noted that the County may need to extend the term of the recent borrowing (\$1.3M) for the wall repair at the high school due to the uncertain state funding levels.

(8) Ms. Sandra Benson, Director of Planning, presented her departmental update including activity reports for the following projects: Community Housing Committee; Zoning Ordinance Review/Comprehensive Plan Update, Board of Zoning Appeals, and Staff & Planning Commission Activities & Training.

Ms. Benson noted that the Planning Commission voted to request an extension of ten (10) working days from the February 10, 2009 deadline imposed by the Board for receipt of the Commission’s recommendations concerning the proposed zoning amendments. It is expected that the requested extension to February 25th will permit consideration of the additional written comments, finalization of recommendations with respect to zoning amendments, and completion of recommendations concerning the draft economic element of the comprehensive plan which was considered under public hearing in December 2008.

With regard to the Planning Commission's request, motion was made by Mr. Tankard that the Board amend the November 12, 2008 Resolution Initiating Zoning Amendments and Referring them to the Planning Commission as follows:

* amend item 4 of the resolution to allow for an extension of 10 days in addition to the 90 days already granted the Planning Commission. This ten-day extension is provided by the Board of Supervisors for the purpose of allowing them to complete their recommendations on the draft Zoning Ordinance amendments.

All members were present with the exception of Mr. Hughes and voted "yes," with the exception of Mr. Trala who voted "no." The motion was passed.

Mr. Trala read the following statement:

General Comments
February 10, 2009

"I think this may be an appropriate time to share some general thoughts on the process which is underway to produce a revised Comprehensive Plan and Zoning Ordinance.

First, it is of primary importance that we listen to our citizens – all of us. We have received dozens of written comments and, no doubt, all of us have heard from our citizens directly. Our planning commission has also heard from a great many citizens. Our listening should cause us to take action in ways that benefit all the citizens of our county. Simply acknowledging the comment letters "for the record" and moving on at full speed to enact what appears to be the desire of a limited number of citizens is not right.

Secondly, as I stated before, I am upset that we have spent over \$100,000.00 in attorney fees, in these hard economic times, to advance a plan and ordinance that doesn't seem to have even 50% of the citizens' support.

Third, we must finish our Comprehensive Plan by including economic development guidance. This guidance and the analysis of the economic impact of the proposed changes MUST be considered before we take any action.

Finally, we must carefully make any and all substantive changes necessary to the proposed Zoning Ordinance. We have to listen to all our citizens – those who speak out publicly as well as those who speak privately – and give meaning to their input in this process and in the final documents we produce."

At 6:00 p.m., the Chairman recessed for the supper break.

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

The Pledge of Allegiance was given.

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

- (i) 2/24/09: To be determined
- (ii) 3/24/09: To be determined
- (iii) 4/28/09: To be determined

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

I. PROJECTS:

Transfer Station Status: The County has received the Certificate of Occupancy (CO) for the Transfer Station (the final issues with electrical work and some Erosion & Sediment Control measures were addressed and resolved). The CO has been provided to our engineers, Draper Aden, to finalize the permitting with DEQ. We have provided a final contract to Allied Waste for final review and execution. It is possible that we will be moving to a full operation of the Transfer Station by the beginning of April.

There are still some issues with the quality of the paving in some locations and we are working with the contractor (Wagner) and the sub-contractor (Moore) and a third-party inspector (CTI) to resolve this issue. The County has held certain funds on the Wagner contract relative to the paving.

The original budget for this project was \$1,961,740. Through cost savings measures and the efforts of the Clerk of Works overseeing construction which allowed the county to break up the bid into smaller bids with coordination provided by Clerk of Works to integrate the various contractors, the anticipated final project cost is \$1,730,819.

Landfill Capping: DEQ is reviewing the bid specifications and proposed capping documents. We are anticipating receiving comments by mid-month and our engineers responding by the end of the month. Therefore, we should be going out to bid in March for the landfill capping. One of the largest product needs we will have for this project is specific soil types for cover material. We are working on locating as much local soil, close to the site, that will meet the specifications and reduce the cost of this project.

Regional Jail Construction Reimbursement: The County has submitted a revised request to the Department of Corrections for the increased costs of the project. This packet is being reviewed by DOC staff and will be placed before the Corrections Board for action. It is anticipated that this item will be on the March 18, 2009 Board of Corrections agenda for action. Representatives from the County will be attending that meeting.

County Admin Renovation Project:

Per Board discussion at the January 27, 2009 Work Session, I have enclosed the full Space Needs report prepared by PMA in April 2006, the summary spreadsheet of the various options discussed to accommodate the square footage needed and estimated cost for each option and the memo from January 2008 which summarized the project for the new incoming Board. This item is now ready to move forward for the procurement of architectural services and a defined scope of work is necessary.

Just so you are aware, this item has not proceeded until this point because I needed the transfer station project to get completed and the landfill capping project to move forward and be ahead of the renovation project. The landfill capping project needs to go out to bid first to ensure that we have sufficient funds in our capital fund to cover that project before commencing the renovation project; since the County is required to close and cap the landfill, it was my intent to structure the schedule of the remaining projects to meet this requirement.

Organizational Options for a Wastewater System: As requested by the Board, enclosed please find a tabulation sheet detailing the various allowed organizational structures for the operations of water and wastewater systems, per the Code of Virginia. There is provided a matrix detailing the manner to set up a particular organizational structure, the composition of governing membership, financial powers, other powers & responsibilities, pros and cons of each type of structure and which communities have adopted the organizational structure.

Eastern Shore of Virginia Broadband Authority – Request for Fiscal Agent: The Eastern Shore of Virginia Broadband Authority (ESVBA) is utilizing the Accomack-Northampton Planning District Commission (ANPDC) as its fiscal agent as well as its grant administrator for this project. As the ESVBA transitions into a full-fledged agency as a result of the project, there are some administrative functions that ANPDC is not equipped to handle readily. In particular, their financial software is structured for grant administration and not general payroll that is not associated with a project and funded through grant funds.

The ESVBA has hired some part-time administrative assistance that is being funded through the original contributions of the two counties for this project. The payroll for this particular position cannot be handled by ANPDC software and the cost to outsource to a private vendor is too costly. Therefore, I am requesting on

behalf of the ESVBA for the County of Northampton to serve as fiscal agent for the operations of the ESVBA, for purposes of payroll. At this time, there is only the one position but as this project migrates out of project construction into operation there will be additional personnel added to payroll – possibly 2 to 3 more positions. ESVBA will be fully responsible for providing the funding for the payroll and the County would only serve as the vehicle to issue payroll checks and handle federal and state reporting for payroll.

Motion was made by Mr. Tankard that the County serve as fiscal agent for the Broadband Authority for the purposes of payroll. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

CDBG Requirements for Qualified Projects: As requested, enclosed please find 2 matrixes from the 2009 CDBG Program Design Guidelines outlining the types of grants available and the criteria required for qualification. Additionally, enclosed are the specific pages from the Guidelines regarding Community Service Facilities which is the area that a project, such as renovation of the ESAAA/AAA facility, could qualify. Enclosed is an e-mail from David Annis, ANPDC Director of Housing, providing clarification/explanation on qualifying projects.

BOS Goals and Objectives: Enclosed are the 2009 Goals and Objectives. The Board needs to adopt these goals and objectives.

Motion was made by Mr. Tankard that the Board adopt the following 2009 Goals & Objectives as presented. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed. Said Goals & Objectives as adopted are set out below:

**BOARD OF SUPERVISORS
2009 GOALS & OBJECTIVES**

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-----------------------------|---|----------------------|
| LAND USE | | |
| Short Term | Comprehensive Plan - revision and adoption of remaining component of plan (Economic Development Chapter) | |
| | Land Use Map Adoption – Summer 2008 | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-----------------------------|--|--|
| | Zoning Ordinance Adoption –Summer 2008 | |
| | Create Watershed Management Plan (BOS to take lead on this item) | |
| | Proffer Policy | BOS to develop committee, consisting of 2 board members to review submitted proffers prior to public hearing |
| Medium Term | Historic Corridor/Architectural Review | |
| Long Term | Subdivision Ordinance – review for compliance with revised Comprehensive Plan and Zoning Ordinance | |
| | Historic Corridor Designation for Business 13 Eastville and Stone Road in Cape Charles | |
| | US Route 13 – continue to implement the changes outlined in the Rte. 13 Access Management Plan | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|--|----------------------|
| SOLID WASTE | | |
| Short Term | Collection Centers (remaining 2 of 6 sites: Cheapside, Eastville) | |
| | Institute recycling for County offices. | |
| | Landfill Closure | |
| | Get Assign-a-Probationer widespread in County | |
| Medium Term | Anti-Litter Enforcement | |
| | Beautify Waste Collection Centers and sponsor competitive beautification program for the 6 centers | |
| Long Term | Review Solid Waste Enforcement Ordinance | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|---------------------------|---|----------------------|
| AFFORDABLE HOUSING | | |
| Short Term | CDBG List Update | |
| | Continue to provide housing/rehabilitation of homes for communities through CDBG funding | |
| | Increase frequency of Delinquent Tax Sales | |
| | Support efforts of NAHRC and ANRHA and to clarify the roles of the Board of Supervisors and ANPDC | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|--|----------------------|
| Medium Term | Designate land dedicated to the construction of low to moderate & workforce housing incomes and work with developers to encourage this type of housing development | |
| Long Term | Pursue through the ANPDC the development of 20 units of rental housing for moderate and low income families through the identification of suitable real estate; identification and pursuit of planning grant; and obtaining funding. | |
| | Pursue through the ANPDC the development of a home ownership subdivision for moderate and market rate families (80% area median) through the identification of land for subdivision; identification of funding source; identification of design; and pursuit of funding. | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|---------------------------------|---|----------------------|
| PUBLIC SERVICE AUTHORITY | | |
| Short Term | Drainage, County wide Comprehensive plan to begin process of clearing ditches in the more heavily impacted neighborhoods | |
| | Review of existing PSA structure and determine suitability for use, possibly for Cape Charles/Cheriton | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|--|----------------------|
| Medium Term | | |
| Long Term | Review of existing PSA structure and determine suitability for use | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|-----------------------|----------------------|
| | | |

EDUCATION

| | | |
|---------------------------|---|--|
| Short, Medium & Long Term | Be thrifty in all programs so as not to shortchange education funding, our largest priority | |
|---------------------------|---|--|

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|-----------------------|----------------------|
| | | |

ECONOMIC DEVELOPMENT

| | | |
|-------------|---|--|
| Short Term | Finish Economic Development Portion of Comprehensive Plan | |
| | Resolve all issues associated with STIP property, specifically the Nature Preserve Property and the 2 acre leased property | |
| | Identify an individual/entity responsible to the business community in the County ("Economic Development Point Person) and clarify their responsibilities | |
| | Annually update the CEDS (Comprehensive Economic Development Strategy) through the ANPDC | |
| Medium Term | Tourism/Agriculture/Aquaculture/Fisheries need to be encouraged in the Land Use Plan. Need to then translate this to the | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|--|----------------------|
| Long Term | various boards and committees to be implemented as part of their mission and goals. | |
| | Elimination of Merchant's Capital Tax - Budget subcommittee determine level of compliance of reporting to review this item. of this tax and collection efforts | |
| | Institute a Business License (but not BPOL) | |
| | Lower Taxes on Existing Businesses | |
| | Obtain legislation for creation of Aquaculture Enterprise Zone | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|---|----------------------|
| RECREATION | | |
| Short Term | Implement grant funds for renovation of Indiantown Park | |
| | Privatize administration of recreation programs | |
| | Work with School System to evaluate and maximize recreational use of Middle School property | |
| Medium Term | Acquire bayside beach in Northern half of county | |
| | Investigate feasibility of a firing range at closed landfill | |
| | Re-assess recreation opportunities at the Landfill site | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|---|----------------------|
| Long Term | | |
| | Community Docking | |
| | Expansion of recreation opportunities for youth | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|--|----------------------|
| COUNTY PROPERTY | | |
| Short Term | Build J&DR Court Services building | |
| | Get nighttime lighting to be more dark-sky friendly | |
| | Work with School Board and Admin. to obtain a site for shared garage and storage facility | |
| | Implement fee system for non-locals at county owned boat ramps | |
| | Renovate Admin buildings and utilize 1914 jail | |
| | Work with Health Dept. to move offices from Nassawadox to Middle School Property | |
| | Develop comprehensive management plan for use of the former middle school property | |
| | Investigate whether the use of CDBG funds can be used for middle school property renovations | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|---|----------------------|
| Medium Term | Devise strategy for Raccoon Park | |
| | Obtain old Eastville HS property by US 13 and sell to private redevelopment company | |
| | Sell all holdings east of Courthouse Road | |
| Long Term | | |

| <u>GENERAL CATEGORY</u> | <u>SPECIFIC TOPIC</u> | <u>STATUS REPORT</u> |
|-------------------------|--|----------------------|
| OTHER | | |
| Short Term | Property Maintenance Code Enforcement | |
| | Boat Tax (reduction or elimination) | |
| | Improve Town/County relations & communications | |
| | Gateway Signage program – completion and installation of Town signage Pursue “Eastern Shore” specific signage rather than generic VDOT signage as an asset for local businesses | |
| | Boundary Adjustment request from the Towns of Cheriton, Eastville & Exmore | |
| | Abandoned Cars & Abandoned Structures - ____ Vehicles - ____ structures – develop prioritized list; full inventory list (Shift emphasis to structures rather | |

| | |
|--------------------|---|
| | than vehicles) |
| | Designate Bayside Road (south of Nassawadox) as a Scenic By-Way |
| | Continue Merit Pay pool for County Employees |
| | Update Hurricane Preparedness Plan |
| | Investigate use of CDBG funds to help ESAAA/CAA in the old Hare Valley School |
| | Evaluate collection of delinquent accounts through internet methods |
| Medium Term | Make uniform all benefits packages for county, school and constitutional office employees |
| Long Term | |
| | Evaluate elevation requirements for structures located near tidal waters |
| | |
| | Restructuring EMS System |
| | Broadband Plan Fully Developed and Financing Secured |

II. MEETINGS

III. GRANT OPPORTUNITIES

IV. OTHER

Digital TV Transition- Digital-to-Analog Converter Box Coupon Program:
 Between January 1, 2008, and March 31, 2009, all U.S. households will be eligible to request up to two coupons, worth \$40 each, to be used toward the purchase of digital-to-analog converter boxes. As described above, these converter boxes are designed to make over-the-air digital television signals viewable on analog-only TVs, and thus are not intended for analog-only TVs hooked up to cable or satellite service. The National Telecommunications and Information Administration (NTIA)

is running the coupon program. (Please note that these coupons will expire 90 days after mailing). For more information, visit the NTIA Web Site at www.dtv2009.gov. **Congress has recently passed a bill that will extend the date of termination of the analog signal from February 17, 2009 to June 12, 2009.**

Citizen Information Period:

Mr. Robert Richardson's written comments were submitted for the record as follows:

February 9, 2009

Northampton County Board of Supervisors

Subject: Comments for the Citizens Information Period

Good evening Mr. Chairman and members of the board, I am Robert C. Richardson from Seaview.

This evening I bring to the board's attention a matter that may help to resolve an ongoing, major problem in the county. The problem is the Zoning Ordinance. The Zoning Ordinance as presented contains many sections that are not factually supported or have standards as guides. Some of these are listed below:

1. Chesapeake Bay Preservation Act
2. Setbacks
3. Rezoning of lands
4. Land disturbance

As a result of these and other discrepancies, I respectfully request that the Zoning Ordinance be returned to the Planning Commission for further consideration. Thank you.

/s/ Robert C. Richardson

The Board heard comments from Mr. M. E. Duff of Eastern Shore Surveyors, who requested a 180-day grace period for completion of subdivision plats currently under review, rather than the 45-day grace period as is being recommended in the draft zoning ordinance. The requested 180-day period is the same as was implemented when the subdivision ordinance was last adopted.

Public Hearings:

Chairman Walker called to order the following public hearing:

(10) ZTA 09-01 NHCO: The Northampton County Board of Supervisors, on motion of intent to amend, proposes to amend Section 154.107, Standards for Airports, paragraph (F), Runway and landing area setbacks, of the Northampton County Zoning Ordinance.

He asked if there were any present desiring to speak.

Ms. Sandra Benson, Director of Planning, noted that the Planning Commission was recommending approval of the petition with some modification as shown below:

§154.107 STANDARDS FOR AIRPORTS

(F) Runway and landing area setbacks. Setbacks for runways and landing areas shall be as specified in this section.

(1) Runways. The endpoint of all proposed runways shall be no closer to the applicant's property line than 250 feet. Within this setback area there shall be no structures.

(2) Heliports, public or commercial. The boundary of any public or commercial helicopter landing area shall be set back a minimum of 200 feet from any public roadway. Other property line setbacks for landing areas shall be determined in conjunction with the required special use permit approval process.

(3) Helipads, private. The setbacks for any private helicopter landing area which is designated as a special use shall be determined in conjunction with the required special use permit approval process. Otherwise, the boundary of any private helicopter landing area shall be set back a minimum of 200 feet from any public roadway. Other property line setbacks shall be a minimum of fifty (50) feet, and whenever helicopter operations are conducted within 200 feet of any property line, a notice in at least six-inch lettering shall be posted facing the adjacent property at the property line advising that helicopter operations are in progress.

Mr. M. E. Duff urged a better definition of "public roadway" and offered language such as "as measured between the right-of-way, back of sidewalk or the edge of pavement, whichever is closest".

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

Following much discussion, motion was made by Mr. Tankard that the Board approve

Zoning Text Amendment 09-01 as set out below:

§154.107 STANDARDS FOR AIRPORTS

(F) Runway and landing area setbacks. Setbacks for runways and landing areas shall be as specified in this section.

(1) Runways. The endpoint of all proposed runways shall be no closer to the applicant's property line than 250 feet. Within this setback area there shall be no structures.

(2) Heliports, public or commercial. The boundary of any public or commercial helicopter landing area shall be set back a minimum of 200 feet as measured from the right-of-way any for public roadway, public sidewalk, or public path, whichever is closest. Other property line setbacks for landing areas shall be determined in conjunction with the required special use permit approval process.

(3) Helipads, private. The setbacks for any private helicopter landing area which is designated as a special use shall be determined in conjunction with the required special use permit approval process. Otherwise, the boundary of any private helicopter landing area shall be set back a minimum of 200 feet as measured from the right-of-way for any public roadway, public sidewalk, or public path, whichever is closest. Other property line setbacks shall be a minimum of fifty (50) feet, and whenever helicopter operations are conducted within 200 feet of any property line, a notice in at least six-inch lettering shall be posted facing the adjacent property at the property line advising that helicopter operations are in progress.

Tabled Items:

Motion was made by Mr. Trala that the following item be taken off the table. All members were present with the exception of Mr. Hughes and voted "yes." The motion was unanimously passed.

(11) SUP 08-13 NHCO: Michael Steelman, agent for property owners J. David and Jean P. Steelman, have applied for a special use permit to operate a helipad at the end of Morris Court off South Bayside Road. The property is zoned Commercial Development Manufacturing One (CD-M1) and is further described as County Tax Map 84, Double Circle 10, Parcel 1.

Following much discussion and explanations from Ms. Benson and Mr. Steelman, motion

was made by Mr. Murray that the Board approve Special Use Permit 08-03 as petitioned by Michael Steelman in keeping with the Planning Commission's recommendation, with the following conditions:

- 1) Red balls are to be installed on the power wires to the east as recommended by the FAA;
- 2) Use of the helipad is limited to the applicant's spraying operations, personal use by the applicant and his family and associates, and emergency use, unless a further change of use for the property, such as sight-seeing tours or a commercial heliport, is approved in accordance with all regulations applicable at the time such change or addition is sought;
- 3) That the special use permit be reviewed every five years;
- 4) That setbacks be applied as indicated on the site plan as submitted with the application.

All members were present with the exception of Mr. Hughes and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Murray that the following item be taken off the table. All members were present with the exception of Mr. Hughes and voted "yes." The motion was unanimously passed.

(12) Zoning Map Amendment 08-03 NHC0: Charles McCotter for JMAC Realty and Development, Inc., has applied to rezone 66.116 acres of land from CD-RR Community Development-Rural Residential to PRV Planned Rural Village. The property is described as being parcels A, B, and 1 through 42 of Tax Map 68, double circle 11, and known as "The Landings" Subdivision. The property is located at the eastern intersection of Lankford Highway and Stumptown Road near the Town of Eastville.

The County Administrator distributed copies of the proffers as submitted by the applicant prior to the public hearing. Mr. Bruce Jones, County Attorney, indicated that he had spoken with the applicant's legal counsel who noted that Habitat for Humanity has not selected a lot of its choice at this time.

Mr. Tankard read the following comments:

"I have many reasons to deny the request from JMAC's Zoning Map Amendment. The Comprehensive Plan speaks to many of my concerns. Some of my concerns I would like to

highlight:

* This location is not appropriate for more density when you consider the neighboring industrial uses of hazardous chemical and grain storage.

* There is no provision for advanced treatment of sewage. Rather there is just more sewage density in the form of individual septic systems.

* There is no provision for central water pumped from a single regulated public water supply.

* These added septic densities and dozens of individual wells have a negative effect on the freshwater aquifer. This subdivision lies directly atop the spine of our sole source aquifer.

*As our Staff commended in the Staff Report, two separate County Board planning and zoning actions since 2000 have reduced the density in the area, not increased it. Clearly this area is not intended for more dense development. Future Land Use Map Amendments confirm these determinations.

The applicant advertised the financial benefits to the County. In reality this project is a net drain on County finances. The applicant advertised that the County would receive \$74,000 in annual tax revenue upon project completion, or \$570 per unit. For a new housing unit to contribute positively to the local tax base, \$1,411 of new revenue is required (\$9,243,038 r.e. taxes divided by 6,547 housing units). This means that all of the other County real estate taxpayers would be subsidizing this more intensive development. We do not live in an economic climate that can afford this kind of subsidy.

Mr. Murray said that the proposed density was a concern to him, and especially its location on Rt. 13.

Motion was made by Mr. Walker that ZMA 08-03 be denied. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

The Chairman noted that he had spoken with Mr. Hughes prior to the meeting and that he (Hughes) concurred with this action.

Action Item:

Motion was made by Mr. Tankard that the Board award the scrap metal removal bid to Schultz & Sons Salvage in accordance with its bid of \$101.30 per long ton. All members were

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

At Mr. Burden’s suggestion, the Board recognized the achievement of Ms. Katie Collins of Cape Charles who was celebrating her 104th birthday today.

Recess:

Motion was made by Mr. Trala that the meeting be recessed until 5:00 p.m., Tuesday, February 24, 2009 in order to conduct the regular monthly work session. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR