

VIRGINIA:

At a recessed 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 28th day of May, 2009, at 9:00 a.m.

Present:

Jeff Walker, Chairman

H. Spencer Murray, Vice Chairman

Richard Tankard

Dave Burden

Laurence J. Trala

William A. Hughes

The Chairman was called to order by the Chairman.

County Administrator's Report:

The County Administrator and Ms. Sandra Benson, Director of Planning, led the Board through a discussion of the remaining items on the spreadsheet which detailed proposed changes to the zoning ordinance amendments which had been heard at public hearing in January 2009. The remaining items were those which needed further staff input and/or investigation and are further detailed in a memorandum to the Board dated May 27, 2009 which memo is filed in the Office of the County Administrator. Said spreadsheet is attached hereto.

Mr. Burden arrived at 9:12 a.m.

Board actions relative to the foregoing items are detailed below and are tied back to the item numbers detailed on the spreadsheet.

Planning Commission Recommendation Item #1: This item pertained to inclusion of "pipeline" language for recognition of projects currently under review. Mr. Murray recommended a 90-day window. Following conversation by the Board and the County Administrator's urging to seek

legal counsel on the matter, no action was taken by the Board.

Planning Commission Recommendation Item #14: It was the Board's consensus to accept the staff recommendation for measurement of 100 ft. setback from the lot line and to include the words "right-of-way" after "lot line".

Planning Commission Recommendation Item #17: The Board concurred with the definition as proposed.

Planning Commission Recommendation Item #20: The Board agreed with staff's recommendation as well as the elimination of Section (G)(2).

Planning Commission Recommendation Map Changes 3, 14: A majority of the Board concurred with the Planning Commission's recommendation that parcel 105(A)73 be zoned EB. (Mr. Burden and Mr. Walker disagreed).

Planning Commission Recommendation Map Change 4: This item has already been discussed.

RT Items #2, #3, #4: The Board agreed to not delete the word "/or" in the definition of Aquaculture as had been proposed by staff.

RT Item #11: The Board agreed with staff's recommendation for consistency between this item and Section 154.043(B)(4).

SM Item #2: The Board agreed with the proposed definition of "Country Store" and also to move this definition to the general definitions section of the ordinance.

SM Item #3: It was the consensus of the Board to agree with staff's recommendation.

SM Item #10: It was the consensus of the Board to agree with revised definitions as set out in the memorandum for "use", "borrow pit", "family", "lot, coverage", and "plat".

DB Item #1: The Board agreed with staff's recommendations for language modifications.

DB Item #2: The Board agreed with staff's recommendation as well as the inclusion of

“including but not limited to” instead of “such as”.

BI Item #2: The Board agreed with staff’s recommendation.

BI Item #10: The Board agreed with staff’s recommendation to require perimeter screening for industrial uses only and deletion of the chart on page 87 of the draft ordinance. The Board also agreed to provide similar language as was contained in the 1983 Zoning Ordinance for buffering between industrial uses and other districts.

At this time, the Chairman called for a brief recess.

When the meeting reconvened, the Board began discussions of the Table of Uses Chart. Modifications were made throughout the chart and it was the consensus that staff will prepare a revised Table for distribution to the Board members for review.

The Board then reviewed Appendix B and agreed to create separate lines for setbacks from “other roads” and “railroads”. The Board further agreed to eliminate the 100 ft. setback proposed from properties zoned EI and railroad right-of-ways.

Discussion was held by the Board members related to existing businesses. It was the consensus that mapping be changed to reflect that anything that sits as Existing Business located in a town edge should instead be designated as Town Edge-Commercial General.

At this time, the Board discussed a request dated May 27, 2009 as received from Mr. William T. Baines which referenced parcel 49-A-162, a parcel near Reedtown. Mr. Baines was requested that this parcel be designated Village II or that it revert back to its original zoning of Rural Village. The Board discussed the neighboring communities in this vicinity and the densities allowed in Village I and Village II. It was the consensus that the Board was apprehensive about granting Village II status without further plans or documentation from Mr. Baines, but that if he brings such plans forward, the Board will consider it.

The next topic discussed with the shoreline setback issue. Mr. Murray read from recommendations received from the Northampton County Board of Zoning Appeals relative to this issue as follows: “The shoreline setback must be provided with a legal nonconforming use statement (i.e., grandfather clause) that provides reasonable relief for lots created prior to the adoption date of December 28, 2000. The language proposed is complicated and ties the grandfather clause to other resource protection area regulations. The grandfather clause should not be tied to any other regulations. The simplest and most lawful approach would be to enforce the shoreline setback for lots created after December 28, 2000 forward and lots created prior to this date would not be required to comply with the shoreline setback.” The Board agreed with this approach.

The need for a commercial district was then discussed by the Board.

Mr. Murray referenced comments he made at the meeting of May 22, 2009, calling the lack of a primary commercial district to be a “fatal flaw” with the draft document. He asked for the inclusion of language in the document which would provide the Board with flexibility should economic development opportunities arise in the county area rather than in the towns or town edge areas.

Mr. Burden noted that he believed economic development and growth should be focused in and around the existing towns.

Mr. Hughes and Mr. Trala indicated that they supported Mr. Murray’s comments. Mr. Walker indicated that he would like to see Mr. Murray’s vision reduced to paper and Mr. Murray agreed to work with staff to provide same.

The Board then continued its discussion from May 26th relative to additional funding for STAR Transit. It was learned that Accomack County has provided \$42,000 with no indication of

restrictions or installment payments.

Motion was made by Mr. Trala that additional funding in the amount of \$39,642.00 be provided to STAR Transit for operating and fund balance needs. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala that additional funding in the amount of up to \$7,909.35 be provided to STAR Transit for capital needs. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed. It was noted that the full \$7,909 may not be needed if the pending invoice for architectural services can be satisfied otherwise.

Closed Session

Motion was made by Mr. Trala 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

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

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

Recess:

Motion was made by Mr. Trala that the meeting be recessed until 6:30 p.m., Monday,

June 1, 2009, in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, in order to conduct another regular work session. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR