

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 9th day of June, 2009, at 4:00 p.m.

Present:

Jeff Walker, Chairman

H. Spencer Murray, Vice Chairman

Laurence J. Trala

Dave Burden

William A. Hughes, Sr.

Absent:

Richard Tankard

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.

Waste Collection Center Sites

(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.

USDA grant correspondence (STIP)

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

Mr. Burden arrived at 4:10 p.m.

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, and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

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.

Mr. Burden left the meeting at 5:15 p.m.

Board & Agency Presentations:

(1) Mr. Robert Isdell, Virginia Department of Transportation, commented on routine maintenance operations including patching, ditching, brush trimming and mowing. Mowing on Rt. 13 should commence June 15th.

At this time, the Chairman recognized Ms. Cheryl Tyson of the Eastern Shore Broadband Authority and Ms. Kat Edwards of the Accomack-Northampton Planning District Commission.

Information was presented to the Board on a grant opportunity for additional Broadband funding through the Stimulus Funds and administered as a community development block grant through the Virginia Department of Housing & Community Development. Following discussion by the Board, motion was made by Mr. Murray that the Board submit a joint application with the County of Accomack for CDBG Recovery Act funds available through the Virginia Department of Housing & Community Development; that Northampton act as lead locality for the application due to the fact that three of the four community networks will be constructed in Northampton County; and to provide a commitment for a \$100,000 line of credit to be available to the project as match for the grant funds. All members were present with the exception of Mr. Burden and Mr. Trala and voted “yes.” The motion was unanimously passed. It was understood that the line of credit would be used by the Eastern Shore Broadband Authority as collateral to borrow additional funds for creation of the networks.

Mr. Burden returned to the meeting.

Consent Agenda:

(2) Minutes of the meetings of May 7, 12, 14, 18, 22, 26 and 28. Following a correction to the May 26, 2009 minutes were Mr. Hughes was noted as being absent when he was in fact present, motion was made by Mr. Trala that the minutes of the meetings of May 7, 12, 14, 18, 22, 26 and 28, 2009 be approved as corrected. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

County Officials’ Reports:

(3) 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 funds for an additional operating contribution for FY 09 (the current fiscal year)

for STAR Transit. The request is to cover an anticipated shortfall of \$47,552 for operating and capital needs. Also included is the balance of the second interest payment for the 2002 bond proceeds from interest which has accrued on the 2007 bond proceeds. This was originally omitted in the budget due to an error in one of the formulas within the budget schedules.

A Homeland Security grant for generators for the 911 Commission is included for appropriation in the amount of \$35,000. In addition, the cost allocation reimbursement for Social Services came in over budget by \$22,785. An amendment for that amount is included in order to transfer the correct amount to the General Fund. An increase of \$48,040 is included for transfer from the General Fund to the Public Utilities Fund in order to fill the gap in revenue created by the delay in acquiring the Bayview accounts.

<u>G/L Account</u>	<u>Description</u>	<u>Debit Amount</u>	<u>Credit Amount</u>
401-9800-59050	Interest	132,000.00	
401-0044-48075	Transfer from Capital Project Fund	132,000.00	
302-9600-57200	Transfer – General Debt Service	132,000.00	
302-0015-40925	Interest on Investments	132,000.00	
100-8108-52700	STAR Transit (operating funding)	39,642.00	
100-8108-52700	STAR Transit (capital funding)	7,910.00	
100-0045-49000	Appropriated Fund Balance	47,552.00	
730-3104-57850	Construction/improvements (VDEM Grant)	35,000.00	
730-0026-45325	VDEM Homeland Security Grant	35,000.00	
210-9600-56900	Transfer-General Fund	22,785.00	
210-0033-42975	Cost Allocation Reimbursement	22,785.00	
501-0016-41510	Water Charges		24,020.00
501-0016-41515	Wastewater Charges		24,020.00
501-0044-48000	Transfer from General Fund	48,040.00	
100-9600-57079	Transfer-Public Utilities Fund	48,040.00	
100-0045-49000	Appropriated Fund Balance	48,040.00	

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

Ms. Miller also informed the Board relative to GASB Statement No. 45 which addresses the cost of other postemployment benefits (OPEB). The standard will take effect for Northampton’s FY 09 CAFR and require that the net OPEB obligation be recorded as an expense offset by a liability in the government wide financial statements. She noted that neither the

County nor the School Board's net OPEB liabilities will have a significant impact on the County's financial position for FY 09 and further recommended that the County continue to "pay as we go" on the County side due to the fact that bond rating agencies have stated that liabilities arising from implicit subsidies alone would not be of concern to them. Because the School Board actually does pay for a portion of the health insurance for its retirees, Ms. Miller recommended more consideration of advanced funding options prior to the FY 11 fiscal year. The Board concurred.

(4) Ms. Sandra Benson, Director of Planning, presented her departmental update including activity reports for the following projects: Community Housing Committee; Board of Zoning Appeals, and Staff Activities & Training.

For the Board's review, Ms. Benson distributed copies of the engineer's report on the water table evaluation associated with the Townfield Meadows regional stormwater drainage system.

Lastly, Ms. Benson presented the Board with a request from Robert C. Richardson pertaining to a Letter of Compliance issued on May 15, 2009 to Marion Scott for Riverside Drive Extension. Mr. Richardson requested that the Board review the Letter of Compliance and consider rescinding it and imposing a correct timeline that differs from that set forth in the recorded Maintenance Agreement for Best Management Practices. Ms. Benson pointed out that anyone aggrieved by any determination made in the administration or enforcement of the County's zoning regulations has the right to file an appeal with the Board of Zoning Appeals, not the Board of Supervisors.

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.

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

- (i) 6/23/09: School Board Interviews
- (ii) 7/28/09: Stormwater Management; Fire & EMS presentation
- (iii) 8/25/09: To be announced

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

I. PROJECTS:

Federal Stimulus Projects: I have attached only the "Tracking of Stimulus Funds – Grants Released and Applied for by Northampton County" is a spreadsheet tracking all of the federal stimulus funds that might be of benefit to our county. Since many of the programs receiving stimulus funds provide greater opportunities than we envisioned on our project list, I wanted to track these programs and any opportunities that we avail ourselves. All of the additions since you were provided this spreadsheet last month are in red.

- QZAB Allocation: Through the Federal Stimulus Bill, the Commonwealth of Virginia received an allocation of \$26 million for the Qualified Zone Academy Bond (QZAB) program. The School Superintendent was notified this week that we are eligible for \$1,530,882.35 in QZAB funding. We are one of 17 school divisions that are receiving an allocation in the first round. The school will need to respond by July 1, 2009 if we intend on participating, submission of an application package by August 15, 2009 and the bonds will need to be issued by December 31, 2011.

Therefore, the Board and the School Board will need to determine if we wish to participate in the 2009 QZAB program. There are some issues that have arisen that I am working on finding a solution. Bond Counsel has indicated that there may be difficulties with a bond issuance locally based upon a non-receptive financial market for such a "low" amount – it appears that the commercial financial institutions do not want to look at anything smaller than \$20 million. I have reached out to various state agencies (Virginia Resources Authority, VACo/VML Finance, and VACo staff) to apprise them of the issue and see if the state, through one of their financial agencies, would pool all of the school divisions into a bond issuance. I will have more information at our meeting on this matter.

(The spreadsheet as referenced is on file in the Office of the County Administrator.)

FY2010 Budget:

1. Volunteer Incentive Program: When this item was first discussed in the fall 2008, Board instruction was to delay awarding this incentive through available funds in the FY2009 budget until the Budget Subcommittee could make a determination if this was financially viable to incorporate into the budget. With its inclusion for funding in the FY2010 budget, I am releasing the incentive award for this fiscal year. In addition, I am preparing an amended ordinance for public hearing at your next meeting as well as a Board policy to accompany this ordinance that will provide the mechanics of implementing this new benefit.
2. Business License: I am working on a proposed ordinance for a Business License for a public hearing for the August regular meeting of the Board.

Draft Policy on Town Request(s) for Planning Services from the County: Enclosed is a draft policy for your consideration titled "Town Requests for Planning Services from the County". In light of the newly formed County Planning Commission and the termination of our membership in the Joint Local Planning Commission, there have been conversations with some Town officials about how best to meet their required obligations under the Code of Virginia for a planning commission as well as how to receive certain planning and zoning services.

Therefore, I have developed this policy to outline the process for a town to request to designate the County Planning Commission as their local planning commission. This process is different from a Joint Local Planning Commission and does not extend any appointment authority to a town for appointments on the County Planning Commission. The other two sections of this policy focus on the means in which a town would request both zoning administration services as well as planning services from the County. I am requesting Board review and approval to move this to the July regular agenda for action and adoption.

(The Board concurred.)

Delinquent Tax Auction: I have been notified by our tax attorney, James Elliott, that three of the parcels listed for our next upcoming auction have a residential structure. One of the parcels at Sylvan Scene drive does have a home but it is not occupied at this time. I have not verified if the other two parcels have occupied structures but will have that prior to our meeting. Mr. Elliott wanted to raise this issue with the Board to ensure that they wish to move all parcels forward as he processes them through the delinquent process.

Ms. Nunez noted that one of the subject properties located on Rogers Drive is presently occupied. She asked the Board for direction on how to proceed since this will be the first example of a delinquent tax sale for an occupied structure. It

was the consensus of the Board to direct the County Administrator to find out additional information on the particulars of the property including whether it was owner or tenant occupied; whether the occupant is working; any other circumstances which may have led to the delinquent status.

II. MEETINGS

III. OTHER

Recognition of Solid Waste Department: The Northampton County Solid Waste Department and its Director, Ronald Rowe, were recognized by the Hampton Roads Sanitation District Pretreatment Excellence & Pollution Prevention Awards with the 2008 Gold Award in recognition of our outstanding environmental compliance record.

Bike Trail: The County has received funding from VDOT's Enhancement Funds for our bike trail in the amount of \$147,400. This is the third year in a row that we have been funded on this project, bringing the total VDOT funding awarded to \$290,400 with a required match (cash or in-kind contributions from the locality) of \$72,600.

Parks & Recreation Summer Camp: The 2009 Parks & Recreation Summer Camp will be held from Monday, June 22, 2009 through Friday, August 14, 2009 from 8:00 a.m. to 5:00 p.m., Monday – Friday. Cost is \$40 per week per child. Camp is held at the former Northampton Middle School. Registration packets are available through the Parks Department or by calling 757-678-0468 or e-mail at parks@co.northampton.va.us

Parks & Recreation Youth Basketball Camp: The Parks & Recreation Department in conjunction with the Cape Charles Parks & Recreation Department is hosting a youth basketball camp for children ages 5-12, from Monday, July 13, 2009 through Friday, July 17, 2009. The Ages 5-8 children's camp will be held from 8:00 am to 11:30 a.m.; the Ages 9-12 children's camp will be held from 1:30 p.m. – 5:00 p.m. Cost is \$25 per child to participate in the youth basketball camp. There is a discount if the child is also enrolled in the Summer Camp program.

Citizen Information Period:

Mr. Robert Richardson of Seaview stated that the County was in a depression due in part to the zoning ordinance. He also asked the Board to address the drug problem in the County.

Mr. Larry McAllen questioned recent news articles relative to the County budget as well as the practice of agricultural-forestal districts and resulting tax revenue loss.

Public Hearings:

Chairman Walker called to order the following public hearing:

(6) Conduct a public hearing for the purpose of receiving the views within the Northampton County School District regarding the appointment of one District Three Member, one District Five Member, and one At-Large Member of the Northampton County School Board. At this time, incumbents Kristin H. Webb and Dr. Richard Drury have submitted applications.

Chairman Walker also noted that an application has been received from Ms. Ann Terry.

He asked if there were any present desiring to speak.

There being none, he closed the public hearing.

The Chairman noted that interviews of prospective School Board appointees will be held at the Board's work session on June 23rd.

(7) Special Use Permit 09-04 NHCO: J. C. Walker Brothers has applied to operate a private packing shed for the packing of aquaculture products on property located at the north side of S. R. 660 at 12363 Ballard Drive in the Willis Wharf area. The property is described as being parcel 87 of Tax Map 10, double circle A, contains 43.22 acres of land, and is zoned RWV-R, Rural Waterfront Village-Residential.

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

Ms. Sandra Benson indicated that the Planning Commission was recommending approval of the petition with certain conditions as follows:

- 1) that additional vegetative buffers be installed between the facility and all residences;
- 2) that a system be implemented for the collection of roof runoff;
- 3) that dark skies lighting be employed;
- 4) that, if the Virginia Department of Environmental Quality (DEQ) concurs, a weir be constructed to manage the flow of wash-down water; and
- 5) that the project adhere to all applicable of various regulatory authorities, including DEQ and the Virginia Department of Conservation & Recreation.

Ms. Cela Burge, speaking on behalf of the applicant, noted that the proposed use was for a packing shed only – not a processing plant. She noted that the conditions as proposed by the Planning Commission were in fact offered by the applicant to address neighbor concerns.

Ms. Sandra Vavosa questioned the two drainage basins to be located at the facility; buffering for Ballard Drive residents and the sufficiency of Ballard Drive to accommodate tractor-trailer traffic.

Mr. Dave Moore, a resident of Ballard Drive, also questioned the ability of Ballard Drive to handle increased traffic volumes, noting that a commercial entrance would be better suited on Willis Wharf Road.

Ms. Ellen Latson was concerned about traffic volumes, and wanted additional setbacks from Ballard Drive.

Written comments were read into the record as follows:

June 9, 2009

Northampton County Board of Supervisors
P. O. Box 66
Eastville, VA 23347

Dear Members of the Board:

I was hoping to attend the Board of Supervisors meeting tonight and share my thoughts about the J. C. Walker Brothers clam packing shed proposed for Ballard Drive, but unfortunately, I will be unable to. However, I would like to submit a few comments about the proposed facility.

My husband, son, and I live on Ballard Drive very close to the site of the proposed packing shed and am concerned about the negative effect this facility will have on our neighborhood. The following is a list of my concerns:

* Narrow Ballard Drive being able to handle the size and weight of tractor trailer trucks. Will these heavy trucks damage the paved road and impede traffic flow?

* Wash down water entering the freshwater stream that runs under Ballard Drive and eventually Ballard Pond, potentially carrying sediment and filling in both the stream and pond. Please be sure that the wash down water dispersment system is constructed in such a way to ensure the health and continued functioning of our stream and pond. Ballard Pond already floods the area by Ballard Park during significant rain events. Will this flooding be worse with the input of approximately 5,000 gallons of wash down water via the freshwater stream?

* Noise from trucks and packing operations in our lovely residential area. Please use buffering to reduce the sounds of traffic, idling trucks, and processing machinery for the residents of

Ballard Drive.

* Odors from broken clams left outside in buckets. Could these be removed daily?

* Increase in mosquito and insect populations from both the possible standing water from the cement holding tanks or drainage basins built to contain wash down water/roof runoff and from any clams left lying about outside the facility.

* Traffic between the Walker Brothers waterfront operations and Ballard Drive facility. As someone who walks regularly in Willis Wharf, I have often seen these employees zipping around down at the waterfront, and hope that they will observe the posted speed limits while traveling past our homes. There are several small children and many pets that live on Ballard Drive.

Please sirs, do what you can to minimize the impact that this processing facility will have on our village. We are very lucky to live in such a charming and beautiful place and hope that this clam packing shed will not change the very nature of our neighborhood. I ask that the Board recognize our desire and right to continue to live in a quiet and peaceful residential area.

Sincerely,

/s/ Charle Ricci
12546 Ballard Drive
Willis Wharf

Mr. Tom Walker of J. C. Walker Brothers indicated that if the zoning designation for the property changes in the future as is proposed, any conditions placed on his operation will be voided. Regardless, Mr. Walker indicated that he would continue to abide by those conditions imposed by the Board.

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

Motion was made by Mr. Murray that the Board approve Special Use Permit 09-04 unanimously approved the subject petition in keeping with Planning Commission recommendation and staff report, with the following conditions:

- 1) that additional vegetative buffers be installed between the facility and all residences;
- 2) that a system be implemented for the collection of roof runoff;

- 3) that dark skies lighting be employed;
- 4) that, if the Virginia Department of Environmental Quality (DEQ) concurs, a weir be constructed to manage the flow of wash-down water; and
- 5) that the project adhere to all applicable of various regulatory authorities, including DEQ and the Virginia Department of Conservation & Recreation.

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

The Chairman called to order the following public hearing:

(8) Addition to Sheps End AFD: William & Brenda Floyd have applied to add 17.4 acres of land to Sheps End AFD. The parcels, zoned A-1 Agriculture, are described as being parcels 1B, 1C, and 2 of Tax Map 30, double circle 8. The parcels are served by a private road located north of Birdsnest Drive on the west side of U.S. 13.

AN ORDINANCE AMENDING
AN ORDINANCE KNOWN AS
ADDITION TO SHEPS END
AGRICULTURAL AND FORESTAL DISTRICT
AFD 87-01
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application for an addition to an Agricultural and Forestal District near Birdsnest was filed with the Northampton County Board of Supervisors on January 15, 2009 and

WHEREAS, in accordance with Sections 15.2-4307, 4308, and 4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on amending such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of amending the application at the Northampton County Joint Local Planning Commission meeting held on June 3, 2009, and,

WHEREAS, the Planning Commission on June 3, 2009 considered amending the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act."
2. There is hereby amended the "Sheps End-Machipongo Agricultural and Forestal District" hereinafter "District".
3. The District shall be amended by adding the following parcels.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel</u>	<u>PRN</u>	<u>Acreage</u>
William S. Floyd &	30 (8)	1B	10983	17.4
Brenda P. Floyd	30 (8)	1C	12500	
	30 (8)	2	2263	

Sub-Total..... 17.4 acres

4. The existing District includes the following parcels.

<u>Property Owner</u>	<u>Tax Map& Parcel</u>	<u>Acreage</u>
Mary Bell Badger	30 ((A)) 52	30.385
Mary Bell Badger	30 ((15)) A	55.40
Mary Bell Badger	30 ((15)) B	54.05
Mary Bell Badger	30 ((15)) A1	2.00
John J. Whittington, III	31 ((A)) 114	90.28

<u>Property Owner</u>	<u>Tax Map& Parcel</u>	<u>Acreage</u>
Charlotte West & N. J. West	30 ((1)) B	50.00
Kathryn S. West	31 ((1)) A	50.00
Charles & Jo West et als	31 ((A)) 93	175.60
Robert Gladden	31 ((A)) 100	208.83
Brickhouse Neck LLC	41 ((A)) 54	300.00
Brickhouse Neck LLC	41 ((A)) 55	116.00
Brickhouse Neck LLC	31 ((A)) 99	200.00
Brickhouse Neck LLC	31 ((A)) 107A	3.68
Charles H. Floyd (dec'd.) c/o Charles W. Floyd	31 ((A)) 118	64.00
Henry S. Dunton	21 ((A)) 53	26.43
Bernard & Mary Dunton	31 ((A)) 115	60.00
William B. Bynum	21 ((A)) 52	14.05
James Bell	31 ((3)) A { includes lots A thru E } and 31 ((A)) 32	224.20
Frank W. Bell	31 ((A)) 107	66.64

Helen L. Walker

31 ((A)) 64

160.86

Total.....1,969.805 acres

Provided, however:

A. That all lands lying within fifteen (15) of the rights-of-way from S. R. 600 Seaside Road, S. R. 617 S. R. 620 Birdsnest Drive and S. R. 621 Goshen Drive, S. R. 622 Bayside Road and S.R. 618 Johnstontown Road shall be excluded from the District.

B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # J. herein.

C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.

D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.

E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Land lying within the District shall not be subdivided during the period that such District exists, except that with the prior approval of the Board, lots of not less than one (1) acre each may be subdivided for the purpose of permitting the construction of a residence for use by an immediate family member of the owner of such land. In the event that such family lots become owned, leased, or otherwise principally occupied by anyone other than an immediate family member; then such lot shall be immediately subject to rollback taxes, plus interest, for the period beginning with the date of subdivision of the lot. Further, land may be subdivided and sold for continued agricultural or forestal use by another.

G. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District.

H. No parcel of land with the District shall be rezoned to any residential, commercial or industrial classification during the period which said parcel remains within the District.

I. Any use of land within the District, other than agricultural or forestal activities, shall require a special use permit. Except as provided for in Section 3. F. above, no special use permit shall be issued for such property except for agricultural and forestal activities not

in conflict with the policies and purposes of the Act.

J. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with Sections 15.2-4314 and 58.1-3237 Rollback Taxes of the Virginia State Code as amended.

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

Ms. Benson indicated that the Planning Commission was recommending approval of this petition.

Mr. Robert Richardson questioned the source of the lost tax revenue if additional agricultural-forestal districts are approved. He requested tabling of all petitions.

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

Motion was made by Mr. Trala that the Addition to Sheps End AFD be tabled. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

The Chairman called to order the next public hearing:

(9) Addition to Jacobus Point AFD: Mary Ann Floyd Davis has applied to add 18 acres of land to Jacobus Point AFD. The parcels, zoned RVR Rural Village Residential, are described as being parcels 4 and 4A of Tax Map 40, double circle A. The properties are located at the intersection of Johnstontown Road and Bayside Road.

AN ORDINANCE AMENDING
AN ORDINANCE KNOWN AS
JACOBUS POINT
AGRICULTURAL AND FORESTAL DISTRICT
AFD 05-02
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application for the creation of an Agricultural and Forestal District near

Johnsontown was filed with the Northampton County Board of Supervisors on January 18, 2005 and

WHEREAS, in accordance with Sections 15.2-4307, 4308, and 4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on amending such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of amending the application at the Northampton County Joint Local Planning Commission meeting held on June 3, 2009 and,

WHEREAS, the Planning Commission on June 3, 2009 considered amending the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act."
2. There is hereby amended the "Jacobus Point Agricultural and Forestal District" hereinafter "District".
3. The District shall be amended to include the following parcels.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel</u>	<u>Acreage</u>
Mary Anne Floyd Davis	40 (A)	4 9607	16
	40 (A)	4A 9645	2
Subtotal-----			18 acres

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel</u>	<u>Acreage</u>
Donald Brennan	39 ((3))	A & B	411.5
Eugene & Patricia Hampton	39 ((A))	9	48.0
Waterford Farm, LLC	39 ((A))	1	293.0
Charles & Claiborne Dickinson	39 ((3))	D1, D2	33.0
	40 ((A))	17, 17A, 18 & 36	300.93
Total.....			1,104.43 acres

Provided, however:

- A. That all lands lying within fifteen (15) of the rights-of-way from S. R. 622 Bayside Road, S.R. 625 Sylvan Scene Road, S.R. 618 Johnsontown Road, and S.R. 623

Harmantown Road shall be excluded from the District.

B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # J. herein.

C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.

D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.

E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Land lying within the District shall not be subdivided during the period that such District exists, except that with the prior approval of the Board, lots of not less than one (1) acre each may be subdivided for the purpose of permitting the construction of a residence for use by an immediate family member of the owner of such land. In the event that such family lots become owned, leased or otherwise principally occupied by anyone other than an immediate family member, then such lot shall be immediately subject to rollback taxes, plus interest, for the period beginning with the date of subdivision of the lot. Further, land may be subdivided and sold for continued agricultural or forestal use by another.

G. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District.

H. No parcel of land with the District shall be rezoned to any residential, commercial or industrial classification during the period which said parcel remains within the District.

I. Any use of land within the District, other than agricultural or forestal activities, shall require a special use permit. Except as provided for in Section 3. F. above, no special use permit shall be issued for such property except for agricultural and forestal activities not in conflict with the policies and purposes of the Act.

J. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with Sections 15.2-4314 and 58.1-3237 Rollback Taxes of the Virginia State Code as amended.

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

Ms. Benson indicated that the Planning Commission was recommending approval of this application.

Ms. Mary Ann Floyd Davis, one of the applicants, requested the Board's favorable consideration.

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

Motion was made by Mr. Murray that the Addition to Jacobus Pont AFD be tabled. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Chairman Walker called to order the next public hearing as follows:

(10) Creation of The Hermitage AFD: The George & Virginia Savage Family Ltd. Partnership, the Thomas & Malvina Savage Family Ltd. Partnership; George Savage, Thomas Savage, Rosa May Meade, Granville F. Hogg, Carole H. Sorensen, Mark & Jody Bundy and Patty N. Ferguson have applied to create a new district containing approximately 570.36 acres of land in the Cape Charles and Cherrystone. The district is described as being parcel 13 of Tax Map 83, double circle A, located on the north side of S. R. 184 (Stone Road) and served by Hermitage Lane; parcel 12 of Tax Map 84, double circle A, with frontage on S. R. 663 (Cherrystone Road); parcels 10, 26 and 28A, 28B, 28C of Tax Map 83, double circle A, located on S.R. 680 (Townfield Road); parcels 23, 23D and 23E of Tax Map 75, double circle A; parcel 7A of Tax Map 90, double circle A; parcel D of Tax Map 90, double circle 1; and parcels A, B, & C of Tax Map 91, double circle 3. All parcels are zoned A-1 Agriculture except parcel 83-A-28C and parcel 84-A-12 which are zoned CD-R1 Community Development-Single-Family Residential.

AN ORDINANCE ESTABLISHING
THE HERMITAGE
AGRICULTURAL AND FORESTAL DISTRICT
AFD 09-03
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application for the creation of an Agricultural and Forestal District near Cape Charles and Cherrystone was filed with the Northampton County Board of Supervisors on

January 12, 2009 and

WHEREAS, in accordance with Sections 15.2-4307, 4308, and 4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of the application at the Northampton County Joint Local Planning Commission meeting held on June 3, 2009, and,

WHEREAS, the Planning Commission on June 3, 2009 considered the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act."
2. There is hereby created the "The Hermitage Agricultural and Forestal District" hereinafter "District".
3. The District shall include the following parcels.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel</u>	<u>Acreage</u>
George & Virginia Savage Family Limited Partnership, Thomas J. & Malvina Family Limited Partnership	83 ((A))	13	228.53
George & Thomas Savage, and Rosa Mae Meade	84 ((A))	12	14.24
Granville F. Hogg et als	83 ((A))	10	4.19
	83 ((A))	26	67.40
	83 ((A))	28A	57.72
	83 ((A))	28B	54.88
	83 ((A))	28C	2
George & Virginia Savage Family Limited Partnership, Thomas J. & Malvina Family Limited Partnership	83 ((A))	6	74
Mark & Jody Bundy	91 ((3))	A	23.43
	90 ((A))	7A	41.19
	90 ((1))	D	

Boggs Creek, LLC	91 ((3))	C	2.49
	91 ((3))	B	25.02
Patricia N. Ferguson	75 ((A))	23	19.72
	75 ((A))	23D	18.50
	75 ((A))	23E	5.28
	76 ((A))	16D	3

Total.....641.59 acres

Provided, however:

A. That all lands lying within fifteen (15) of the rights-of-way from S. R. 680 Townfield Road, S. R. 640 Wilkins Drive, S. R. 663 Cherrystone Road and S. R. 184 Stone Road shall be excluded from the District.

B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # J. herein.

C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.

D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.

E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Land lying within the District shall not be subdivided during the period that such District exists, except that with the prior approval of the Board, lots of not less than one (1) acre each may be subdivided for the purpose of permitting the construction of a residence for use by an immediate family member of the owner of such land. In the event that such family lots become owned, leased or otherwise principally occupied by anyone other than an immediate family member, then such lot shall be immediately subject to rollback taxes, plus interest, for the period beginning with the date of subdivision of the lot. Further, land may be subdivided and sold for continued agricultural or forestal use by another.

G. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District.

H. No parcel of land with the District shall be rezoned to any residential, commercial or industrial classification during the period which said parcel remains within the District.

I. Any use of land within the District, other than agricultural or forestal activities, shall require a special use permit. Except as provided for in Section 3. F. above, no special use permit shall be issued for such property except for agricultural and forestal activities not in conflict with the policies and purposes of the Act.

J. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with Sections 15.2-4314 and 58.1-3237 Rollback Taxes of the Virginia State Code as amended.

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

Ms. Benson indicated that the Planning Commission was recommending approval of this petition.

It was also noted that a letter from one of the applicant's, Granville F. Hogg, had been received requesting the removal of the parcel known as Tax Map 83, Parcel 28C (2 ±) acres from the proposed district.

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

Motion was made by Mr. Murray that the Creation of the Hermitage AFD be tabled. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

The Chairman called to order the next public hearing as follows:

(11) Creation of Herncliff-Pembroke AFD: The George & Virginia Savage Family Ltd. Partnership et als, Lucius Kellam, III, and Douglas Patterson have filed to create a new district containing approximately 515 acres in the Old Town Neck area. The district is described as being parcel 28 of Tax Map 47, double circle A, on the north side of S. R. 630 (Old Town Neck Rd.); and parcels 13, 14 and 15 of Tax Map 57, double circle A, on the south side of S.R. 630.

All parcels are zoned A-1 Agriculture.

AN ORDINANCE ESTABLISHING
HERNCLIFF-PEMBROKE
AGRICULTURAL AND FORESTAL DISTRICT
AFD 09-02
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application for the creation of an Agricultural and Forestal District near Eastville in Old Town Neck was filed with the Northampton County Board of Supervisors on January 12, 2009 and

WHEREAS, in accordance with Sections 15.2-4307, 4308, and 4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of the application at the Northampton County Joint Local Planning Commission meeting held on June 3, 2009, and,

WHEREAS, the Planning Commission on June 3, 2009 considered the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act."
2. There is hereby created the "Herncliff-Pembroke Agricultural and Forestal District" hereinafter "District".
3. The District shall include the following parcels.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel</u>	<u>Acreage</u>
George & Virginia Savage Family	57 ((A))	15	116.00
Ltd. Partnership et als	47 ((A))	28	69.00
Lucius J. Kellam, III &	57 ((A))	13	20.00
Douglas K. Patterson	57 ((A))	14	310.00
Total.....			515.00 acres

Provided, however:

A. That all lands lying within fifteen (15) of the rights-of-way from S. R. 630 Old Town Neck Road shall be excluded from the District.

B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # J. herein.

C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.

D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.

E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Land lying within the District shall not be subdivided during the period that such District exists, except that with the prior approval of the Board, lots of not less than one (1) acre each may be subdivided for the purpose of permitting the construction of a residence for use by an immediate family member of the owner of such land. In the event that such family lots become owned, leased or otherwise principally occupied by anyone other than an immediate family member, then such lot shall be immediately subject to rollback taxes, plus interest, for the period beginning with the date of subdivision of the lot. Further, land may be subdivided and sold for continued agricultural or forestal use by another.

G. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District.

H. No parcel of land with the District shall be rezoned to any residential, commercial or industrial classification during the period which said parcel remains within the District.

I. Any use of land within the District, other than agricultural or forestal activities, shall require a special use permit. Except as provided for in Section 3. F. above, no special use permit shall be issued for such property except for agricultural and forestal activities not in conflict with the policies and purposes of the Act.

J. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or

demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with Sections 15.2-4314 and 58.1-3237 Rollback Taxes of the Virginia State Code as amended.

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

Ms. Benson reported that the Planning Commission was recommending approval of this petition.

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

Motion was made by Mr. Murray that Creation of The Hermitage AFD be tabled. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Chairman Walker called to order the next public hearing:

(12) Creation of Seaside AFD: Ray & Joyce Newman, A. W. Barber, John W. Wescoat, Jr., Robert Nottingham et als, Ann S. Rowe, Seaview Farms, LLC; Willis Family Limited Partnership, William B. Wilkins, Carrissa Wilkins, William Kendall Wilkins, II; Shannon Wescoat, Suzanne Wescoat, John W. Wescoat, Sr., The Phillip & Dorotha Colson Revocable Trusts, Leonard Moore and Marian Moore have applied to create a new district containing approximately 2,726.042 acres of land. The district is described as being parcel 42 of Tax Map 58, double circle A; parcels 19 and 45 of Tax Map 59, double circle A; parcels 123, 124, 124A, 133, 134, 142, 144, 138, 140 of Tax Map 68, double circle A; and parcels 1, 2, 4, 5, 6, 7, 7A, 8, 9 of Tax Map 69, double circle A; parcels 13 and 16 of Tax Map 77, double circle A. The parcels are located from Little Salisbury north to Eastville Station and to Indiantown Neck and beyond with frontage on both the east and west sides of S.R. 600 (Seaside Road). All parcels are zoned A-1 Agriculture.

DRAFT
AN ORDINANCE ESTABLISHING
SEASIDE
AGRICULTURAL AND FORESTAL DISTRICT
AFD 09-04
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application for the creation of an Agricultural and Forestal District near Eastville was filed with the Northampton County Board of Supervisors on February 11, 2009 and

WHEREAS, in accordance with Sections 15.2-4307, 4308, and 4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of the application at the Northampton County Joint Local Planning Commission meeting held on June 3, 2009, and,

WHEREAS, the Planning Commission on June 3, 2009 considered the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act."
2. There is hereby created the "Seaside Agricultural and Forestal District" hereinafter "District".
3. The District shall include the following parcels.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel</u>	<u>Acreage</u>
Ray & Joyce Newman	58 ((A))	42	338.12
	59 ((A))	45	20.92
	68 ((A))	144	62.07
	69 ((A))	1	103.0
John W. Wescoat, Trustee for Ann Barber	69 ((A))	5	40.0
John W. Wescoat	68 ((A))	138	145.0
	68 ((A))	140	14.0
Anne S. Rowe	69 ((A))	6	40.5
Seaview Farms LLC	69 ((A))	7	122.0
	69 ((A))	7A	25.0
	68 ((A))	124	56.0
Willis Family Limited Partnership	69 ((A))	4	643.81
<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel</u>	<u>Acreage</u>
John W. Wescoat, Jr.	68 ((A))	142	148.56

Shannon Wescoat, S. Wescoat,
John W. Wescoat, Sr.

Phillip Colson, Trustee & Dorotha Colson, Trustee	77 ((A))	13 & 16	150.482
Leonard G. Moore, Jr.	59 ((A))	19	45.0
	69 ((A))	2	244.28
Leonard G. Moore, Jr. & Marian M. Killmon	68 ((A))	133 & 134	60.0
William B. Wilkins	69 ((A))	9	144.0
William B. Wilkins, Elizabeth W. Kenten and as Trustee of Carissa C. Wilkins Trust & of William K. Wilkins, II, Trust	69 ((A))	123	151.0
Elizabeth W. Kenten and as Trustee of Carissa C. Wilkins Trust & of William K. Wilkins, II, Trust	68 ((A))	124A	40.0
Elizabeth W. Kenten and as Trustee of Carissa C. Wilkins Trust & Of William K. Wilkins, II, Trust	69 ((A))	8	132.3
Total.....			2,726.042 acres

Provided, however:

- A. That all lands lying within fifteen (15) of the rights-of-way from S. R. 600 Seaside Road, S. R. 633 Simpkins Road, S. R. 632 Indian Walk Lane, S. R. 631 Indiantown Road, and S. R. 669 Vincent Lane shall be excluded from the District.
- B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # J. herein.
- C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.
- D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.

E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Land lying within the District shall not be subdivided during the period that such District exists, except that with the prior approval of the Board, lots of not less than one (1) acre each may be subdivided for the purpose of permitting the construction of a residence for use by an immediate family member of the owner of such land. In the event that such family lots become owned, leased or otherwise principally occupied by anyone other than an immediate family member, then such lot shall be immediately subject to rollback taxes, plus interest, for the period beginning with the date of subdivision of the lot. Further, land may be subdivided and sold for continued agricultural or forestal use by another.

G. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District.

H. No parcel of land with the District shall be rezoned to any residential, commercial or industrial classification during the period which said parcel remains within the District.

I. Any use of land within the District, other than agricultural or forestal activities, shall require a special use permit. Except as provided for in Section 3. F. above, no special use permit shall be issued for such property except for agricultural and forestal activities not in conflict with the policies and purposes of the Act.

J. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with Sections 15.2-4314 and 58.1-3237 Rollback Taxes of the Virginia State Code as amended.

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

Ms. Benson indicated that the Planning Commission was recommending approval of this petition.

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

Motion was made by Mr. Trala that Creation of Seaside AFD be tabled. All members

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

Chairman Walker called to order the next public hearing:

(13) Creation of Mason Farm AFD: Hermitage Farms Land, LLC, Arthur Carter, Marsha Carter, Kobi Carter, Malaika C. Barlow and Margaret James have applied to create a new district containing approximately 396.22 acres of land zoned A-1 Agriculture in the Franktown area. The district is described as being parcel 36 of Tax Map 21, double circle A, with frontage on the south side of S. R. 609 (Franktown Road); parcels 71 and 73 of Tax Map 20, double circle A; and parcel A of Tax Map 20, double circle 5, all served by Mason Farm Road and parcels 31, 58, 59, 59A, 60, 61, 62, 72 and 40 of Tax Map 20, double circle A, served by S. R. 618 (Bayside Road) and Hallidon Road.

AN ORDINANCE ESTABLISHING
MASON FARM
AGRICULTURAL AND FORESTAL DISTRICT
AFD 09-05
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application for the creation of an Agricultural and Forestal District near Franktown was filed with the Northampton County Board of Supervisors on February 10, 2009 and

WHEREAS, in accordance with Sections 15.2-4307, 4308, and 4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of the application at the Northampton County Joint Local Planning Commission meeting held on June 3, 2009, and,

WHEREAS, the Planning Commission on June 3, 2009 considered the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act."
2. There is hereby created the "Mason Farm Agricultural and Forestal District" hereinafter "District".

3. The District shall include the following parcels.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel</u>	<u>Acreage</u>
Hermitage Farms Land LLC	21 ((A))	36	95
	20 ((A))	71	101.5
	20 ((5))	A	5
Margaret O. James	20 ((A))	40	79.02
Arthur Carter, Marsha Carter, Kobi Carter & Malaika Carter Barlow	20 ((A))	31	16.5
	20 ((A))	58	2
	20 ((A))	59	29.2
	20 ((A))	59A	2
	20 ((A))	60	31
	20 ((A))	61	3
	20 ((A))	62	6
	20 ((A))	72	24
Total.....			394.22 acres

Provided, however:

A. That all lands lying within fifteen (15) of the rights-of-way from S. R. 609 Franktown Road, S. R. 617 Bayford Road and S. R. 618 Bayside Road shall be excluded from the District.

B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # J. herein.

C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.

D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.

E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Land lying within the District shall not be subdivided during the period that such District exists, except that with the prior approval of the Board, lots of not less than one (1) acre each may be subdivided for the purpose of permitting the construction of a residence for use by an immediate family member of the owner of such land. In the event

that such family lots become owned, leased or otherwise principally occupied by anyone other than an immediate family member, then such lot shall be immediately subject to rollback taxes, plus interest, for the period beginning with the date of subdivision of the lot. Further, land may be subdivided and sold for continued agricultural or forestal use by another.

G. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District.

H. No parcel of land with the District shall be rezoned to any residential, commercial or industrial classification during the period which said parcel remains within the District.

I. Any use of land within the District, other than agricultural or forestal activities, shall require a special use permit. Except as provided for in Section 3. F. above, no special use permit shall be issued for such property except for agricultural and forestal activities not in conflict with the policies and purposes of the Act.

J. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with Sections 15.2-4314 and 58.1-3237 Rollback Taxes of the Virginia State Code as amended.

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

Ms. Benson indicated that the Planning Commission was recommending approval of the petition.

Dr. Arthur T. Carter, one of the applicants, noted that their property has been farmed for over 100 years.

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

Motion was made by Mr. Murray that Creation of Mason Farm AFD be tabled. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Chairman Walker called to order the final public hearing, as follows:

(14) Creation of Holly Brook AFD: David B. Tankard, Jr., Samuel V. Tankard, William Neal, III and Laura Neal have applied to create a new district containing approximately 399.33 acres of land in the Kendall Grove and Reedtown areas. The district is described as being parcel 2 of Tax Map 49, double circle 11, located on the east side of S. R. 600 (Seaside Road) across from S. R. 628; parcel 1 of Tax Map 59, double circle A, having frontage on both S. R. 630 and S.R. 600; and parcel 171 of Tax Map 49, double circle A. All parcels are zoned A-1 Agriculture.

AN ORDINANCE ESTABLISHING
HOLLY BROOK
AGRICULTURAL AND FORESTAL DISTRICT
AFD 09-06
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application for the creation of an Agricultural and Forestal District near Kendall Grove was filed with the Northampton County Board of Supervisors on February 13, 2009 and

WHEREAS, in accordance with Sections 15.2-4307, 4308, and 4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of the application at the Northampton County Joint Local Planning Commission meeting held on June 3, 2009, and,

WHEREAS, the Planning Commission on June 3, 2009 considered the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act."
2. There is hereby created the "Holly Brook Agricultural and Forestal District" hereinafter "District".
3. The District shall include the following parcels.

<u>Property Owner</u>	<u>Tax Map</u>	<u>Parcel</u>	<u>Acreage</u>
CPD II Inc., c/o Samuel & David Tankard	49 ((11))	2	115.03

William K. Neal, III & Laura M. Neal	59 ((A))	1	282.34
	49 ((A))	171	2.0
Total.....			399.33 acres

Provided, however:

A. That all lands lying within fifteen (15) of the rights-of-way from S. R. 600 Seaside Road, S. R. 630 Cherrydale Road and S. R. 1703 Reedtown Road shall be excluded from the District.

B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # J. herein.

C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.

D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.

E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Land lying within the District shall not be subdivided during the period that such District exists, except that with the prior approval of the Board, lots of not less than one (1) acre each may be subdivided for the purpose of permitting the construction of a residence for use by an immediate family member of the owner of such land. In the event that such family lots become owned, leased or otherwise principally occupied by anyone other than an immediate family member, then such lot shall be immediately subject to rollback taxes, plus interest, for the period beginning with the date of subdivision of the lot. Further, land may be subdivided and sold for continued agricultural or forestal use by another.

G. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District.

H. No parcel of land with the District shall be rezoned to any residential, commercial or industrial classification during the period which said parcel remains within the District.

I. Any use of land within the District, other than agricultural or forestal activities, shall

require a special use permit. Except as provided for in Section 3. F. above, no special use permit shall be issued for such property except for agricultural and forestal activities not in conflict with the policies and purposes of the Act.

J. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with Sections 15.2-4314 and 58.1-3237 Rollback Taxes of the Virginia State Code as amended.

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

Ms. Benson indicated that the Planning Commission was recommending approval of this petition.

Mr. David Tankard said that he was available to answer any questions that the Board members may have.

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

Motion was made by Mr. Burden that Creation of Holly Brook AFD be tabled. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Action Items:

(15) This item was handled earlier in the evening.

(16) Board members indicated that they were in favor of providing additional local funds to the school system (\$75,000), particularly to retain the nursing staff (\$49,000) and as additional coaching stipends (\$26,000). Mr. Murray made the following comments:

Northampton County Budget 2009-2010
Comments of H. Spencer Murray, Vice Chairman, District #4
Board of Supervisors Meeting
June 9, 2009

Mr. Chairman and Fellow Board members:

Tonight we vote on a budget that is the result of many hours of deliberation, hard choices and yes, much consternation. The process has drawn upon our best leadership skills and a spirit of cooperation and compromise across all county departments and agencies. Please allow me to make a few comments before we vote.

As our County Administrator pointed out at the budget public hearing, our budget problem for 2009-2010 is largely a shortage of revenue. Our county has not grown over the last eight years and now our revenue problem is compounded by a global recession that is forcing job losses, a shortage of capital and a tightening of the credit markets as well as multiple years of cuts in federal and state funding.

We are not alone but the old saying “misery loves company” can give only limited comfort. Even wealthy counties in Virginia and in other states are forcing pay cuts, mandatory furloughs and vacations. Individuals are working harder and longer hours, if they have a job, but due to increasing health premium costs they see fewer dollars in their paystubs. In order to pay current expenses and avoid losing their home, many have been forced to forego saving for retirement.

Although this BOS has been publically criticized for not anticipating this budget crisis, the facts show quite a different story.

Last Fall this BOS and the County Administrator notified all county departments that their 2008-2009 allocations are reduced by 5% and also made it clear they should plan for further reductions in their 2009-2010 planning. Most departments followed this direction and achieved the goal of a 10% reduction for all departments except for the Department of Social Services and the School system, which were asked to reduce their 2009-2010 budgets by 5%.

Let me be very clear. If it were not for these prior actions, tonight this BOS would not be voting on a budget with no tax increases!!!!

However, we must address a trend that started almost a decade ago. As shown in the County Administrator’s presentation, Real Estate at (67%) and Personal Property at (13%) now account for 80% of our tax base. This percentage has slowly increased since 2000. This trend is troubling and must be stopped. We must secure additional commercial revenues through sensible growth and my hope is that through economic development efforts which are supported by the new Zoning Regulations this BOS is now debating, this trend will be reversed.

Mr. Chairman, my final comments reference our Land Use Taxation policy.

Our need to accurately forecast year-to-year revenues is critical to our budget and funding planning. Land Use policy that allows for huge fluctuations in year-to-year revenues must be reviewed. I fully support efforts to retain land for agriculture, but I believe our Land Use policy should do so through AFD’s that require a 10 year commitment from the land owner to achieve the same tax relief as our current one year land use policy.

I am prepared to make a motion directing our County Administrator to work with our Director of Finance, the County Treasurer and the Commissioner of Revenue to recommend changes that will lead to the elimination of our current Land Use program.

Along with the pursuit of sensible commercial growth that is friendly to our natural resources and compatible with our Comprehensive Plan, I believe this change in tax policy is necessary.

Our financial challenges will not evaporate in one or two budget cycles, but I believe if we plan for our future needs, keep our citizens informed and partner together with them, we will prosper as a county.

Respectfully submitted,

H. Spencer Murray, Vice Chairman

Motion was made by Mr. Burden that the Board adopt the following Appropriations Resolution for Fiscal Year 2010 (which includes the additional funding for the school system as referenced above) and that tax rates for Tax Year 2009 be set as outlined in the resolution. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

APPROPRIATION RESOLUTION

A RESOLUTION TO APPROPRIATE DESIGNATED FUNDS AND ACCOUNTS FROM DESIGNATED ESTIMATED REVENUES FOR FY10 FOR THE ANNUAL OPERATING BUDGET FOR THE COUNTY OF NORTHAMPTON

BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Northampton that:

1. For the fiscal period beginning the first day of July 2009, and ending the thirtieth day of June, 2010, the following amounts are hereby appropriated for the office and activities shown below in accordance with the duly adopted budget for the fiscal year ending June 30, 2010:

General Fund

Revenues

General Property Taxes	\$15,438,655
Other Local Taxes	\$2,916,019
Permits, Privilege Fees & Reg Licenses	\$232,280
Fines & Forfeitures	\$130,000
Use of Money & Property	\$143,500
Charges for Service	\$389,124
Miscellaneous	\$0

Recovered Costs	\$175,500
Payments in Lieu of Taxes	\$44,031
Non-Categorical	\$1,511,554
Shared Expenses	\$1,578,787
Categorical Aid	\$103,187
Other Financing Sources	\$489,514
Total	<u><u>\$23,152,151</u></u>

Expenditures

General Government Administration	\$1,699,462
Judicial Administration	\$608,877
Public Safety	\$3,068,914
Public Works	\$1,839,626
Health & Welfare	\$690,307
Education	\$39,271
Parks, Recreation & Culture	\$331,909
Community Development	\$1,117,315
Non-Departmental	\$13,756,470
Total	<u><u>\$23,152,151</u></u>

Social Services Fund

Revenues

Categorical Aid	\$2,926,161
Other Financing Sources	\$491,543
Total	<u><u>\$3,417,704</u></u>

Expenditures

Welfare/Social Services	\$3,348,704
Transfers Out	\$69,000
Total	<u><u>\$3,417,704</u></u>

Eastern Shore Regional Jail

Revenues

Charges for Service	\$160,000
Shared Expenses	\$2,132,276
Categorical Aid	\$224,703
Other Financing Sources	\$1,067,146
Total	<u><u>\$3,584,125</u></u>

Expenditures

Public Safety	\$3,584,125
Total	<u><u>\$3,584,125</u></u>

General Debt Service

Revenues

Recovered Costs	\$3,515,092
Other Financing Sources	\$1,933,772
Total	<u><u>\$5,448,864</u></u>

Expenditures	
Non-Departmental	\$5,448,864
Total	\$5,448,864

School Debt Service

Revenues	
Other Financing Sources	\$1,396,782
Total	\$1,396,782

Expenditures	
Non-Departmental	\$1,396,782
Total	\$1,396,782

Public Utilities Fund

Revenues	
Charges for Service	\$133,487
Total	\$133,487

Expenditures	
Public Works	\$133,487
Total	\$133,487

School Operating

Revenues	
Miscellaneous	\$928,701
Categorical Aid - State	\$8,808,565
Other Financing Sources	\$8,122,081
Total	\$17,859,347

Expenditures	
School Instruction	\$11,856,094
School Admin., Attendance & Health	\$2,229,571
School Pupil Transportation Services	\$1,411,282
School Operation & Maintenance Services	\$2,148,600
Technology	\$213,800
Total	\$17,859,347

School Federal Grants Fund

Revenues	
Categorical Aid - Federal	\$2,394,427
Total	\$2,394,427

Expenditures	
School Instruction	\$2,394,427
Total	\$2,394,427

School Food Services Fund

Revenues

Charges for Service	\$282,315
Miscellaneous	\$133,490
Categorical Aid - State	\$21,529
Categorical Aid - Federal	\$437,415
Total	<u><u>\$874,749</u></u>

Expenditures

School Food Services	\$874,749
Total	<u><u>\$874,749</u></u>

2. The County Administrator is authorized to transfer budgeted amounts between line items, classifications, departments and projects, but any revisions between funds or revisions that alter total expenditures must be approved by the Board of Supervisors through legislative action. All supplemental appropriations must be reported in a public meeting of the Board of Supervisors and made a matter of record in the minutes.
3. Appropriations designated for capital projects will not lapse at the end of the fiscal year but shall remain appropriations until the completion of the project or until the Board of Supervisors, by appropriate resolution, amends or eliminates the appropriation. Upon completion of a capital project, staff is authorized to close out the project and transfer to the funding source any remaining balances.
4. Any unspent appropriations in the School Operating Fund for FY09 will be recorded as reserved fund balance within that fund for the purpose of funding projects in the adopted School's Capital Improvement Plan.
5. Per the Code of Virginia, any supplemental appropriation which increases the total budget by more than \$500,000 or 1% of the total budget will be advertised for a public hearing at least seven days prior to the meeting date. The Board of Supervisors may adopt such amendment at the advertised meeting, after first providing a public hearing on the proposed budget amendments.
6. If deficits appear to be forthcoming within a fiscal year, recommended spending reductions would be proposed by the County Administrator during the fiscal year in order to sufficiently offset the deficit.
7. In accordance with the requirements set forth in Section 58.1-3524(C) (2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle situated within the County commencing January 1, 2009 shall receive personal property tax relief in the following manner:
 - a. Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
 - b. Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 58% tax relief;
 - c. Personal use vehicles valued at \$20,001 or more shall only receive 58% tax relief on the first \$20,000 of value; and
 - d. All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

- e. In accordance with Item 503.D.1., the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed “non-qualifying” for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

8. Property tax rates for FY10 (Tax year 2009) are hereby adopted as follows:

	<u>Tax Year 2008 (Current)</u>	<u>Tax Year 2009 (Proposed)</u>
Real Estate:	\$.49 per \$100 assessed value	\$.49 per \$100 assessed value
Mobile Homes:	\$.49 per \$100 assessed value	\$.49 per \$100 assessed value
Tangible Pers. Property	\$4.10 per \$100 assessed value	\$4.10 per \$100 assessed value
Boats	\$.99 per \$100 assessed value	\$.99 per \$100 assessed value
Machinery & Tools	\$2.25 per \$100 assessed value	\$2.25 per \$100 assessed value
Merchant’s Capital	\$6.25 per \$100 assessed value	\$.00 per \$100 assessed value
Farm Mach. & Equip.	\$1.43 per \$100 assessed value	\$1.43 per \$100 assessed value
Heavy Construction	\$2.86 per \$100 assessed value	\$2.86 per \$100 assessed value

(17) Motion was made by Mr. Murray that the Board award the bid for construction of the closure of the County’s Sanitary Landfill to the lowest responsive and responsible bidder, R. M. Soderquist, Inc., in accordance with its bid of \$1,586,195.00 and the engineer’s recommendation. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray that the Board adopt the following Resolution of Commendation, recognizing Mrs. Marsha Carter’s 20 years of service on the Northampton County Joint Local Planning Commission. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

RESOLUTION OF COMMENDATION

WHEREAS, the Northampton County Board of Supervisors has identified public service and community leadership as critical components in defining excellence and in improving the vision of Northampton County; and

WHEREAS, Mrs. Marsha Carter has served as a member of the Northampton County Joint Local Planning Commission as a representative of the Town of Nassawadox since her

appointment in January 1989; and

WHEREAS, Mrs. Carter has faithfully and diligently fulfilled her duties of office as a member of the Northampton County Joint Local Planning Commission during the entire tenure of her service.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby adopt this Resolution of Commendation for Mrs. Marsha Carter and her valuable contributions to the health, safety and well-being of the citizens of Northampton County.

(18) Matters Presented by the Board

Motion was made by Mr. Burden that Mr. Marshall B. Cox, Sr., be reappointed to the Northampton County Wetlands Board for a new term of office commencing July 1, 2009. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Burden that Mr. Jeffrey B. Holland be appointed to the Eastern Shore Community College Board of Directors to fill the unexpired term of Mr. Scott Banks who has resigned. 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 Mr. Roland "Butch" Bailey be reappointed as Citizen Member to the Accomack-Northampton Planning District Commission for a new term of office commencing July 1, 2009. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Murray that staff be instructed to advertise as required for a public hearing in July for the repealing of the County's Land Use Taxation Ordinance. All members were present with the exception of Mr. Tankard and voted "yes."

Motion was made by Mr. Murray that staff be instructed to advertise for public hearing in

July a modification to the County's Agricultural-Forestal District Ordinance to not only bring it into compliance with the Virginia State Code but to also extend the application period. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Murray that the term of Mr. Thomas Shockley, who was recently appointed as At-Large Member of the Northampton County Planning Commission, be corrected from a one-year term to a four-year term. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Recess:

Motion was made by Mr. Burden that the meeting be recessed until 5:00 p.m., Tuesday, June 23, 2009 in order to conduct the regular work session as well as interviews for prospective School Board appointees. 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