

Agenda
Board of Supervisors
Isle of Wight County
March 6, 2025

1. Call to Order (6:00 P.M.)
2. Invocation – Supervisor Joel Acree
3. Approval of Agenda
4. County Administrator's Report
 - A. Personal Property Tax Rate
Discussion of Personal Property Tax Rate
 - B. Quarterly Financial Report
Staff Presentation re: Quarterly Financial Report for FY2024-25
 - C. Noise Ordinance
Discussion of Amendments to the County's Noise Ordinance
 - D. Utilities System Update
Update of Utility System Issues in Windsor
5. Unfinished / Old Business
 - A. District 2 Board Vacancy
Appointment to Fill the Board of Supervisors District 2 Vacancy
6. New Business
 - A. Budget Amendment – Circuit Court Records Preservation Program Grant
Resolution to Ament the Budget and Appropriate Grant Funds from the Virginia Circuit Court Records Preservation

Program (\$40,744)

B. Budget Amendment - HOME Grant Funds

Resolution to Amend the Budget and Appropriate HOME
Grant Funds (\$323,804)

7. Closed Meeting

8. Adjournment

ISSUE:

Discussion of Personal Property Tax Rate

BACKGROUND:

The Commissioner of the Revenue will provide information on the anticipated impact of decreasing personal property values and options for adjusting the personal property tax rate.

In 2024, in accordance with the Personal Property Tax Relief Act, as adopted by the Virginia General Assembly, the car tax relief was set at thirty-three percent (33%) for vehicles over \$1,000 in value on the first \$20,000 in value and for vehicles valued at \$1,000, or under, the percentage of relief shall be one hundred percent (100%).

The Commission of Revenue has advised that the car tax relief amount needs to remain at thirty-three percent (33%) for 2025.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

Per the Board's discussion and direction.

ISSUE:

Staff Presentation re: Quarterly Financial Report for FY2024-25

BACKGROUND:

Staff will provide information relative to the County's financial performance for the second quarter of FY2024-25. A brief presentation will be made on the status and implications of the County's financial performance.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Discussion of Amendments to the County's Noise Ordinance

BACKGROUND:

The Board has previously discussed potential amendments to the County's noise ordinance. The Board may wish to continue its discussions.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's Board's discussion and direction.

ATTACHMENTS:

Description	Type	Upload Date
Draft Ordinance Amendment	Backup Material	2/28/2025

CHAPTER 11.2. NOISES.

Editor's note —Ord. No. 2011-5-C, adopted Mar. 3, 2011, amended and reenacted Ch. 11.2 in its entirety to read as herein set out. Formerly, Ch. 11.2 consisted of §§ 11.2-1—11.2-4.

Prior Ordinance History: 7-15-82; 3-22-07; 5-24-07.

Sec. 11.2.1 Declaration of policy. The Board of Supervisors hereby finds and declares that certain noise is a hazard to public health, welfare, peace and safety and the quality of life of the citizens of Isle of Wight County; that the people have a right to and should be ensured of an environment free from noise that jeopardizes public health, welfare, peace and safety or degrades the quality of life; and that it is the public policy of the Board of Supervisors to prevent such noise to the extent such action is not inconsistent with state or federal law or Constitutional rights.

Sec. 11.2-2. Enforcement.

The provisions of this chapter shall be enforced by the Sheriff of Isle of Wight County, Virginia. (Ord. No. 2011-5-C, 3-3-11.)

Sec. 11.2-2. ~~Unnecessary or excessive noises generally.~~ Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

Dwelling unit means one (1) or more rooms arranged, designed, or intended to be occupied as living quarters, having rigid exterior wall structures.

Emergency and public safety work means any work performed for the purpose of preventing or alleviating physical injury, illness, or property damage, or work performed by public and private service companies constructing, inspecting, and repairing utilities, repairing, and maintaining roads, bridges, and highways, providing snow removal, and the operation of public safety and emergency vehicles.

Excessive Noise. Any sound which disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans.

Enclosed dwelling unit means the dwelling unit has its doors and windows closed.

Enclosed vehicle means a vehicle with all operable doors, windows, sunroof, and other openings closed.

Medical care facility is defined as set forth in Section 32.1-102.1 of the Code of Virginia, 1950, as amended.

Motor vehicle means every vehicle defined as a motor vehicle by Code of Virginia, § 46.2-100.

Person. Any individual, firm, owner, sole proprietorship, partnership, limited liability company, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant, or other legal entity.

Plainly audible means any sound that can be heard by the human ear with or without a medically approved hearing aid or device. Specific words or phrases need not be discernible. The detection of bass reverberations is sufficient to constitute a plainly audible sound. The sound must not be so faint that its source cannot be identified.

Public property. Any real property owned or controlled by the county or any other governmental entity.

Public right-of-way. Any public street, avenue, boulevard, highway, sidewalk, or alley.

Real property line. An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Residential property. Any property zoned to allow for residential use by right and used for residential purpose.

School means a public school subject to Title 22.1 of the Code of Virginia, 1950, as amended, a private school serving children in one (1) or more grades between kindergarten and grade twelve (12), a school for students with disabilities as that term is defined in Section 22.1-319 of the Code of Virginia, 1950, as amended, a child day care center as that term is defined in Section 63.2-100 of the Code of Virginia, 1950, as amended, and any public or private institution of higher learning, as those terms are defined in Section 23.1-100 of the Code of Virginia, 1950, as amended.

Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.

It shall be unlawful for any person to make, or to cause or allow to be made, upon any property in the county, any unnecessary or excessive noise or sound, whether vocally, mechanically, electronically or otherwise, or of such a character, volume, duration or frequency as to disturb, injure or endanger the quiet, comfort, repose, health, peace or safety of any person in the county. (5-24-07; Ord. No. 2011-5-C, 3-3-11.)

Sec. 11.2-3. Noises expressly prohibited.

The following acts are specifically declared to be in violation of this chapter, provided that the acts so specified shall not be an exclusive enumeration of those acts which may constitute a noise disturbance under section 11.2-2:

- (a) To use, operate, or play any **device which produces, transmits, reproduces, repeats, amplifies or projects and sound, including, but not limited to,** radio, phonograph, television, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machines or devices capable of **producing, reproducing, repeating, or carrying** sound, in such a manner or with such volume or duration that it is plainly audible between 12:01 a.m. and 7:00 a.m. (i) inside the confines of **an enclosed** the dwelling unit, house or apartment of another person or (ii) **across a residential real property line** at fifty or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.
- (b) To all noise between the hours of 12:01 a.m. and 7:00 a.m. that is plainly audible either (i) inside the confines of **an enclosed** dwelling unit, house or apartment of another person or (ii) **across a residential real property line** at fifty or more feet when the noise is generated from a gathering of ten or more people.
- (c) To allow any animal or bird, except farm animals in agricultural districts, to create noise such that it is plainly audible at least once a minute for ten consecutive minutes (i) inside the confines of **an enclosed** dwelling unit, house or apartment of another; or (ii) **across a residential real property line** at fifty or more feet from the animal or bird.
- (d) To operate, install, have or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other **sound producing, reproducing, repeating, or carrying** device capable of emitting music, noise, sounds, ~~tapes~~ or voice, **both live or recorded,** in such manner that it is plainly audible on any public sidewalk or street unless it is used only

intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary **or any other local state or national emergency**, or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning.

- (e) To play or permit the playing of any **device which produces, transmits, reproduces, repeats, amplifies or projects and sound, including, but not limited to**, radio, compact disc or tape player, loudspeaker, sound amplifier or other machines or devices capable of **producing, reproducing, repeating, or carrying** sound, which is located within a motor vehicle and which is plainly audible **within another person's enclosed vehicle** ~~from outside the motor vehicle at a distance of fifty feet or more from the vehicle~~. This provision shall not apply to sirens, ~~loudspeakers~~ **sound amplifiers**, and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.
- (f) To create **noise that is plainly audible noise** ~~noise~~ **(i) inside the confines of an enclosed dwelling unit of another person or (ii) across a residential real property line** in residential areas between 10:00 p.m. and 7:00 ~~5:00~~ a.m. in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (g) To create **noise that is plainly audible noise** ~~noise~~ **(i) inside the confines of an enclosed dwelling unit of another person or (ii) across a residential real property line** in residential areas between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn, ~~or~~ or timbering activities.
- (h) **Sounding or permitting the sounding of any horn, whistle, or any other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except as a warning of or from danger.**
- (i) **Yelling, shouting, whistling, or singing between the hours of 11:00 p.m. and 7:00 a.m. that is plainly audible (i) inside the confines of an enclosed dwelling unit of another person or (ii) across a residential real property line.**

(Ord. No. 2011-5-C, 3-3-11.)

Sec. 11.2-4. Exemptions.

This chapter shall apply only with respect to noise or sound received or heard in zoning districts in which residential use is permitted, whether or not exclusively, under the provisions of the county zoning ordinance, as it may be amended from time to time, and, notwithstanding any provisions of this chapter to the contrary, shall have no application to fire, rescue, police, ambulance or other emergency vehicles or aircraft or to any noise or sound created thereby or to any noise or sound created by any person to sound a warning or to call attention to a bona fide emergency. This chapter shall not apply to noise or sound which customarily accompanies bona fide parades, sporting events, public functions or public commemorative events, nor to noise or sound which customarily accompanies activities of churches and synagogues, nor to activities conducted in any gymnasium, arena, theater, amphitheater, swimming pool, stadium, rifle range, gun club or any similar sporting activity, whether any such activity occurs indoors or outdoors, except to the extent that any such parade, function, event or activity shall be prohibited or limited, either expressly or by necessary implication, by the terms or conditions of any required use permit issued in connection therewith, or to the extent that such parade, function, event or activity shall be conducted without a use permit when such permit is required by any provision of appendix B of this Code. Nothing in this chapter shall be interpreted so as to interfere with legitimate agricultural activities. (Ord. No. 2011-5-C, 3-3-11.)

This chapter shall apply only with respect to noise or sound received or heard in zoning districts in which residential use is permitted, whether or not exclusively, under the provisions of the county zoning ordinance, as it may be amended from time-to-time.

This chapter shall have no application to any sound generated by any of the following:

- (a) Sound necessary for the protection or preservation of property or the health, safety, life, or limb of any person.
- (b) Fire, rescue, police, ambulance or other emergency vehicles or aircraft or to any noise or sound created thereby or to any noise or sound created by any person to sound a warning or to call attention to a bona fide emergency.
- (c) Activities permitted by law for which a specific license or permit has been granted by the county, state or federal government; including, but not limited to, noise generated by and necessary for the conduct of public festivals, parades, special events, fireworks, public functions or public commemorative events, and celebrations of recognized federal, state and local holidays, nor to noise or sound which customarily accompanies sporting events, activities conducted in any gymnasium, arena, theater, amphitheater, swimming pool, stadium, rifle range, gun club, *private lawful shooting activities on private property*, or any similar sporting activity, whether any such activity occurs indoors or outdoors, except to the extent that any such parade, function, event or activity shall be prohibited or limited, either expressly or by necessary implication, by the terms or conditions of any required use permit issued in connection therewith, or to the extent that such parade, function, event or activity shall be conducted without a use permit when such permit is required by any provision of appendix B of this Code.
- (d) Activities for which local regulation of noise have been preempted by state or federal law or which the county has no authority to regulate.
- (e) Bona fide religious services, religious events, or religious activities or expressions, including, but not limited to music, singing, bells, chimes, and instruments *both live and or reproduced, which may be amplified*, which are a part of such service, event, activity, or expression.
- (f) Military activities of the Commonwealth of Virginia or of the United States of America.
- (g) Any speech protected by the laws of the United States or the state.
- (h) Public speaking and public assembly activities conducted on any public right-of-way or public property, provided such activities are approved by the county.
- (i) Activities on or in governmental and school athletic facilities and on or in publicly owned property and facilities, provided that such activity has been authorized by the owner of such property or facilities, or his agent.

Nothing in this chapter shall be interpreted so as to interfere with bona fide agricultural activities. (Ord. No. 2011-5-C, 3-3-11.)

Sec. 11.2-5. Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a Class 3 misdemeanor. Upon any subsequent conviction within a period of twelve months, the violator may be found guilty of a Class 2 misdemeanor. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. No. 2011-5-C, 3-3-11.)

ISSUE:

Update of Utility System Issues in Windsor

BACKGROUND:

Staff has previously advised that the sewer vacuum system in Windsor is experiencing low pressure due to potential leaks in the system. An update will be provided regarding staff's findings and system repairs.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

For the Board's information.

ISSUE:

Appointment to Fill the Board of Supervisors District 2 Vacancy

BACKGROUND:

At its Special Called Meeting on February 25, 2025, the Board named Thomas J. Distefano as the individual under consideration to fill the District 2 vacancy on the Board of Supervisors.

The process for appointing an interim board member as set out in the Code of Virginia requires that the Board make the appointment within 45 days of the vacancy. In this regard the Board may wish to formally appoint Mr. Distefano to fill the District 2 vacancy.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a motion to fill the District 2 vacancy on the Board of Supervisors.

ISSUE:

Resolution to Ament the Budget and Appropriate Grant Funds from the Virginia Circuit Court Records Preservation Program (\$40,744)

BACKGROUND:

The Circuit Court Records Preservation Program (CCRP) is a part of the Library of Virginia's Local Records Services Branch. Funded through a \$1.50 of the clerk's recordation fee, the CCRP provides resources to help preserve and make accessible permanent circuit court records. The program awards grants to the commonwealth's circuit court clerks to help them address the needs of the records housed in their localities.

The CCRP also provides resources needed to process and house the circuit court records that are transferred to the State Archives for safekeeping and increased access; as well as track, duplicate and maintain circuit court microfilm stored in the Library's media vault.

BUDGETARY IMPACT:

Adoption of the attached resolution will increase the FY 2024-25 Grant Fund Budget by \$40,744.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate funding for the Virginia Circuit Court Records Preservation Program and increase the FY 2024-25 Grant Fund revenue and expenditure budget by the same amount.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	3/3/2025

**RESOLUTION TO AMEND THE FY 2024-25 GRANT FUND
BUDGET AND APPROPRIATE FUNDING FROM THE
LIBRARY OF VIRGINIA CIRCUIT COURT RECORDS
PRESERVATION PROGRAM**

WHEREAS, the Board of Supervisors desires to budget and appropriate funding from the Library of Virginia Circuit Court Records Preservation Program to provide resources to help preserve and make accessible permanent circuit court records in Isle of Wight County, Virginia; and,

WHEREAS, the Board of Supervisors needs to amend the FY 2024-2025 Grant Fund Budget in the amount of \$40,774 to preserve and make accessible permanent circuit court records; and,

WHEREAS, the Board of Supervisors needs to appropriate \$40,774 to preserve and make accessible permanent circuit court records in Isle of Wight County, Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the FY 2024-2025 Grant Fund budget is hereby amended and funds appropriated in the amount of \$40,774.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 6th day of March, 2025.

Don G. Rosie, II, Chairman

Katheryn L. Mayes, Clerk

Approved as to form:

Robert W. Jones, Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate HOME Grant Funds (\$323,804)

BACKGROUND:

HOME Program funds is a Federal block grant to States and local governments designed exclusively to create affordable housing for low-income families. In Virginia, the US Department of Housing and Urban Development provides the grant to the Virginia Department of Housing and Community Development (DHCD) which allocates money to localities.

Isle of Wight County is a member of the Western Tidewater HOME Consortium, which serves as the lead agency and program administrator for the County as well as Southampton County, the City of Franklin, and the City of Suffolk. Each of the member localities and nonprofit entities receives an allocation from DHCD each year depending on the funding available.

The County has received a total of \$323,804.25 in available HOME fund allocations through the City of Suffolk. These funds are to be used for housing rehabilitation and first-time homebuyer down payment assistance for low income individuals. The Consortium fully reimburses the County for any eligible HOME project expenses from its allocation. Current HOME projects underway in the County include one home reconstruction project, a home rehabilitation project, and one first time homebuyer assistance project.

BUDGETARY IMPACT:

Adoption of the attached resolution will increase the revenues and expenditures of the FY 2024-2025 Grant Fund Budget by the amount of grant funds received.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate grant funds.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	2/28/2025

**RESOLUTION TO AMEND THE FY2024-2025 OPERATING
BUDGET AND APPROPRIATE GRANT FUNDS FROM THE
HOME PROGRAM**

WHEREAS, the Board of Supervisors of the County of Isle of Wight, Virginia has authorized submission of a grant application for funding from the HOME Program as a member of the Western Tidewater HOME Consortium (the Consortium); and,

WHEREAS, grant funding in the amount of \$323,804 needs to be budgeted and appropriated to the FY 2024-2025 Budget of Isle of Wight County, Virginia for the HOME program.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia that grant funds in the amount of \$323,804 from the Western Tidewater HOME Consortium be budgeted and appropriated in the FY 2024-2025 Budget of Isle of Wight County for the HOME program.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 6th day of March, 2025.

Don G. Rosie, II, Chairman

Katheryn L. Mayes, Clerk

Approved as to form:

Robert W. Jones, Jr., County Attorney