

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held at the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 10th day of February, 2015, at 4:00 p.m.

Present:

Richard L. Hubbard, Chairman

Oliver H. Bennett, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Larry LeMond

The meeting was called to order by the Chairman.

Closed Session

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

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

*Appointments to boards, committees  
New hires/terminations report*

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

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

(D) Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by such counsel.

*Discussion of recent zoning actions  
Review of Sales Agreement for Eastville block of buildings*

All members were present and voted “yes.” The motion was unanimously passed.

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 3 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

The Chairman read the following statement:

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

Board and Agency Presentations:

(1) Dr. Linda Thomas-Glover

Dr. Linda Thomas-Glover, President of the Eastern Shore Community College, provided the Board with a status report on activities at the College. Her powerpoint presentation is set out below:

# Eastern Shore Community College

Presentation to  
Board of Supervisors Northampton County

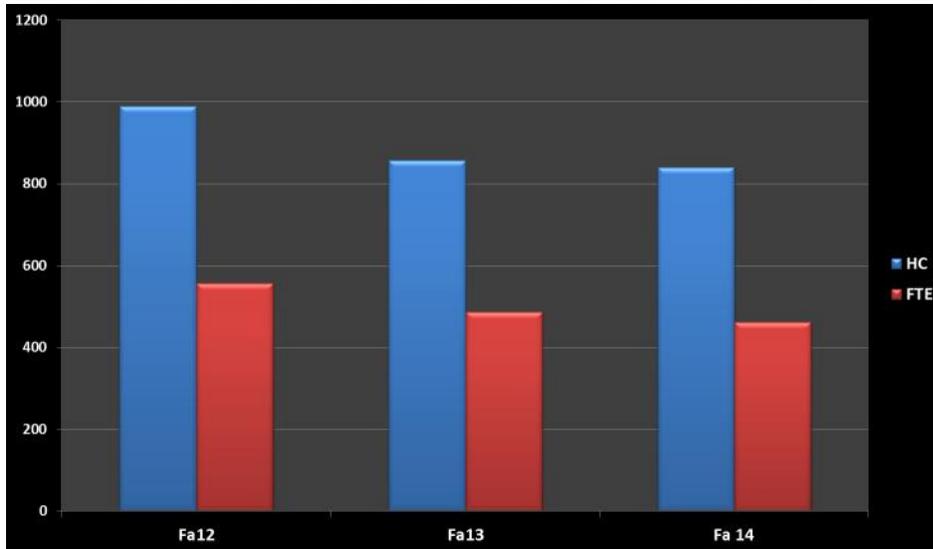
Dr. Linda Thomas-Glover  
President  
February 10, 2015

## FALL 2014 ENROLLMENT PROFILE

- Part-time: **73%** (vs. 69%)
- Gender: Males - **38%** (vs. 33%)
- Age: <22 years - **62%** (vs. 56%)
- First time in college: **17%** (vs. 18%)
- Northampton County: **23%** (vs. 26%)



## Fall Enrollments: '12, '13, & '14



## Enrollment & Retention 2021

- Opened Saturday, Jan. 4<sup>th</sup>, 2014 - **Once per semester**
- Exploring New Program Offerings- **Electricity, Human Services, Cyber security**
- Examining Student Retention Activities – **Early Alert system**
- Securing external funding opportunities – **Major federal grants**
- Targeting increased efficiencies in operational functions – **Cross training; looking for savings**
- Developing new Strategic Plan: **2015-2021**

## FINANCIAL AID Trends

	2011/12	2012/13	2013/14
Total apps	1285	1254	1135
Completed apps	1040 (81%)	986 (78%)	861(76%)
Stu d e n t a w a r d e d	885 (85%)	829 (84%)	715 (83%)
Total disbursed	\$2.6M	\$2.4M	\$2.0M
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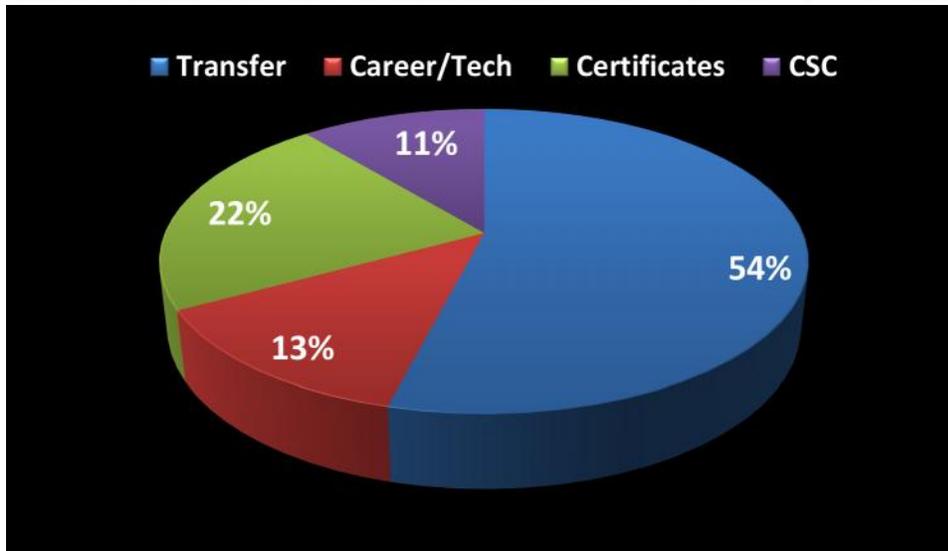
## NCPS Enrollments @ ESCC

(Prior June Grads)

	Total	Career -Tech	Transfer
Fall 2011	29 of 104 ( <b>28 %</b> )	9	20
Fall 2012	34 of 99 ( <b>34%</b> )	6	28
Fall 2013	24 of 109 ( <b>22%</b> )	7	17

	Total	Formerly DE	Not Formerly DE
Fall 2011	29	3 ( <b>10%</b> )	26
Fall 2012	34	6 ( <b>18%</b> )	28
Fall 2013	24	9 ( <b>38%</b> )	15

## 2013/14: Awarded 148 Credentials



## Apprentice Program with TYSONS

Program of Study	County of Residence	Current Status
Industrial Technology	<b>Northampton</b>	<b>Began June 2014: Hired in September 2014 as permanent employee</b>
Electronics Technology	Accomack	Began June 2014
Industrial Technology	<b>Accomack</b>	<b>Began November 2014: Hired January 2015 as permanent employee</b>
Electronics Technology	Accomack	Began October 2014
Electronics Technology	Accomack	Began June 2014
HVAC	Accomack	Began January 2015



Three ESCC interns participate in the Mid-Atlantic Regional Spaceport (MARS) Summer Internship Program on Wallops Island 2014. Eastern Shore interns **Alex Chrisman, James Haley, III and Ian Rose**; joined participants from Lafayette, Penn State and Old Dominion University to complete the twelve-week employment experience. Following the internship, two ESCC graduates (**Alex Chrisman and James Haley\***) accepted full-time employment with MARS. **Ian Rose**, Electronics major, plans to graduate May 2015.

### *PluggedInVA(PIVA)* funded by VDE

- Serves 6 students (2 NC residents)
- Successfully completed the first semester of the HVAC program.
- Participants will earn:
  - Microsoft Digital Literacy Certification
  - Career Readiness Certificate
  - OSHA-10 certification
  - Complete a capstone project
- Two students will earn their GED prior to program completion as well.

# Value of College Credentials

IN THE ERA OF COLLEGE FOR ALL

- Compared to those with only a high school diploma, holders of college credentials, including sub-baccalaureate degrees find significant payoffs.
- But those who attend college and drop out without a credential earn no more than those who never attend.
- BACHELORS DEGREE GRADUATES EARN **34% MORE** THAN THOSE WITH ONLY A HIGH SCHOOL DIPLOMA.
- ASSOCIATES DEGREE GRADUATES EARN **22% MORE** THAN THOSE WITH ONLY A HIGH SCHOOL DIPLOMA.
- PROFESSIONAL CERTIFICATE GRADUATES EARN **13% MORE** THAN THOSE WITH ONLY A HIGH SCHOOL DIPLOMA.

Source: Education Longitudinal Study of 2002 (ELS2002)

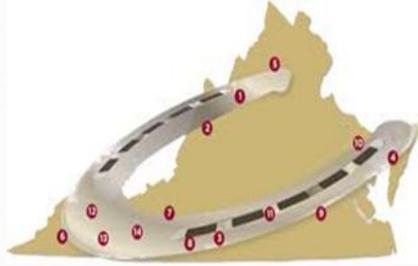
## Off-Campus Sites for Adult Education: Northampton County

Program	Numbers
Adult Education	27 ( <b>17</b> )
ESL	5 ( <b>6</b> )
Total	32 ( <b>23</b> )

Class Locations	ESL	GED
ESCAAA Hare Valley	√	√
Eastville Social Services	-	√
Kiptopeke Elementary	√	√

## Virginia Rural Horseshoe Initiative

- The Virginia Foundation for Community College Education has launched the Rural Virginia Horseshoe Initiative to tackle the challenge of preparing people in the state's **rural crescent** for the jobs of the future.
- One in four Virginians across parts of the Rural Horseshoe have less than a high school education - and this initiative, using programs and resources through 14 of Virginia's Community Colleges, seeks to change that.



- Fund full-time career coaches in high schools across rural Virginia.
- \$1,000 credit to those who earn a GED to help pay college costs not covered by financial aid.

## Upcoming Events @ ESCC

- Counselor Open House - February 13<sup>th</sup>
- Heritage Festival – February 22<sup>nd</sup>
- Regional Job Fair – March 11<sup>th</sup>
- **Host VCCS State Board – March 18<sup>th</sup>/19<sup>th</sup>**
- Third Annual STEM Summit – April 11<sup>th</sup>
- Distinguished Alumni Program – April 21<sup>st</sup>
- Graduation – May 15<sup>th</sup>

## Still on the Horizon.....

- Prior biennium, ESCC renovation of original building was approved.  
*“Due to the age and particular design of this facility it will be difficult to renovate into a 21<sup>st</sup> Century Higher Education environment. A comparison of the cost models demonstrates **that building a new facility is comparable in costs to the renovation/addition.**”*
- Seeking approval to move forward with construction of a new facility.

## Proposed Timeline for Construction

- August 2014 – Kick-off meeting with Architects (completed)
- State Board approves design ~ March 19, 2015
- Target Construction Start—???????
- Target Construction Completion—18-24 months from start
- Target Demolition of original building—within a year of vacancy.



THANK YOU  
FOR YOUR  
CONTINUED  
SUPPORT !!!



\* \* \* \* \*

Supervisor Hogg said that the County has a need for additional emergency medical technicians and questioned if the College could assist in this area. Dr. Glover indicated that she would get back with Mr. Hogg at a later time.

(2) Dr. David Matson

Dr. David Matson, Director of the Eastern Shore Health District, provided the Board with an update on activities within the District.



# Eastern Shore Health District

*Presentation to*  
Board of Supervisors  
Northampton County

February 10, 2015

Eastern Shore Health District



## Outline of this Presentation

- Incidents in the past year
- Numbers reflecting Eastern Shore population health and District response
- Threats to Northampton County, as perceived by the Health District
- Attitude of the Health District

Eastern Shore Health District





## Sudden Incidents in 2014 within the Health District

“Meth” lab  
Shore-wide whooping cough incident  
July 24<sup>th</sup> tornado  
“D68” enterovirus  
First HIV transmission on-Shore  
September school influenza outbreak  
Rocket launch explosion  
Ebola

Eastern Shore Health District



## Responses to Sudden Incidents

- “Meth” lab
  - New ordinance, clarification of roles
- Shore-wide pertussis incident
  - Change in provider and employer immunization policies and practice
- July 24<sup>th</sup> tornado
  - Additional planning for sudden incidents: highlight CERT
- “D68” enterovirus
  - 1<sup>o</sup> respiratory disease, few paralysis

Eastern Shore Health District



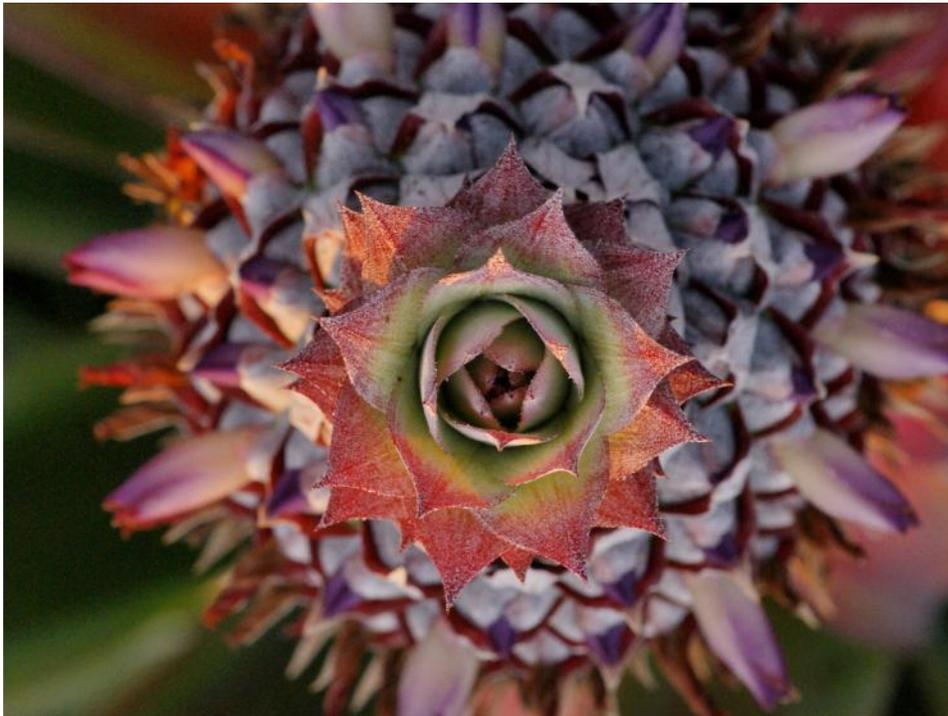


## Responses to Sudden Incidents

- First HIV transmission on-Shore
  - Assessing transmission patterns
- September school influenza outbreak
  - Closer Health District and community partner cooperation
- Rocket launch explosion
  - Things can suddenly go “boom”; greater attention to “impact zones”
- Ebola
  - Enhanced vigilance tailored to specific biology

Eastern Shore Health District

**VDH** VIRGINIA  
DEPARTMENT  
OF HEALTH  
*Protecting You and Your Environment*



# Year-to-Year Pregnancy Outcomes, E Shore and Two Counties, 2008-2012

Health District	Infant Deaths					Total Live Births					Infant Mortality Rate*				
	2008	2009	2010	2011	2012	2008	2009	2010	2011	2012	2008	2009	2010	2011	2012
Eastern Shore	7	5	3	12	5	755	556	592	640	514	9.27	8.99	5.07	18.75	9.73
Accomack County	6	4	3	9	5	474	428	433	478	396	12.66	9.35	6.93	18.83	12.63
Northampton County	1	1	0	3	0	165	128	159	162	118	6.06	7.81	0.00	18.52	0.00

	Low Birth Weight (< 2,500 grams) Live Births					Total Live Births					Low Birth Weight (< 2,500 grams) Birth Rate*				
	2008	2009	2010	2011	2012	2008	2009	2010	2011	2012	2008	2009	2010	2011	2012
Eastern Shore	66	60	66	51	49	755	556	592	640	514	8.74%	10.79%	11.15%	7.97%	9.53%
Accomack County	51	39	48	39	41	474	428	433	478	396	10.76%	9.11%	11.09%	8.16%	10.35%
Northampton County	15	21	18	12	8	165	128	159	162	118	9.09%	16.41%	11.32%	7.41%	6.78%

	Number Year-to-Year Change		5-Yr Total	Number Year-to-Year Change		5-Yr Total	Rate Year-to-Year Change		Avg
	2008	2009		2008	2009		2008	2009	
Eastern Shore	-2	-2	32	-199	36	3057	-0.28	-3.93	13.68
Accomack County	-2	-1	27	-46	5	2209	-3.31	-2.42	11.90
Northampton County	0	-1	5	-37	31	732	1.75	-7.81	18.52
	Avg Percent Year-to-Year Change			Avg Percent Year-to-Year Change			Avg Percent Rate Year-to-Year Change		
Eastern Shore	-28.6		43.3	-26.4		-7.9	-3.0		43.8
Accomack County	-33.3		24.3	-9.7		-3.8	-26.2		21.7
Northampton County	0.0		-66.7	-22.4		-5.9	28.9		-57.0

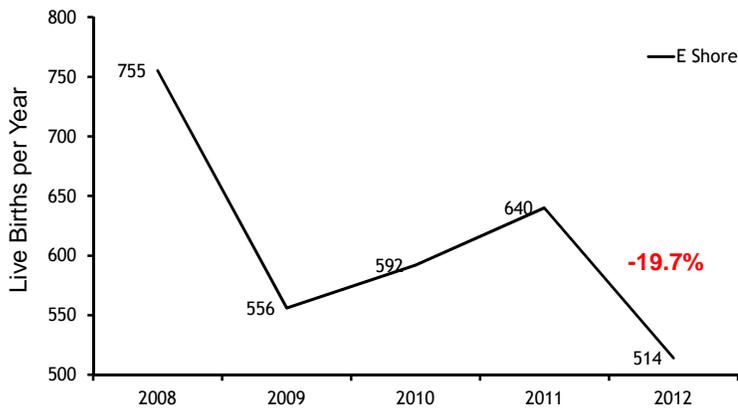
  

	Number Year-to-Year Change		5-Yr Total	Percent Year-to-Year Change		5-Yr Total	Rate Year-to-Year Change		Avg
	2008	2009		2008	2009		2008	2009	
Eastern Shore	-6	6	292	-199	36	3057	2.05%	0.36%	0.20%
Accomack County	-12	9	218	-46	5	2209	-1.65%	1.97%	-0.10%
Northampton County	6	-3	74	-37	31	732	7.32%	-5.09%	-0.58%
	Avg Percent Year-to-Year Change			Avg Percent Year-to-Year Change			Avg Percent Rate Year-to-Year Change		
Eastern Shore	-9.09		-6.4	-26.4		-7.9	23.4%		4.5%
Accomack County	-23.5		-3.5	-9.7		-3.8	-15.3%		1.7%
Northampton County	40		-10.2	-22.4		-5.9	80.5%		1.6%

Eastern Shore Health District



## Year-to-Year Live Births, Eastern Shore, 2008-2012



Eastern Shore Health District



## Other Pregnancy Numbers, Eastern Shore Health District, 2013

Number	Region	
	Eastern Shore	Virginia
Non-marital pregnancies	64.1%	41.7%
Northampton County	61.8%	
Accomack County	65.0%	
Teenage pregnancies	7.7%	5.9%
Northampton County	7.9%	
Accomack County	7.6%	
Minimum At-Risk mother-infant pairs	328	52,000
Northampton County	90	
Accomack County	239	



### Eastern Shore Health District *New Opportunity*

- 1 FTE, At-Risk Pregnancy Prevention (Oct '15)
  - Fully and Federally funded
  - Positioned in Eastern Shore Health District
  - Will apply “strategies” successful in other Health Districts of the Commonwealth
- Our Nurse-Family Partnership program is continuing to grow, yet our Resource Mothers program was cut 50% (total n ~60).

Eastern Shore Health District





## 5 Leading Causes of Death, 2012



Cause	Number of Deaths	
	Eastern Shore (%)	Virginia (%)
<b>Cancer</b>	<b>143 (24)</b>	<b>14,208 (23)</b>
Heart Disease	128 (21)	13,288 (22)
Chronic Lung Disease*	39 (6.7)	3,046 (5.0)
Stroke	30 (5.0)	3,390 (5.6)
Alzheimer's Disease	25 (4.2)	
Unintentional Injuries		2,777 (4.5)
All causes	601 (100)	61,103 (100)

\* chronic obstructive lung disease and asthma

Eastern Shore Health District; source VDH





## Eastern Shore Health District *New Opportunity*

- 1 FTE, At-Risk Pregnancy Prevention (Oct '15)
  - Fully and Federally funded
  - Positioned in Eastern Shore Health District
  - Will apply “strategies” successful in other Health Districts of the Commonwealth

Eastern Shore Health District



## Risk Factors for Cancer on the Eastern Shore, 2012 *Example Estimations*

Cancer	E. Shore No. (%)	Risk Factor			E. Shore HD Rank
		Smoking	Other Risk Factor	Not Explained	
Lung “tree”*	32 (22)	<b>25 (78)</b>	3	4	<b>35 of 35</b>
Others	131 (78)	<b>3</b>	20	108	---
All cancers	143 (100)	<b>28 (20%)</b>	23 (16)	112 (78)	---

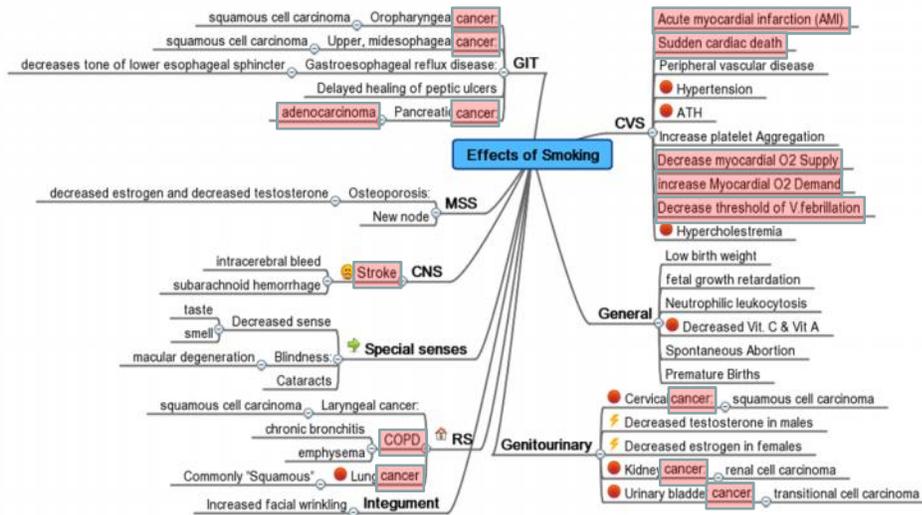
\* Trachea, bronchus, and lung

Eastern Shore Health District, sources VDH, Global Burden of Disease





# Smoking Causes Many Things



Eastern Shore Health District



## Eastern Shore Health District *New Opportunity*

- 1 FTE, Tobacco Use and Prevention Program (Oct '15)
  - Fully and Federally funded
  - Positioned in Eastern Shore Health District, with roles for the Eastern VDH Region
  - Will apply "strategies" successful in in the U.S. and worldwide, such as "MPOWER"

Eastern Shore Health District





## Eastern Shore Health District *Attributes*

District-wide practice: 56/56 positions

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Inter-disciplinary practice: teams



## Eastern Shore Health District *Observations, 2014*

- 15 (27%) of 56 positions with resignation, disability, surgery or other illness, and/or extended leave
- Multiple and many partner relationships
- “What is a Health Director and what does s/he do?”
- “This is the first time a Health Director has been in my office.”

Eastern Shore Health District



## Eastern Shore Health District *Unwelcome Observations, 2014*

- A new Consent Order was signed by the Commissioner of Health.
- Multiple water and sewage incidents also occurred.
- Rabies continues to expand.
- Regulations concerning water and sewage are changing and more stringent.
- We went through our 7<sup>th</sup> (successive?) budget cut, with another next year.

Eastern Shore Health District





## Threats to Northampton County as Perceived by the Health District

- Inability to communicate reliably in large segment of the Eastern Shore utilizing current technology
- Biocycle of poverty: at-risk pregnancies, lack of “middle class agriculture” and comparable job opportunities, education drop-outs, lack of wealth creation
- Vulnerable geographic location and lack of depth for large emergency response

Eastern Shore Health District



## Threats to Northampton County as Perceived by the Health District

- Health outcomes inequitably distributed and inequitably applied
- High rates of health risks in substantial portion of population, inequitably affecting health status and outcomes
- Low rank of HD compared to other roughly comparable HDs; lowest or near-lowest ranking in Commonwealth for status and outcomes for several measures

Eastern Shore Health District

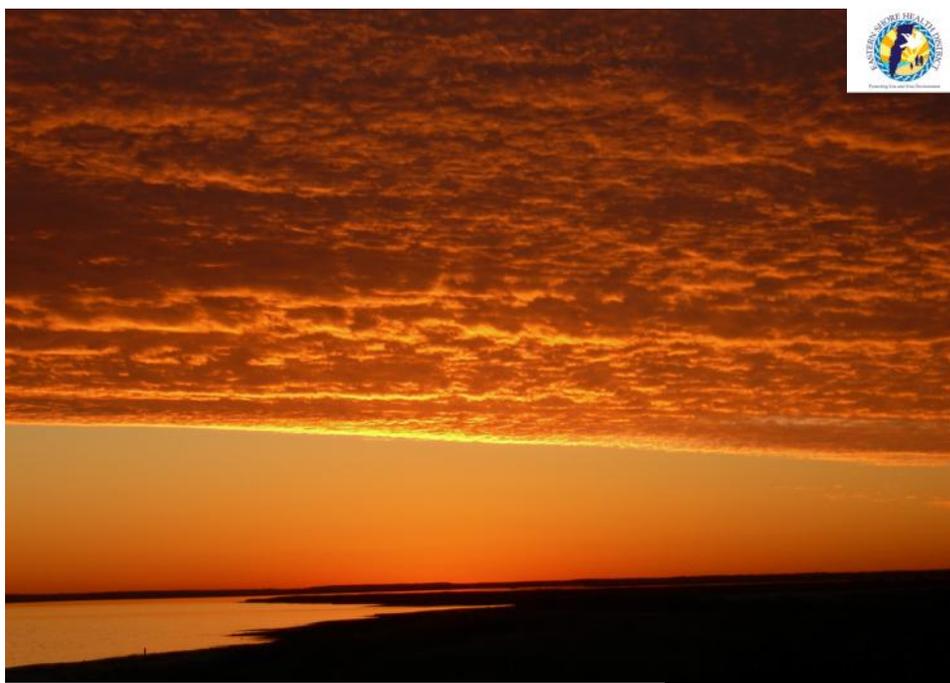


## Eastern Shore Health District *Knowledge, Skills and Attitudes, 2015*



- Most health outcomes are determined by what happens outside health care structures.
- Health care policies, practices and locations are in flux.
- We know where are some of the low-hanging fruits.
- We need to act towards and/or against them.
- We will persevere and endure; continue to hold all in regard and with consideration; and retain a magical and mythical vision for our citizens.

Eastern Shore Health District



Eastern Shore Health District

Source: David Matson

\* \* \* \* \*

(3) Mrs. Nancy Stern

Mrs. Nancy Stern, Executive Director for Eastern Shore Rural Health, briefed the Board on that agency's proposed application for grant funding to provide a new medical/dental complex in Northampton County (consolidating Bayview and Franktown Health Centers). She noted that the grant will be very competitive but that the ESRH Board was very excited about the process and would be seeking approximately \$7.4 million for a 23,000 sq. ft. facility. She noted that her research has led ESRH to focus on the Eastville area.

Mr. Hogg noted that the Town of Eastville can provide town water and the County has both water and wastewater capability. He questioned if the proposed facility would include a helipad and Mrs. Stern indicated that this would not be an allowable cost.

Mrs. Stern said that the new facility would be providing extended hours of service but in response to a question from Mr. Hogg, she noted that a sustainable model would have to be developed in order to consider Sunday hours.

(4) Mr. Alan Kappeler – Parks & Recreation Advisory Board. This report will be heard at a later meeting.

Consent Agenda:

(5) Minutes of the meetings of January 13 and 26, 2015.

After Mr. LeMond corrected an error in the January 26, 2015 concerning his attendance, motion was made by Mr. Bennett, seconded by Mr. LeMond, that the consent agenda be approved as corrected. All members were present and voted "yes." The motion was unanimously passed.

County Officials' Reports:

(6) Mrs. Leslie Lewis, Director of Finance, presented the following Budget Amendment and Appropriation Request for the Board's consideration:

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Leslie Lewis, Director of Finance  
**DATE:** February 6, 2015  
**RE:** Budget Amendments and Appropriations – FY 2015

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

**\$70,000.00** – This request represents an additional allocation requested for the services required under the Comprehensive Services Act (youth and family issues).

Thank you for your attention to this matter.

\* \* \* \* \*

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the budget amendment and supplemental appropriation be approved as presented above. All members were present and voted "yes." The motion was unanimously passed.

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Leslie Lewis  
Director of Finance  
**DATE:** February 3, 2015

**RE:** Budget Amendments and Appropriations – FY 2015

Your approval is respectfully requested for the following budget amendments and supplemental appropriations as petitioned by the Northampton County Public Schools:

**\$8,235** – This appropriation reflects a Project Graduation award received from the Virginia Department of Education and will be used to provide instructional remediation to students in SOL core content subject areas.

**\$1,000** – This appropriation reflects a Career Switcher New Teacher Mentor Program award received from the Virginia Department of Education and will be used to support the mentoring program for the one qualifying teacher.

**\$27.43** - This appropriation reflects the final amount of State funding provided for the National School Lunch Program.

\* \* \* \* \*

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

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

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

Public Hearings:

Chairman Hubbard called the following public hearing to order:

(7) AN ORDINANCE AMENDING CHAPTER 95 OF THE NORTHAMPTON COUNTY CODE OF ORDINANCES

*The purpose of this ordinance amendment is to prohibit the keeping of hybrid canines*

**AN ORDINANCE AMENDING CHAPTER 95 OF THE  
NORTHAMPTON COUNTY CODE OF ORDINANCES**

BE IT ORDAINED by the Northampton County Board of Supervisors that Chapter 95 – Animals - the Northampton County Code be amended by the addition of the following paragraphs:

Hybrid Canine:

Northampton County hereby prohibits the keeping of hybrid canines as defined herein.

“Hybrid Canine” means any animal that is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family; that at any time has been permitted, registered, licensed, or advertised as such; or that at any time has been described, represented, or reported as such by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian’s representative.

Violation of this ordinance shall be a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for any subsequent violation.

At the discretion of the Northampton County Animal Control Officer, the violator may be required to surrender the hybrid canine for euthanasia in accordance with Section 3.2-6562 of the Code of Virginia of 1950, as amended.

\* \* \* \* \*

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

Ms. Katherine H. Nunez, County Administrator, that the Board had directed that this ordinance be drafted based on recent action by the General Assembly and the recommendation of Sheriff Doughty.

E-mail correspondence has been received from Mr. R. Somers Long who recommended denial of the ordinance.

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

Motion was made by Mr. Hogg, seconded by Mr. LeMond, that AN ORDINANCE AMENDING CHAPTER 95 OF THE NORTHAMPTON COUNTY CODE OF ORDINANCES

be adopted as presented. All members were present and voted “yes.” The motion was unanimously passed.

**(8) AN ORDINANCE AMENDING CHAPTER 72 OF THE NORTHAMPTON COUNTY CODE OF ORDINANCES**

*The purpose of this ordinance amendment is to prohibit vehicles from parking in such location as to block access to mailboxes located on public or private property. Disabled vehicles and emergency vehicles and equipment are exempt from the provisions of this ordinance.*

**AN ORDINANCE AMENDING CHAPTER 72 OF THE NORTHAMPTON COUNTY CODE OF ORDINANCES**

BE IT ORDAINED by the Northampton County Board of Supervisors that Chapter 72 – Parking Regulations – of the Northampton County Code be amended by the addition of the following paragraph:

Pursuant to Section 46.2-1220, vehicles shall be prohibited from parking in such location as to block access to mailboxes located on public or private property. Disabled vehicles and emergency vehicles and equipment are exempt from the provisions of this ordinance.

In any prosecution charging a violation of this ordinance, proof that the vehicle described in the complaint, summons, parking ticket citation or warrant, was parked in violation of this ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Section 46.2-600 et seq. of the Code of Virginia of 1950, as amended, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

\* \* \* \* \*

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

The County Administrator indicated that this ordinance had been drafted at the request of the Board as a result of changes made in the last General Assembly session and recommendations received from the Sheriff.

Supervisor Hogg questioned if there was any potential that this ordinance could address the issue of mailboxes being hit by vehicle extended side mirrors. The County Administrator

suggested that a visit to the US Post Office may be in order to address the proper placement of the mailboxes.

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

Motion was made by Mr. Trala, seconded by Mr. Bennett, that AN ORDINANCE AMENDING CHAPTER 72 OF THE NORTHAMPTON COUNTY CODE OF ORDINANCES be adopted as presented. All members were present and voted “yes.” The motion was unanimously passed.

(9) AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE”

*The purpose of this ordinance amendment is to establish procedures applicable to preliminary plats involving more than 50 lots.*

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED,  
“AN ORDINANCE ESTABLISHING THE  
NORTHAMPTON COUNTY SUBDIVISION ORDINANCE”**

BE IT ORDAINED by the Board of Supervisors of Northampton County, that “AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE”, codified as Section 156 of the Northampton County Code, be amended to read as follows:

**§ 156.038 PROCEDURES APPLICABLE TO PRELIMINARY PLATS.**

In all instances in which a new or modified road is proposed or in which subsurface sewage disposal is proposed, all applications shall include a preliminary plat in accordance with Va. Code § 15.2-2260 in order to permit review of such plat by the appropriate state agencies. A preliminary plat shall also be submitted with any application in which a phased subdivision is proposed or for any subdivision involving more than 50 lots. At the option of the landowner, preliminary plan may be submitted for subdivisions involving 50 or fewer lots.

\* \* \* \* \*

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

The County Administrator indicated that this ordinance was drafted at the request of the Board following action by the Virginia General Assembly.

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

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE", be adopted as presented. All members were present and voted "yes." The motion was unanimously passed.

~~(10) Revisions to the Northampton County Code of Ordinances as follows:~~

~~(A) Repeal Section 154.162 Floodplain Overlay District~~

~~(B) Insert a new Section 159: Floodplain Management~~

~~*The purpose of these amendments is to repeal the existing Floodplain Overlay District language and adopt a new ordinance to be in compliance with the flood insurance rate maps as established by the Federal Emergency Management Agency.*~~

Due to concerns of legal counsel, this public hearing will not be heard tonight. It has been rescheduled for Monday, February 23, 2015 as a joint public hearing with the Northampton County Planning Commission.

The Chairman indicated that for the reason noted above, the public hearing will be heard at a later date, but that if there were any present who wished to speak tonight, the Board would allow it. No one spoke.

Citizens Information Period:

Mr. Justin Wheeler, a teacher at Occohannock Elementary School, provided a hand-out which illustrated monthly teacher expenses and described how he must work a second job to support himself. He told the Board about the on-going "blue ribbon drive", which is meant to provide a public show of support for continued education funding.

Ms. Leslie James, a teacher at Occohannock Elementary School, requested that the Board

add two science teachers in the 2015-2016 budget at Kiptopeke & Occohannock Elementary Schools.

Mrs. Etta Robbins, a teacher at Kiptopeke Elementary School with 40 years of experience, said that a new, safe middle school/high school facility was needed. She also spoke of the high teacher turn-over rate and requested that the Board support the School Board's proposed budget.

Mr. Robert C. Richardson of Seaview asked that a demonstration project be established in District 1 relative to the Chesapeake Bay Preservation Act, noting that there was no pollution in District 1 on the seaside. He also said that the County needs a redundant electric grid in order to provide service for modern businesses. Finally, Mr. Richardson said that much of the County's revenues were being taken by the AFD and PDR programs.

Mrs. Mary Miller read the following comments:

*10 February 10, 2015 Northampton County Board of Supervisors*

*Mary Miller, Eastville, Va*

I'd like to comment about the document called "Citizen Information Paper" posted on the county website.

There is statement about housing density increases in Villages which appears to have incomplete information.

The statement, "Very little density increase is proposed," is exceptionally misleading—especially for anyone interested in currently zoned Waterfront Villages. Village density in general is proposed to double, with an additional dwelling unit for every home – and that makes Village density quadruple.

But wait – there's more. Especially for those Waterfront Villages about to be rezoned to Village. And this is where the information appears to be missing. Around the current core village boundaries of Oyster and Willis Wharf, now zoned Village-2, about 300 additional acres appear to be rezoned to the much higher Village density zoning. By my calculations, using county maps, it looks as though almost 80 acres at Oyster and about 225 acres at Willis Wharf will be rezoned from V-1 zoning, 1 house per 20 acres, to the new Village zoning, 4 units per acre. Where 15 homes would be built today, new zoning would permit 1200 units. You do the

match—that’s a whopping increase in density. All of it By-right and with no further rezoning. And no plan to fund services for that new density. No proffers from rezoning to help out these teachers. I could find no explanation for this extensive upzoning.

If my conclusions are correct, this might be helpful to others who are trying to understand the impacts of the proposed zoning changes. If my map reading or math is off, please let me know and I’ll stand corrected.

I submit my comments for the public record.

\* \* \* \*

Mr. Ken Dufty of Exmore said that he was contesting much of the content of the Citizen Information Paper. He urged the Board to retain the Town Edge zoning designations.

Mr. Art Schwarzschild also commented regarding the Citizen Information Paper and indicated that he would be providing additional information about it. He noted that the author was either incompetent or was trying to confuse people and he did not understand why increased densities were being encouraged in light of concurrent hazard-mitigation efforts.

Mayor Douglas Greer of Exmore had submitted the following letter:

Dear Chairman Hubbard and Northampton County Supervisors:

I am writing on behalf of the Town of Exmore in regard to the proposed rezoning of the lands known as Northampton County. As you know, our town has unanimously passed a resolution opposing the proposed elimination of Town Edge Districts, and continue to advocate for the retention of this zoning designation.

Town Edge Districts, as you know, call for mutual cooperation between developers, Northampton County, and the incorporated towns, as our current Comprehensive Plan focuses future development and growth on the lands abutting town boundaries. These lands are prime for residential and commercial development because they are situated near vital services that are available from most towns within the county, such as public sewer, water, police, fire and emergency services. Town Edge Districts as they currently exist allow for the establishment of a vehicle through which proffers from developers can be mutually agreed upon to offset the increased cost of providing those services, while promoting a cooperative atmosphere to encourage and foster future development, which is vital to the town’s and the Shore’s economy.

In lieu of the current Town Edge Districts, you and your fellow Board of Supervisors are

proposing to rezone much of the land now known as Town Edge to agricultural lands. This rezoning, which do our knowledge was never sought by our town or other incorporated towns, will allow permitted uses, either by-right or special use and exception, which include prisons, heliports, mining or excavating of soil or other natural resources, dredge spoil disposal sites, intensive farming (chicken houses), and, most troubling, a use that is loosely defined as “waste related”. See Section 154.1-205 in the 2/15 Northampton County Proposed Zoning. Waste related can include a wide array of invasive uses including waste incinerators, waste processing facilities, and waste storage facilities.

On this matter, it has come to our attention that none of our residents who own lands abutting the current Town Edge District and proposed agricultural districts have been personally notified as to the import and potentially harmful changes to the current zoning ordinance. It is our position that these residents, who also were not notified last January of the changes in the draft zoning ordinance, are required to be notified of these proposed changes and afforded the opportunity to comment, as the elimination of the Town Edge districts could have a profound impact on their quality of life and property values.

In closing, I wish to reiterate that our town government is unanimously opposed to the elimination of the Town Edge District designation, and also petitions this current Board of Supervisors to notify, in writing, each and every Exmore resident who owns land abutting the current Town Edge District of the Board’s plans to eliminate this zoning distinction.

Sincerely,

/s/ Douglas W. Greer, Sr., Mayor  
Town of Exmore

\* \* \* \* \*

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

Work session/other meeting agendas:

- (i) 2/19/15: #1 of 2 Public Information Meeting – Draft Zoning Ordinance
- (ii) 2/23/15: Work Session: Possible joint meetings w/ School Board and Planning Commission
- (iii) 2/25/15: #2 of 2 Public Information Meeting – Draft Zoning Ordinance
- (iv) 3/23/15: Work Session: Topic to be Determined

(11) The County Administrator’s bi-monthly report was presented as follows:

**TO:** Board of Supervisors  
**FROM:** Katie H. Nunez, County Administrator  
**DATE:** February 5, 2015

**RE:** Bi-Monthly Report

**I. Projects:**

A. Public Service Authority:

The next meeting of the PSA is Tuesday, February 17, 2014 @ 7:00 p.m.

B. Update on Eastern Shore Virginia Inland Passage (VIP) Comprehensive Hydrographic Survey:

A meeting was held on January 22, 2015 of the Navigation Partnership for Virginia's Eastern Shore – the Army Corps of Engineers provided the scoping list along with associated status of funding, along with a map showing the Project Condition Survey Status.

C. 2015 General Assembly Session:

General Assembly is in session now. February 10, 2014 is crossover day for all bills with the session scheduled to conclude on February 28, 2014. Relative to House Bill 1887, which addressed the highway allocation formula, and was the rationale for the presentation the Board received two months ago from the ANPDC regarding a prioritization road listing for the county, I have enclosed a fact sheet to explain the possible impact of this bill on the highway funding distribution to counties.

D. Charitable Donations Policy – Proposed Addition:

With the commencement of the FY16 budget review process, I realize that I had not proposed an amendment to the Board's Charitable Donations Policy as a result of your adoption of the FY2015 budget last summer and your inclusion of a funding contribution to the Eastern Shore Coalition Against Domestic Violence. I apologize for this oversight and offer the following addition to the Charitable Donations Policy for your consideration.

*Motion was made by Mr. Trala, seconded by Mr. LeMond, that the following amendment to the Charitable Donations Policy be adopted. All members were present and voted "yes", with the exception of Mr. Bennett who voted "no." The motion was passed. Mr. Bennett stated that while he supported the Coalition Against Domestic Violence, he felt that there were other non-profit organizations, such as the Red Cross, which should also be recognized by the Board. Said policy as amended and adopted is set out below:*

**CHARITABLE DONATIONS POLICY**

**Adopted: December 12, 2005**

**Amended: February 10, 2015**

It is the policy of the Northampton County Board of Supervisors that it:

(1) refrains from making donations to any religious or charitable organization;

(2) refrains from donating to trade organizations, labor unions, and political organizations;

(3) reserves the right to make donations to the volunteer fire and rescue services organizations located in Northampton County;

(4) reserves the right to donate money (equivalent to any county fees incurred) to organizations that incur county fees in the performance of a service or services that the County Administrator deems necessary or desirable. Without exception, the County Administrator's written approval must be secured by an organization prior to the commencement of any service for which it expects to be reimbursed;

(5) reserves the right to make a donation to the Eastern Shore Coalition Against Domestic Violence in the performance of services that the Sheriff has confirmed are applicable.

\* \* \* \* \*

E. Correspondence from the Town of Cape Charles re: Town Entrance Overlay District:

Enclosed is correspondence from the Town of Cape Charles re-iterating their request for the County to consider a Town Entrance Overlay District. Additionally, I have also enclosed a copy of the proposed Town Entrance Overlay District developed by the Town of Cape Charles which was originally provided to you in June 2014.

Pursuant to the County's Zoning Ordinance, the applicant for an overlay district needs to be either the property owner, the County Planning Commission or the Board of Supervisors. Since the Town is not the property owner of the areas proposed in overlay district, then either the Planning Commission or the Board of Supervisors needs to determine if either entity wants to be the applicant for this matter. The Board of Supervisors will be meeting jointly with the Planning Commission at your work session on February 23, 2015 and we can add this item to that agenda for discussion.

The Chairman indicated that a late-arriving item had been received from the Town of Nassawadox relative to our Planning Commission serving as the planning commission for the Town. Supervisor Hogg reminded the Board that the Board Member Manual requires approval by the Board in order to consider a late-arriving item. Motion was made by Mr. LeMond,

seconded by Mr. Bennett, that the Board consider the request from the Town of Nassawadox at this time. All members were present and voted “yes.” The motion was unanimously passed.

Motion was then made by Mr. Bennett, seconded by Mr. Trala, that the Board grant the request of the Town of Nassawadox for the Northampton County Planning Commission to serve as the planning commission for the Town of Nassawadox, effective immediately, in accordance with Section 15.2-2218 of the Code of Virginia and the County’s policy relative to town requests for planning services from the County. All members were present and voted “yes.” The motion was unanimously passed.

\* \* \* \* \*

(12) Fiscal Year 2016 Budget: Expenditures

**MEMORANDUM:**

**TO:** Katie Nunez, County Administrator  
Board of Supervisors

**FROM:** Leslie Lewis, Director of Finance

**DATE:** February 10, 2015

**RE:** FY 2016 Expenditures – Summary Report

I am pleased to provide the following Summary of Expenditures with regard to the FY 2016 County Budget, which is separated into major topics as outlined below. Please feel free to ask questions as necessary.

**Detailed Expenditure Reports of Primary Funds**

These reports are contained behind this memorandum under **Tab A** in your binder.

**Position Requests**

In all departments, a ten percent (10%) health insurance expense increase has been included in personnel expenses. Position request reports are contained behind this memorandum under

**Tab B** in your binder and are summarized below:

- (1) Commissioner of Revenue:
  - Deputy I - add \$2,800
  - Change PT employee to FT for reassessment – add \$32,760
- (2) General Reassessment:
  - Provide part-time funding for Field Workers for 2016 Reassessment - add \$32,498
- (3) Treasurer:
  - Provide part-time funding as a result of twice/year tax billing – add \$4,282
- (4) General District Court:
  - Increase in workload due to increase traffic tickets – add \$10,000
- (5) Emergency Medical Services:
  - Requesting 3 new positions – add \$127,752
- (6) Sheriff:
  - Continue PT position started in FY15 to focus on cold cases – add \$22,882
- (7) Facilities Management:
  - 6% or \$0.50 per hour increase for 2 PT custodians – add \$690
- (8) Extension Service:
  - 1/6 of new FCS position – add \$8,852

The following chart was provided for the Board’s information:

FISCAL YEAR	BOS EMPLOYEES	CONSTITUTIONAL EMPLOYEES	SOCIAL SERVICE EMPLOYEES	SCHOOL EMPLOYEES
<b>FY2009 (7/1/2008 - 6/30/2009)</b>	NO COLA; merit pool of \$50,000 (of that, \$40,000 was issued in merit increases)	2% COLA, effective 12/1/2008 (repealed by State and never granted)	2% COLA, effective 12/1/2008 (repealed by State and never granted)	One step increase (based on experience). This was the last year that an employee's years of experience corresponded with the step.
<b>FY2010 (7/1/2009 - 6/30/2010)</b>	NO COLA - furloughs instituted for all staff	NO COLA - furloughs instituted for all staff	NO COLA - furloughs instituted for all staff	No pay increases or bonuses were given.
<b>FY2011 (7/1/2010 - 6/30/2011)</b>	NO COLA	NO COLA	NO COLA	No pay increases or bonuses were given.

<b>FY2012</b> (7/1/2011 - 6/30/2012)	1% COLA	1% COLA, provided by the County	1% COLA, provided by the County	Teachers, Classified Employees, and Administrators received a 1% pay increase and were given a 1.5% bonus.
<b>FY2013</b> (7/1/2012 - 6/30/2013)	5% Increase to offset the shift in the VRS "Employee" Contribution	5% Increase to offset the shift in the VRS "Employee" Contribution	5% Increase to offset the shift in the VRS "Employee" Contribution	5% Increase to offset the shift in the VRS "Employee" Contribution
<b>FY2014</b> (7/1/2013 - 6/30/2014)	3% COLA granted 8/1/2013	3% COLA granted 8/1/2013, provided by the County; 3% Bonus granted to Sheriff & ACO Personnel and 2% granted to Jail Personnel in December 2013 - funded thru Traffic Fine Revenue	3% COLA granted 8/1/2013, provided by the County	Teachers received a 3% increase; Classified Employees received 2% increase; and Administrators received a 2% increase.
<b>FY2015</b> (7/1/2014 - 6/30/2015)	NO COLA	NO COLA; 2% Bonus granted to Sheriff & Jail Personnel in December 2014 - funded thru Traffic Fine Revenue	NO COLA; pay study was commissioned and pay/salary adjustments made, totalling \$54,877.	Received a one-step increase to all Teachers and Classified Employees, totalling \$177,522

**Other Expenditure Requests (those in excess of \$5,000 in operations only – no outside agency requests)**

See **Tab C** - FY 16 Summary of Increases report outlining expenditures in excess of \$5,000. I will briefly discuss each item.

**Capital Requests**

See **Tab D** – Report of FY 16 Capital Requests, which are listed below:

- (1) General Reassessment:  
F150 Truck or larger - \$20,000
- (2) Electoral Board:  
New Optical Scan Voting Machines - \$27,800
- (3) Sheriff’s Office:  
Four (4) Vehicles (\$38,027.50 ea) - \$152,110
- (4) EMS:  
Luca Chest Compression System \$17,650  
QRV (2015 Chevy Tahoe) to replace 2007 Durango \$31,440

Conversion of QRV	\$17,500
EMS Command Vehicle	\$99,306
<hr/>	
Total EMS	\$165,896

(5) Building Inspections:

New Truck	\$25,000
Radio for New Truck	\$ 500
<hr/>	
Total for Building Inspections	\$25,500

(6) Solid Waste:

8 green boxes (\$1156 ea)	\$ 9,248
Bird netting to affix to transfer station & roof repair	\$ 10,200
Replacement farm tractor & mower	\$ 35,000
<hr/>	
Total Solid Waste	\$ 54,448

(7) Facilities Management:

Repaint courthouse interior	\$ 26,000
Replace chiller at middle school	\$200,000
Replace slate roof in admin building	\$ 45,000
<hr/>	
Total Facilities Management	\$271,000

(8) Public Utilities:

Additional laboratory equipment	\$ 40,000
Cover/building for waste water treatment plant	\$150,000
Generator for Bayview	\$ 21,375
Green Sand Water Treatment System	\$350,000
Paint interior/exterior of county water system	\$ 65,800
<hr/>	
Total Public Utilities:	\$439,075

Possible financing sources include three-year bank financing, vendor leasing, and outright purchase.

**Outside Agency Requests**

See **Tab E** – Summary of Outside Agency Funding Requests. Please refer to the small 3-ring binder contained within your agenda packet which contains copies of the back-up documentation related to requests submitted by the outside agencies.

**Transfers Out**

See **Tab F** – Graphs showing Summary of Transfer from the General Fund and Annual Debt Payment. Transfers to other functions within the County Budget are outlined below. I will briefly explain each during my presentation.

Description	Request	Change from FY 2014
-------------	---------	---------------------

(1) School Contribution	\$8,576,883	+ \$560,117 (increase)
(2) Social Services Contribution	\$ 576,839	+ \$ 88,839 (increase)
(3) Jail Contribution	\$1,616,459	+ \$ 76,139 (increase)
(4) Public Utilities Fund	\$ 627,175	+ \$627,175 (increase)
(5) School Debt	\$ 345,196	- \$ 23,163 (decrease)
(6) General Debt	\$2,126,883	+ \$ 23,502 (increase)
(7) Capital Reserve	\$ 777,640	+ \$ 0 (no change)
TOTAL INCREASE		\$ 1,345,902

**Other**

See Tab G - Recommendation from the Emergency Medical Ad Hoc Committee regarding an EMS tax. (see below)

Resolved: The Ad Hoc Emergency Medical Committee recommends that the Board of Supervisors institute an EMS tax starting in 2015. It is further recommended that this tax be established at a rate that will cover both the current expenditures and a major portion of the increases which will be necessary to maintain coverage after the hospital moves.

This recommendation is based on the following factors:

- 1) The impending move of the hospital will require a significant increase in EMS expenses due to additional coverage required by the increased travel times; mandating additional equipment, staffing and coverage to provide appropriate service and protection for all the citizens of Northampton County. This increase is expected to be up to \$600k.
- 2) EMS will require a substantial period to recruit and train the additional staff and obtain the additional equipment required to meet our new demand.
- 3) Volunteer coverage for our community ambulances is a continual and increasing problem—though efforts are being made to reinforce those companies. This places additional demand on our paid staff.
- 4) The added hours and run time required after the hospital moves will only increase the volunteer strain.
- 5) Establishing the tax in 2015 may make the impact the following year of expected increased real property tax rate to equalize revenue due to reduced assessments easier to understand.
- 6) A separate tax shows the taxpayer what the demand is and where the funds are being used.

- 7) Our public needs to understand that EMS is a real community and government service and a real expense that needs reinforcement to continue to provide excellent service after the hospital move.

Supervisor Hubbard suggested that if such an EMS tax is implemented, that the tax rates be broken down on the tax bills to better enable the citizens to see what is being taxed.

The County Administrator summarized the aforementioned presentation by indicating that expenditure requests total \$27,597,378 and exceed revenues by \$2,718,887, which is equivalent to a 13.5-cent tax increase.

\* \* \* \* \*

Additionally, the following memorandum was distributed to the Board:

**MEMORANDUM**

**TO:** Board of Supervisors

**FROM:** Katie H. Nunez, County Administrator  
Leslie M. Lewis, Finance Director

**DATE:** February 5, 2015

**RE:** Accounting and Use of “Department-Specific” Revenue

During the last budget process, there was discussion that certain revenues within the General Fund should not be included in the General Fund but should be reserved for the department who collected those revenues.

We do not recommend the segregation of “Department-Specific” revenue within the General Fund (Fund 100) with the exception of the harbor or boat slip fees. During the annual budget process, each department should submit their request for personnel, operational and capital outlay requests and then an Annual Budget should be crafted and adopted based upon expressed departmental need and ability of the County to fund said requests. If emergencies should arise during the course of the fiscal year, then the department head has the ability to submit a budget amendment to the Board of Supervisors who then evaluates the request and the County’s ability to fund said request, such as through the use of Undesignated Fund Balance.

Our concern with reserving “Department-Specific” generated revenue can best be illustrated by examining the cost to operate the various Constitutional Offices as well as the revenue that can

be attributed to their departments (see attached spreadsheet). While the County receives state aid from the Compensation Board for salaries, these funds do not cover the personnel costs of these offices. In addition, while some of these departments collect specific fines, fees, charges or taxes, most of them are insufficient to cover the remainder costs to operate the department. The only exception to this case is the Office of the Treasurer and the Commissioner of Revenue since both of these offices directly collect various taxes – the largest type of revenue generation for the County which goes to support most of the cost to operate the County government.

Therefore, other General Fund revenue (whether that is taxes or other revenue sources) helps “make up the difference” in funding the Constitutional Departments. This is the case for most of the County departments where the revenue is pooled from all sources and then allocated through an approved departmental budget. No one department, with the exception of the Treasurer and the Commissioner of Revenue, generate enough revenues from its programs to be self-sustaining.

However, if the Board should want to reserve “Department-Specific” generated revenue for use only by that department, such as the speeding tickets generated by the Sheriff’s Office, then it would be necessary to determine if the department then needs to be self-sustaining from those revenues; how much should the department receive from the “pooled” general funds to support their department operations as well as how the “Department- Specific” generated revenue. In addition, the Board would potentially need to raise the tax rate to reflect the loss of these previously pooled General Fund revenues.

The only specific revenue source that is currently reserved within the General Fund is harbor or boat slip fees. This is a practice that the County has observed for at least 15 years and is tracked on our General Ledger as a “Harbor Improvement Maintenance Reserve Fund”. It allows for these revenues to accumulate over many years to a sufficient level to actually cover the cost of a project associated with improvements to one of the County’s three harbors and/or boat ramps as well as to provide the local match when grants are applied and received for harbor improvements.

\* \* \* \* \*

	Clerk of Court	Commissioner of Revenue	Commonwealth Attorney	Electoral Board	Sheriff	Treasurer
<b><u>Department Expense</u></b>						
-						
<b>Personnel Expense</b>	\$259,443	\$363,039	\$336,938	\$110,764	\$1,832,353	\$231,055
<b>Other Department Exp</b>	32,751	-88,852	-32,092	81,508	580,254	81,900
<b>Total Department</b>	<b>292,194</b>	<b>274,187</b>	<b>304,846</b>	<b>192,272</b>	<b>2,412,607</b>	<b>312,955</b>



Supervisor Hogg noted that he was not in favor of balancing the budget using traffic fines and would like to see this revenue set aside as a “contingency” fund. It was pointed out that using that logic, no revenue stream was guaranteed and that the County’s Undesignated Fund Balance serves the purpose of a “contingency” fund.

Tabled Items:

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

It was noted that VDOT is hiring another contractor to review Rt. 13 and will provide the Board with a recommendation in approximately six months’ time. It was the consensus of the Board that this item remain on the table.

(14) Consider action on sale of property to S. Eyre Baldwin

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

Motion was made by Mr. LeMond, seconded by Mr. Trala, that the proposed Land Purchase and Sale Agreement be sent to Mr. Baldwin for consideration and to include language to limit the waste water volume to 4,000 gallons per day with the final agreement to be reviewed by the County Administrator and the County Attorney. All members were present and voted “yes.” The motion was unanimously passed.

Action Items:

There were no Action Items.

Matters Presented by the Board Including Committee Reports & Appointments

(15) Mr. Hubbard: work tasks for the upcoming year & Strategic Plan review

Based on several comments by the Board members, it was the consensus of the Board to discuss the “Education” goal with the Northampton County School Board at the joint meeting

scheduled for Monday, February 23, 2015.

Supervisor Hogg indicated that he had a long list of potential additions to the Strategic Plan. It was agreed that Mr. Hogg's suggestions as well as any other additions by other Board members, would be circulated for the Board's review and action at a later meeting. Motion was made by Mr. Trala, seconded by Mr. LeMond, that action on the Strategic Plan be tabled pending future amendments. All members were present and voted "yes." The motion was unanimously passed.

(16) Mr. Hogg: discussion of (2) Kiptopeke Condominiums special use permits

Mr. Hogg read the following comments:

I have provided each of you with a partial transcript of the October 7, 2014 Planning Commission meeting which I attended. In December 2014, I requested Former Chairman LeMond and current Chairman Hubbard to listen to the audio recordings of the meeting from 1hr 32min to 1hr 40min in order for them to be aware of the Planning Commission deliberations which you now have in writing.

Based upon the comments I heard at the PC Meeting, (3 members plus the Chair present) there were requests for additional information and concerns over the Mass Drainfields. There appeared to be an implication that a decision had to be forward to the BOS and the Applicant could provide additional information to the BOS. The Planning Commission ruled on the Commercial Zoning Request ZMP 2014-02 (DENIED). There were three additional questions. Special Use Permit 2014-09 1) a 12 unit apartment and 2) Mass Drainfield and SUP 2014-08 for a Mass Drainfield on the lot to the Northeast. There was significant debate on the Drainfields and requests for additional information. It is my opinion there was an expectation by the Planning Commission for additional information to be submitted by the applicant at the prompting of the BOS and the application be returned to the Planning Commission for further consideration. Precisely what information they were seeking I do not know, however it appeared to stem from the need for the additional Mass Drainfield.

The applicant made the BOS aware of the former use of the apartment site, a GAS STATION (see application). Supervisor Hogg apprised the BOS and the County Administrator that the lot (subject of SUP 2014-08) was believed to have been used as a GAS STATION as well. The applicant has indicated the lot as VACANT LOT on the application. There was NO MENTION ON THE APPLICATION of the former land use as a GAS STATION, however all parties were made aware.

I wish to bring to your attention Northampton County Zoning Code § 154.042 SPECIAL USE PERMITS to include but not limited to the following areas:

(4) Special use permit approval guidelines Paragraphs (f), (g), (h), (i), & (j)

I am not aware of the KNOWLEDGE, SKILLS & ABILITIES of staff or of the Planning Commission nor am I aware of the same as it applies to fellow supervisors. If they were not aware of the process to evaluate property previously occupied by GAS STATIONS then they should have been as Northampton County is currently selling property that was used for a GAS STATION and there is the requirement in the deed calling for Northampton County to have a Phase I Environmental Assessment and Report prepared.

I am stating for the public record, I am in opposition to BOS approval of SUP 2014-08 and SUP 2014-09 for failing to impose conditions on the application to include but not limited to producing a Phase I Environmental Assessment and Report on each of the SUP parcels. In addition, I concur with Commissioner Ward, if the mass drainfield is not required for the 3 proposed units it should be denied. Further these applications should be remanded to the Planning Commission for further review.

Gentlemen: You have my statement of opposition and reasoning. I am recommending previous Board action with regard to SUP 2014-08 and 2014-09 be Rescinded immediately and expunge it from the record. As of Friday, there has been no act performed that the BOS cannot UNDO.

#### Planning Commission Meeting of October 7, 2014

My conclusion from listening to the hearing is the Planning Commission desired more information on all issues. This is clearly supported by comments ( Lines 21, 26, 34, 42, 57) Once the BOS had made a decision on the issue of Commercial Zoning, the decision on the Mass Drainfields would be considered by the Planning Commission (Line 41)

Stith indicates to Planning Commission that BOS could have a public hearing but take no action. (line 59)

Freeze (line 61 ) BOS has the recommendation to deny the "Commercial Zoning".

Stith (line 63) states, " they (BOS) just need to have a public hearing on all these. Even if you table items,..." **Implying the Issue would return to the Planning Commission.**

Ward (line 61) indicates he wants to put the decision in the hands of the developer to spend the money to obtain the information needed.

Leatherbury (line 85) the motion, To **approve the recommendation for the mass drain field for the proposed multifamily attached dwelling unit or apartments.** (Please note the condition imposed in the Planning Commission approval)

1hr 32m 00s  
Leatherbury:  
1hr 32m 05s

Thank you....So where are we?

Ward: Well, in part, from my standpoint, there's more information I would like to know ... but ... the response is it doesn't make economic sense to get that information until they know what they are doing but until they know what is going to be allowed, ... so, ... I am gonna, I'd rule against it. ...I mean I don't want to table it ...so they can take it to the Board ... and see if the Board can decide whether they want to give to the Board the information that we think we need or um ... or if they want to stick with the 12 it. I would have to say "no"; my vote would be "no".

1hr 33m 17s  
Freeze: Have you called the question?

1hr 33m 19s  
Leatherbury: I haven't called for the question, but I'm getting ready to if you all are ready.

Freeze: I'd be in favor of tabling it to get more information on this. We have already decided on A.

Leatherbury: Correct.

1hr 33m 28s  
Freeze: And it goes to the Board.

Leatherbury: Correct.

1hr 33m 29s  
Freeze: They may say" yes we do" or "no, we don't and depending on what they say, we go back to B & C and I'd like to see more information.

1hr 33m 43s  
Ward: Well, ... I mean I would like to see it move forward,

1hr 33m 51s  
Leatherbury: But this is the thing, I don't know that nobody has put forth a time table, but I would like to get something done, keep seeing your deadlines get shifted out, if we could make a decision we should do so.

1hr 34m 07s  
Ward: Yeah

1hr 34m 09s  
Freeze: When does the board meet?

Ward: In two weeks.

Stith: Next Tuesday.

Ward: Oh, Next Tuesday

1hr 34m 14s  
Freeze: We could table this and GARBLED

1hr 34m 21s  
Stith: They could still, They could still have their public hearing but can't take any action ... until they got a recommendation ... from the Commission.

Freeze: We have a recommendation on A.

1hr 34m 31s  
Stith: Right, they could but, they could but, they just need to have a public

Chatman: hearing on all these. Even if you table items, ...  
 1hr 34m 46s Garbled Unclear

Ward: I would prefer to make a recommendation, good or bad, and put it  
 in their hands ... on whether they want to spend the money if they  
 have all of come up with the answers or not.

1hr 35m 01s  
 Leatherbury: So, are we ready for the question?  
 Freeze: Yeah, ok.  
 Leatherbury: So, the motion was to recommend Special Use Permit 2014-09 ...  
 for approval.  
 Ward: For Approval?  
 Leatherbury: Correct. Those in favor, show of hands, please. Three,  
 approved...ok. Opposed? OK. Three to one, that passes. ...Now,  
 we gotta look at 2014-08. Now This is for the uh mass drain field.

1hr 35m 45s  
 Chatman: I move that we approve Special Use Permit 2014-08.  
 Leatherbury: Let's have a motion for that one.  
 Freeze: Second.  
 Ward: What was the motion?

1hr 35m 55s  
 Leatherbury: To approve the recommendation for the mass drain field for the  
 proposed multifamily attached dwelling unit or apartments.  
 Unknown: This portion of the protest was for a single family dwelling, 4 bdr  
 house for both of these lots.

1hr 36m 17s  
 Leatherbury: Well Again, Sir, what would we be voting on would be whether it is  
 feasible to build, whether we are, whether we would recommend  
 that it would be allowed, not whether it could be done, that is a  
 health department issue. ... We have a motion and no seconds.  
 Freeze: Second  
 Leatherbury: A motion and second. OK, now the discussion.  
 Ward: Well, Since I don't feel there is sufficient information ... as to  
 whether it's needed or not, ... I will say I have looked at their  
 covenants ... and the covenant said, "no building". I don't consider  
 the drain field as a "building", so I am not sure; it's not clear to me  
 that it's prohibited, even under the covenants, but I don't want to  
 approve something if it is not needed.

Chatman: That's not our concern—whether or not the covenants hold, is not  
 our concern. We're talking about land

1hr 37m 33s  
 Ward: No, I understand that's not our concern, but, um ... my issue is if  
 they can do it without it, I'd rather not approve it.

Stith: You can add conditions.  
 1hr 37m 45s  
 (Public) Good point.

Chatmon: If they won't know what they can do it without it. Until they know  
1hr 37m 51s  
Ward: Right, right. **Till they know how many units they are going to have to deal with.**

Chatmon: Right  
1hr 38m 01s  
Ward: So, that's my position.  
Chatmon: So, I mean that to approve the Special Use **Permits for the apartments** we certainly have to approve a some type of septic arrangement.

1hr 38m13s  
Freeze: **Unless the septic can be put on the same property.**  
Chatmon: **Right. And that's what we won't know until...**  
Ward: *Yeah .(this was left hanging)*  
Leatherbury: Any further discussion?  
(Public) Can we speak here?  
1hr 38m 35s  
Chatmon: No, you are not supposed to.  
Ward: Call the question.  
Leatherbury: All right. The motion is to recommend to the Board for approval Permit 2014-08. Those in favor, show of hands, please. 1, 2...;opposed? Ward. That motion passed also. These are recommendations to the Board of Supervisors. They will have their own hearing, um, in we got four weeks, on the 14<sup>th</sup> . They will have their own hearing on the 14th. uh, They do not have to follow our recommendations, they can make their own decisions. But, uh, that is where we are ... with Items A, B, and C. We will move on now and again I ask you all if you would like to stay, please do so.  
(Public) Mr. Chairman, Is there a place on the agenda for the public to speak?

1hr 39m 37s  
Leatherbury: We have a policy where you can speak, Yes sir  
(Public) Why did you approve it, approve it now and because it seems like when it goes to them and they are gonna say "these guys already approved it. Why did you approve it when you don't even know. He has no information on it at all? He has nothing. He has nothing. He has not given you anything, and you approved it. Now it goes to the Board and they are going to say "they approved it". Why did you do that? Garbled

1hr 40m 02s  
Leatherbury: Actually, we do have, we do have information on it.  
Public: Garbled  
Leatherbury: We have not approved 10 units for a motel, that is not what we did.

- (d) Requiring a bond, in a reasonable amount determined by and payable to the Board of Supervisors, to ensure compliance with the terms and conditions of any special use permit;
- (e) Establishing hours of operation or specific time limits for the special permit use;
- (4) *Special use permit approval guidelines.* Uses permitted by special use permit (major or minor), as listed in the zoning district provided for, shall be permitted only upon the obtaining of a special use permit from the Board of Supervisors, and subject to all other applicable provisions of the chapter. The Board of Supervisors may issue a permit for such use if the following criteria are adequately addressed:
- The proposed use and/or structure are allowed under the district regulations or elsewhere in this chapter: *apartment*
  - The proposed use and/or structure complies with the regulations governing a individual special uses;
  - The proposed use and/or structure are consistent with the county's Comprehensive Plan;
  - The proposed use and/or structure will not change the character of the neighborhood, area, or district in which it will be located;
  - The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district, and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impact the public interest;
  - The proposed use and/or structure will not be burdensome or injurious to, or in conflict with the character of the neighborhood considering the size and location of the use, the nature and intensity of the operation, involved or conducted in connection with it, its site layout, and its relation to roads giving access to it;
  - The proposed use and/or structure will not adversely affect the health and safety of persons standing or working in the neighborhood of the proposed use;
  - The proposed use and/or structure will not be detrimental to public welfare or injurious to property or improvements in the neighborhood;
  - The proposed use and/or structure will protect, and not cause damage to the county's fresh water aquifer and water quality (including groundwater);
  - The application, along with the development, conditions and safeguards proposed, adequately mitigates the impacts of the proposed use and/or structure; and
  - The proposed use and/or structure will otherwise be in accord with the provisions of the chapter.
- (5) *Effect of approval.* The issuance of a special use permit (major or minor) shall authorize the applicant to construct only such structure (s), and/or conduct only such use(s), as are specifically authorized by the special use permit. Any deviation, expansion, or other changes, whosoever are in violation of the permit and this chapter, are prohibited, and shall require that the applicant, before any such deviation, expansion, or other changes are made, apply for and gain approval of a new special use permit before such deviation, expansion, or other changes are made.
- (6) *Reconsideration of applications.* A property owner or other applicant who has filed for a special use permit (major or minor) may not submit substantially the same application for a special use permit within a period of 12 months from the date of the original denial by the Board of Supervisors.
- (7) *Appeals.* Any action contesting the decision of the Board approving or failing to approve a proposed special use permit shall be filed within 30 days of the decision with the Circuit Court.

(Ord. passed 10/21/2019)

#### § 154.043 AMENDMENTS.

- (A) *Amending the zoning ordinance text or zoning map.*
- General requirements, intent, and factors to be considered.*
    - Whenever the public necessity, convenience or general welfare or good zoning practice justifies such action, and after consultation and recommendation by the Planning Commission, the Board of Supervisors may, by ordinance, change the text regulations set forth in this chapter and/or the official zoning map of the county.
    - In the process of reviewing and considering proposed zoning text and/or map amendments, reasonable consideration shall be given to the applicable factors in VA Code §§ 15.2-2263 and 15.2-2264. Also in reviewing and considering proposed zoning map amendments, the preferences offered by an applicant shall be considered, so long as they were submitted in a timely manner and submitted in proper form.
  - Receipt of application.*
    - A proposed change of zoning district boundaries or proposed change in the text of the ordinance may be initiated by one of the following methods:
      - By resolution of the Board of Supervisors;
      - By motion of the Planning Commission; or
      - By petition addressed to the Board of Supervisors of a property owner, or contract purchaser with the owners, written and

**37. Rescind, Repeal, or Annul.** Any vote taken by an assembly, except those mentioned further on, may be rescinded by a majority vote, provided notice of the motion has been given at the previous meeting or in the call for this meeting; or it may be rescinded without notice by a two-thirds vote, or by a vote of a majority of the entire membership. The notice may be given when another question is pending, but cannot interrupt a member while speaking. To rescind is identical with the motion to amend something previously adopted, by striking out the entire by-law, rule, resolution, section, or paragraph, and is subject to all the limitations as to notice and vote that may be placed by the rules on similar amendments. It is a main motion without any privilege, and therefore can be introduced only when there is nothing else before the assembly. It cannot be made if the question can be reached by calling up the motion to reconsider which has been previously made. It may be made by any member; it is debatable, and yields to all privileged and incidental motions; and all of the subsidiary motions may be applied to it. The motion to rescind can be applied to votes on all main motions, including questions of privilege and orders of the day that have been acted upon, and to votes on an appeal, with the following exceptions: votes cannot be rescinded after something has been done as a result of that vote that the assembly cannot undo; or where it is in the nature of a contract and the other party is informed of the fact; or, where a resignation has been acted upon, or one has been elected to, or expelled from, membership or office, and was present or has been officially notified. In the case of expulsion, the only way to reverse the action afterwards is to restore the person to membership or office, which requires the same preliminary steps and vote as is required for an election.

Where it is desired not only to rescind the action, but to express very strong disapproval, legislative bodies have, on rare occasions, voted to rescind the objectionable resolution and expunge it from the record, which is done by crossing out the words, or drawing a line around them, and writing across them the words, "Expunged by order of the assembly," etc., giving the date of the order. This statement should be signed by the secretary. The words expunged must not be so blotted as not to be readable, as otherwise it would be impossible to determine whether more was expunged than ordered. Any vote less than a majority of the total membership of an organization is certainly incompetent to expunge from the records a correct statement of what was done and recorded and the record of which was officially approved, even though a quorum is present and the vote to expunge is unanimous.

As stated above, motion was made by Mr. Hogg that the Board rescind its actions relative to the approval of Special Use Permits 2014-09 and 2014-08 and that same be expunged from the public record. Due to lack of a second, the motion failed. Mr. Trala stated that while he understood Mr. Hogg's concerns, he believes that these concerns were satisfied by legal counsel.

(17) Mr. Hubbard/Mr. Hogg: discussion of satisfaction of USDA obligation re: middle school project

Based on continuing questions relative to the satisfaction of the USDA obligation, documentation was again provided to the Board describing the original grant funds, the County's proposed eligible project, and USDA's concurrence of same. This documentation is on file in the Office of the County Administrator.

Chairman Hubbard indicated that he would like to see a congratulatory letter written to Mr. Eric Hack of Cape Charles who successfully made it to the semi-final round of the television show, *Jeopardy*.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the Board revert back to the 2014 version of the Board Member Manual. All members were present and voted "yes." The motion was unanimously passed. Said document is on file in the office of the County Administrator.

#### Recess

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, February 23, 2015, in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the regular work session. All members were present and voted "yes." The motion was unanimously passed.

The meeting was recessed.

\_\_\_\_\_ CHAIRMAN

\_\_\_\_\_ COUNTY ADMINISTRATOR