

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 14th day of February, 2012, at 4:00 p.m.

Present:

Oliver H. Bennett, Chairman

Willie C. Randall, Vice Chairman

Laurence J. Trala

Richard L. Hubbard

The meeting was called to order by the Chairman.

Closed Session

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

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

Appointments to Boards/Commissions

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

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

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

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 1, 3 5 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

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) Capt. Dave Steward and Ms. Joan Prescott shared with the Board the following powerpoint presentation with regard to the Tall Ships/Opsail 2012 Project:

Tall Ships at Cape Charles
A collaborative initiative between Northampton County, the Town of Cape Charles and Eastern Shore Virginia Festivals (ESVAF, Inc.)
Progress Report 2/14/2012



- Cape Charles named an official affiliate port of Opsail 2012 Virginia™
- 3,000-5,000 visitors per day expected from June 8-10
- Steering Committee of 30 + volunteers, 14 sub-committees working hard
- Cape Charles Business Association, Rotary, Bay Creek Resort; American Legion Post 56 Cheriton; Bay Bloomers (County-wide) Garden Club; BIC Machipongo
 - Towns “sprucing up” for the festival
 - Free workshops for towns offered by Small Business Development Centers
- Three tall ships signed for June 8-12; free public deck tours and paid day sails
- Two US Navy vessels (PC’s) confirmed, 1 additional one in the works; possible CG Helicopter. Cape Charles CG Station Open to the public



Tall Ships at Cape Charles Progress Report 2/14/2012



Parade of Sail June 8 – Special viewing for ES on CBBT Island Two

- Contracted 5 buses in 3 groups for 825 attendees

June 8-10 Festival activities include:

- Historic re-enactors at CC and Eastville
- Lectures
- Marine art/crafts show
- Play *Piece of Eden* (ES history) at Palace Theatre
- Maritime and other music performances
- Historic water-craft
- Street vendors, crafters
- Environmental/educational interactive displays
- Children's activities

Parade of Sail June 12 – viewing from four tall ships out of Cape Charles

Paid 6-hour sails cruise with North bound fleet of tall ships bound for Baltimore



Tall Ships at Cape Charles Progress Report 2/14/2012



- Adopt-A-Ship program managed by volunteer former teacher now running for public, private & home schools & Boy Scout troop 306, Cheriton
- Working with Virginia Tourism, B&B Association, hotels and inns from Exmore to Kiptopeke on Stay & Play visitor packages
- Traffic circulation, parking operations managed by CC police, volunteers from service clubs
- Planning shuttle and water-taxi service
- Historic rail car trips Cape Charles to Eastville



Tall Ships at Cape Charles Progress Report 2/14/2012



- Marketing Tall Ships At Cape Charles Festival Is Underway
 - Professional public relations program spreading awareness via newspapers, magazines, Internet – www.tallshipscapecharles.com , Facebook : *Tall Ships Cape Charles*, Twitter, etc.
 - 10,000 rack cards printed and being distributed to Welcome Centers, stores, restaurants, hotels, etc.
 - Sponsor brochure printed and distributed; sponsors being recruited to supplement marketing costs
 - Posters and festival program in design
 - Retail sales of T-shirts and other commemorative collateral in development
 - Welcome Center lighted displays being developed
 - Co-op marketing with Opsail 2012 Virginia spreads word throughout mid-Atlantic
 - Arranging university evaluation and measurement of visitor spending to provide accurate ROI calculations



Tall Ships at Cape Charles Progress Report 2/14/2012



Thanks to County funding, our efforts to market our Harbor to Hospitality is already bearing fruit!

- Cape Charles Town Harbor is SOLD OUT for dockage Friday night; reservations coming in for rest of weekend and at Bay Creek Marina (20 slips already reserved)
- Three day sails are SOLD OUT; reservations requested for others
- Parade of Sail June 12th reservations already coming in
- Two Navy ships visiting Cape Charles in April for Blessing of Fleet
- Tall Ship Kalmar Nyckel returns to Cape Charles June 11 for deck tours and day sails; joining Parade of Sail June 12th
- Tall Ships Spirit of Massachusetts returns October to leverage Birding & Wildlife Festival
 - Visitors stay longer and spend more



**Tall Ships at Cape Charles
Progress Report 2/14/2012**



Festivals Play A Major Role In Destination Marketing

- Establish Tall Ships At Cape Charles as an annual festival
- Establish “Harbor To Hospitality” brand for CC and Northampton County
- Create synergy and leverage TSCC with Birding & Wildlife Festival

GOAL: Visitors stay longer, spend more, come back again and tell their friends

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(2) Henry M. Kurban, MD, MBA, MPH, Health Director, Eastern Shore Health District,
shared with the Board the following powerpoint presentation:

Community Health in Northampton County

Henry M. Kurban MD, MBA, MPH
Eastern Shore Health District
Director



Agenda



- Introduction – Biography
- Community Health Status Assessment
 - Mobilizing for Action through Planning and Partnerships (MAPP)
 - Community Services Board (CSB)
- Conclusion: Next Steps
 - Public Health Accreditation
 - Community Health Improvement

Biography



Education

- 2009- Board Certified in General Preventive Medicine & Public Health by the American Board of Preventive Medicine.
- 2009- Completed General Preventive Medicine Residency Program at Johns Hopkins Bloomberg School of Public Health.
- 2008- Completed Masters in Public Health at Johns Hopkins Bloomberg School of Public Health.
- 2007 – Completed Transitional Year Residency Columbia University – Mary Imogene Bassett Hospital
- 2004 – Completed a Masters of Business Administration at McGill University.
- 2002 – Completed MD at University of Western Ontario.

Biography



Work Experience

- Medical Officer of Health (Acting) for the Thunder Bay District Health Unit – a local health department with approx. 200 staff, \$18 million budget and covering a population of 160,000 people (120,000 in an urban environment).
- Northwest Local Health Leadership and Systems Integration Committee - 2010
- Assistant Professor, Northern Ontario School of Medicine, Clinical Sciences Division, Faculties of Medicine, Lakehead and Laurentian Universities .
- External Adjunct Professor, Master of Public Health Program, Lakehead University.

Professional Interests

- Clinical Preventive Medicine/Lifestyle Medicine.
- Quality Improvement Methods as applied to healthcare settings – Green Belt Certification in Lean Six Sigma.
- Strategic and performance management of healthcare organizations.
- Health care information technology applications – electronic medical records and care management software.

Community Health Status Assessment



- Two concurrent processes were conducted in the Eastern Shore with contribution from key service providers that are experienced in receiving and implementing grant-funded projects to identify key needs and health issues.
 - MAPP process
 - CSB process

FROM	TO
Operational planning	Strategic Planning
Focus on the agency	Focus on community & entire public health system
Needs assessment	Emphasis on assets and resources
Medically oriented model	Broad definition of health
Agency knows all	Everyone knows something

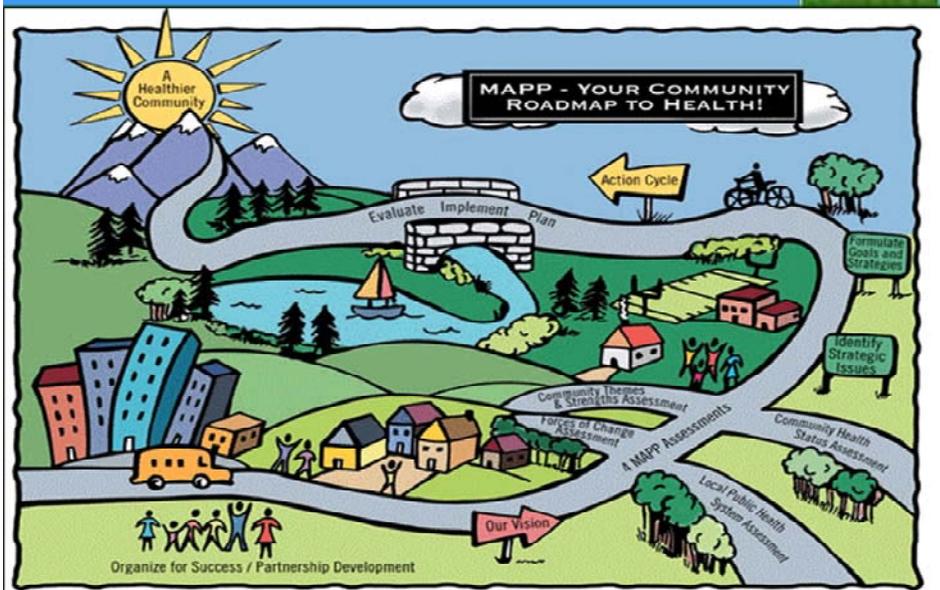


MAPP process



- MAPP tool developed by the National Association of County and City Health Officials (NACCHO) in cooperation with the Public Health Practice Program Office of the CDC between 1997-2000.
- Objectives:
 - Community-wide strategic planning.
 - Identifying and using resources wisely.
 - Taking into account unique circumstances and needs.
 - Forming effective partnerships for strategic action.

MAPP Process



MAPP Results

- MAPP results are available on ESHD website at:

<http://www.vdh.state.va.us/lhd/easternshore/>

Results categorized as follows:

- Local Public Health System Assessment - measures the capacity of the local public health system to conduct essential public health services.
- The Community Themes and Strengths Assessment - identifies themes that interest and engage the community, perceptions about quality of life, and community assets.
- The Community Health Status Assessment - analyzes data about health status, quality of life, and risk factors in the community.
- The Forces of Change Assessment - identifies forces that are occurring or will occur that will affect the community or the local public health system.

CSB Process



- Eastern Shore Community Services Board (CSB) through The Planning Council (and a multi-agency planning committee) conducted a comprehensive community needs assessment that included:
 - a community needs survey (demographics, issues, barriers to medical services).
 - town hall meetings.
 - focus groups.
 - Statistical data gathered on five main areas
 - Employment
 - Transportation
 - Housing
 - Healthcare
 - Education

CSB Results



- CSB Community Health Needs Assessment Results available on CSB website at:

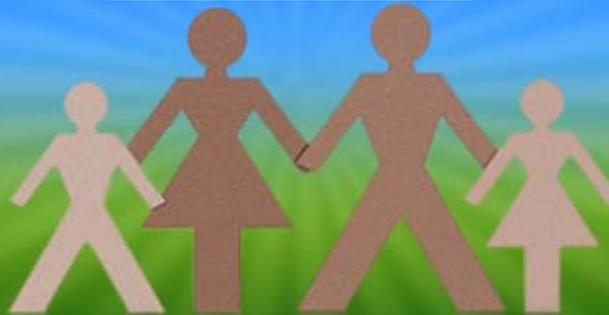
<http://www.escsb.org/>

Next Steps



- Following the community needs/health status assessments, the next steps are the creation of a community health improvement plan/strategic plan.
- This process fits with ESHD's plans to apply for voluntary public health accreditation in the next few years.
- Public Health Accreditation:
 - community health assessment – completed
 - an organizational strategic plan
 - a community health improvement plan

Thank You
Questions?



Consent Agenda:

- (3) Minutes of the meeting of January 10 and 23, 2012
- (4) Consider an A-95 Review entitled, "19 Passenger Bus with Wheelchair Lift"; applicant: ESAAA/CAA.
- (5) Consider an A-95 Review entitled, "2 5-passenger minivans with lift"; applicant: Eastern Shore Community Services Board

With a small correction to the January 23, 2012 minutes, motion was made by Mr. Trala, seconded by Mr. Randall that the Consent Agenda be approved as modified. All members were present and voted "yes." The motion was unanimously passed.

County Officials' Reports:

- (6) The County Administrator distributed the Quarterly Financial Statements for the period ending September 30, 2011, with a cover memo which stated:

TO: Board of Supervisors, Northampton County
FROM: Katherine H. Nunez, County Administrator & Acting Director of Finance
DATE: February 9, 2012
SUBJECT: September 30, 2011 Financial Statement Package

Enclosed, please find the monthly financial package as of September 30, 2011. In the General Fund, 10% of budgeted revenues and 22% of expenditures have been recorded for the year compared to 6% and 20% last year at the same time. First quarter expenditures exceeded revenues by \$2,720,053 compared to \$3,149,671 at the same time last year. Keep in mind, the first forty-five days of tax revenue collections during the FY12 fiscal year were recorded in FY11. Likewise on the expenditure side, the first payroll and part of the second of July 2011 and other FY11 expenditures paid during July and August were charged back to that fiscal year under the modified accrual basis.

For the current fiscal year, the School Operating Funds reflect revenue collections at 20% of the budget and expenditures at 17% compared to 17% and 15% respectively last year. The Social Services operating fund reflects revenue collections of 17% and expenditures of 19% of the adopted budget compared to 16% and 18% last year. State and federal reimbursements for Social Services come in one month after the expenditures. The Eastern Shore Regional Jail Fund shows that 23% of revenues have been collected while 19% of expenditures have been recorded. Information on all capital projects' budget performance for the year and life-to-date is included behind the Capital Projects Performance Report

divider.

A chart depicting the County's cash flow pattern is included in the report after the Treasurer's statement of account. At September 30, 2011, operating cash balances were \$5,510,966 compared to \$1,494,058 last year at the same time. On a cash basis, the collection rate for current year taxes decreased from 3.55% at September 30, 2010 to 1.60% at September 30, 2011. The decrease in collections at September 30 is the result of sending the personal property tax bills out later in the fiscal year (mid-September) as well as delaying the release of the real estate tax bills until October 2011. This was done in consideration of the move of County Administration from the former Middle School property to its newly completed renovated building in Eastville (scheduled for the October 2011 long weekend). Approximately \$239,677 \$522,911 was collected prior to September 30, 2011 for 2011 taxes compared to \$522,911 the prior year, and is included in the charts located in the cash balance section of the report. For information on delinquent tax collections, please see the Delinquent Tax Report section of this report. Included are the Top 40 reports as of September 30, 2011, collection percentage reports and other information on delinquent tax collections.

If you have any questions about the financial reports or need more information, please give me a call at 678-0440.

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(7) Ms. Sandra Benson, Director of Planning, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Kings Creek Water Sampling and Analysis, Comprehensive Plan Advisory Committee, and Comprehensive Plan Review.

The Board recessed at 6:00 p.m. for a dinner break.

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

The invocation was offered by Rev. Jonathan Carpenter, Exmore Baptist Church.

The Pledge of Allegiance was given.

At this time, Vice Chairman Randall was presented with a plaque commemorating his term as Chairman in 2011.

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

- (i) 2/27/12: Work session – Topic to be announced
- (ii) 3/26/12: Work session – FY 2013 - Revenues
- (iii) 4/23/12: Work session - FY 2013 - Expenditures

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

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: February 10, 2012
RE: Bi-Monthly Update

I. PROJECTS:

A. ESVA Public Services Authority Update:

The next meeting is scheduled for Tuesday, February 21, 2012 @ 7:00 p.m. As a result of the Board's support and endorsement to apply to DHCD for CDBG funding for the Northern Node project, we have been working with staff from ANPDC on an application and are working to arrange a meeting with all funding partners (DHCD, USDA) to review project.

B. Board Goals & Objectives/Retreat Session

The Board retreat is scheduled for Saturday, October 18, 2012 from 8:30 a.m. to 5:30 p.m. I will provide you additional materials for your review at the Tuesday meeting in advance of our retreat session.

C. Employment Hiring Practices

At the Board's last meeting, Supervisor Bennett raised questions regarding the hiring practices of the County, including the Constitutional Officers. Enclosed is information from the County's Human Resources Coordinator which includes the relevant provisions of our Personnel Policy relative to hiring and the EEOC report which we file annually. My office and the Human Resources Coordinator, Jackie Davis, have worked diligently with the Constitutional Officers to encourage and support their use of the HR office to assist in the hiring process.

D. Grant Award from VDEM to E-911 Commission

As fiscal agent for the E-911 Commission, we have been notified that the County is a recipient of a grant in the amount of \$75,000 for regional planning, engineering, and training exercises relative to communications for public safety agencies. I am working with the E-911 Commission to submit the required documentation to enter into a contract with VDEM for this grant award and will bring it back to the Board for adoption at that time. There is no required match from the locality or the 911 Commission.

E. Finance Operations

For the last several months, much of my time has been assigned to handling the Finance Department and ensuring that these operations continue. I have worked closely with the auditors to finalize the FY11 audit which will be completed by the end of February. In addition, I will be providing to the Board on Tuesday the outstanding quarterly reports owed since the departure of Ms. Bradley in her capacity as the Finance Director. I appreciate the Board's patience and cooperation during this time of transition.

F. Comp Plan Advisory Committee

As you may recall, the Comp Plan Advisory Committee has received a grant from the National Association of Realtors (NAR) to conduct a telephone survey to help gauge our citizens' positions on a range of issues. The committee will work with the consultant to develop the list of survey questions which will be provided to the Board for review and approval. The intent is to garner completed telephone interviews from approximately 300 county residents and compile that data into a report that will become the property of the County for use in the revisions to the Comp Plan.

G. Farmland Preservation Grants

The County has been selected to receive funds from the Farmland Preservation Grant program through the Purchase of Development Rights program. The County will receive \$45,287.30 towards a project that has been in the pipeline since last year with our Purchase of Development Rights committee.

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Citizen Information Period:

There were no comments from the public.

Public Hearings:

Chairman Bennett called to order the following public hearing:

(9) **Zoning Text Amendment 2012-03:** Savage Neck VA, LLC has applied to amend the Northampton County Code, Chapter 154 Zoning Code, by adding to **§154.145 Height and Bulk Regulations**, in **Section (G)** a new item to be known as **(2) additional building height may be permitted where the building is set back from a side or rear property line two additional feet horizontally for each one foot of additional height over 35 feet, up to a maximum of 60 feet.**

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

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

The applicant, Mr. Bill Parr, said that his petition would encourage new investment in the community, especially high-end development; however, based on concerns expressed by the Fire & Rescue Commission, he was agreeable to a reduction in the maximum building height from 60 feet to 45 feet, which is in keeping with the staff recommendation. To this end, Mr. Parr submitted a modification to his original application (Section 154.145 (G)) which reads,

“...and, (2) additional building height may be permitted where the building is set back from each property line (front, rear and sides) two additional feet horizontally for each one foot of additional height over 35 feet, up to a maximum of forty-five (45) feet.”

Ms. Elizabeth Brown of Eastville said that she saw no valid reason for allowing additional building height and same would not complement the community character.

Mr. Art Schwarzschild noted that there were currently structures in the county which exceed the suggested building height but that he does not believe they would be appropriate for all areas of the county, such as the Waterfront Villages of Oyster and Willis Wharf. He urged the Board to remember the various visioning sessions held in the past where the Board heard conclusively from those areas that such building height was not wanted.

Mrs. Price Mears Clarke, an owner of nearby property, read the following comments into the record:

“Good evening, Mr. Chairman and Members of the Northampton County Board of Supervisors:

My name is Price Clarke and I am a native of Eastville and my family is a major property owner in Northampton County and has been for a long time. I own property in Savage Neck, very near the property asking for the 60 foot height allowance. I am opposed to this text amendment which would allow 60 foot high residences not only near me, but all over the county. To have such tall houses popping up everywhere would totally dominate the landscape and change the character of Northampton County.

People come to Northampton County to visit, vacation and take up residence, and I would say it is primarily because of the beautiful natural and historic resources, and the small, quaint towns.

They do not come here because it looks like everywhere else. No! That’s why they’re coming here to escape! And the look and feel of a place has just as much to do with design and with

density. The beautiful landscape is something that EVERYONE in Northampton County can enjoy. You don't have to own the vista to enjoy it, and while I full support individual property rights, I also appreciate the wisdom of the Comprehensive Plan and Zoning Ordinance that seeks to maintain a balance of these interests.

You also have to bear in mind that the current 35 foot height ordinance is for the height of the house itself and does not include the stilts, decking, etc. that may be required to bring a house up to grade if it's in a floodplain. For example only, if the certificate of elevation at Savage Neck requires 9 feet to bring the house to grade, and a 45 foot house is approved, then you are really going to have a structure that is 54 feet high – which will not only be visible from a long way off, but also difficult to reach with ordinary fire equipment.

In Virginia Beach, the maximum height for a dwelling in residential AND agricultural zoning is 35 feet, and that includes any elevation required because of floodplain. That 35 feet measures from the ground to the roof line, and if there is an issue of added height due to floodplain, you have to get a variance from BZA. The only way to have a house that goes beyond 35 feet – and the maximum is 42 feet – is to be in a subdivision of 10 or more houses that included in its proffers the increased height allowance. I guess that's to ensure that taller homes will be clustered together and won't stick out like sore thumbs in the landscape.

The value of a home is in its interior, quality of materials used and square footage. With 26 acres of land at Savage Neck, it would seem to me that if more square footage were needed, the house could expand horizontally so there's no need to amend the height restriction.

At the Community meetings over the past weeks, we've been hearing that, from a legal perspective, the County's zoning ordinance should closely follow the adopted Comprehensive Plan – “the closer the better”. A vote to arbitrarily increase the residential building height for the whole county, and to ignore the land use goals and strategies contained in the Northampton County Comprehensive Plan, all to satisfy one property owner, would probably not meet that legal standard.

Thank you.

Price Clarke”

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Mr. Bob Meyers read the following comments:

“To: Board of Supervisors Northampton County
From: RH Meyers, Occohannock Neck
Public Hearing 14 Feb 2012

1. Sixty foot high structures are NOT the norm in residential or rural areas anywhere. Higher than forty foot residential structures are not even the norm in urban areas although there are circumstances where they are permitted. They are NOT consistent with the Comprehensive

Plan, especially for our waterfront villages and hamlets, nor are they consistent with the desire of the citizens who have attended the recent community input meetings for the Comprehensive Plan update. At every meeting, people clearly indicated they value the rural, NOT URBAN character of this county.

2. Now, let's examine how this decision may affect all of us financially. First, **INSURANCE:** my sources are [USAA & Virginia SCC Bureau of Insurance](#). When very tall structures are constructed next to shorter buildings a wind vortex issue is created during storm events. The intensity of the storm winds subject older structures to intense buffeting stress for which they were neither designed nor constructed.

Ms. Amy Howard from the Virginia Dept. of Emergency Management met with the Hazard Mitigation Committee over a year ago and specifically requested that local governments do everything possible to avoid creating situation that increase risk to our citizens. These vulnerable structures will be subject to increased insurance payments because of the risk of wind damage to them caused by the proximity to taller structures. If a high loss pattern persists, premiums will go up significantly. This would be an unfair financial burden to the owners of those previously existing buildings.

Allowing high structures with a large vertical height difference throughout the county has the potential to affect all our pocketbooks. Before any decision is made to follow this path, a feasibility study should be conducted to model damage values that will affect the loss portfolio for the county.

3. Second, **VICTIM RESCUE FROM FIRE:** currently there is only one fire truck in Northampton County that can extract a victim from a 40 foot and higher building. That is the Cape Charles ladder truck. A fire company in Accomack Co. has just placed one of these units in service at the cost of nearly \$1,000,000. It would be prudent to know how Northampton Co. fire companies are going to finance this equipment **before** allowing structures which make it necessary.

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The following letter from Admiral & Mrs. W. J. Flanagan was received and read into the record:

13 February 2012

Ms. Sandra Benson
Northampton County Board of Supervisors
Director, Planning & Zoning Department
Eastville, Virginia 23347

Subject: Modification of Construction Height Restrictions/Northampton County

Dear Ms. Benson,

We are writing in regard to the pending matter of increasing the County's construction height standard from 45 ft. to 60 ft. under consideration by the Board of Supervisors at the 14 February Board meeting.

We strongly urge the Board of Supervisors to uphold the existing restriction as it properly maintains the spirit of the rural character that exemplifies life on the Eastern Shore. Any individual waivers that may be requested are best handled on a case-by-case basis, that can be properly evaluated and approved by the County zoning authority and public comment provided for.

We have not previously raised reservations regarding Board actions in our 18 years as residents of Northampton County. This particular request, however, is so troubling and in our view, so ill advised to the best interests of the County that it has prompted us to submit our comments for the board's consideration. We agree that sound economic growth should be a goal for Northampton County. This proposal however does not conclusively address that objective; saying it is so, does not make it so.

We urge the Board to deny this request precisely because it is inconsistent with the County's traditional values, particularly as it pertains to the architectural norms and standards that distinguish this county from other places in the United States.

Thank you for your time and consideration in this matter.

Best regards,

William J and Barbara A. Flanagan"

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

Following discussion by the Board, motion was made by Mr. Randall, seconded by Mr. Trala, that the Board table the subject application and forwarded the revised application to the planning staff for further review. All members were present and voted "yes." The motion was unanimously passed. The Board indicated that it was interested in learning the impacts of the following proposed language to Section 154.145:

...and (2) additional building height may be permitted where the building is set back from each property line (front, rear and sides) two additional feet horizontally for each one foot of additional height over 35 feet, up to a maximum of forty-five (45) feet.

The Board noted that it was also interested in having staff review the appropriate zoning districts where this increased building height could be considered. While the petition originally would have applied to all zoning districts in the County, tonight's public input did not support an increased building height in the Waterfront Village, Hamlet, and other intensely rural zoning districts within the County. The Board has requested staff analysis regarding which zoning districts would be appropriate to accommodate the proposed building height.

In addition, in light of comments that were provided relative to how the height requirements relate to any flood elevation zone requirements, the Board requested staff analysis on this item as well.

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

(10) The Northampton County Board of Supervisors will hear public comments on the proposed amendments and appropriations to its Fiscal Year 2012 County Budget as requested by the Northampton County School District.

Pursuant to the Code of Virginia Section 15.2-2507, the proposed amendments and appropriations are set out below:

(1) Budget appropriation increase of \$415,276.75 for Fiscal Year 2012. This is to appropriate the balance remaining in the School Improvement 1003(g) Federal Award, which covered a three-year time period (Fiscal Years 2011, 2012, and 2013). This increase is requested for the Federal Grants Fund, within the category of Instruction.

(2) Budget appropriation increase of \$331,052.51 for Fiscal Year 2012. This is to appropriate the balances remaining in Title I, Parts A and C awards after all FY 2011 reimbursements were processed. Balances remain as follows:

Title I, Part A (Basic Programs)	\$154,527.95
Title I, Part C (Migrant)	\$162,700.18
ARRA Title I Grants to Leas	\$ 13,824.38

(3) Budget appropriation increase of \$203,955.28 for Fiscal Year 2012. This is to appropriate the balances remaining in the listed Federal awards after all FY 2011 reimbursements were processed.

Balances remain as follows:

Learn-2-Succeed CIG	\$7,550.82
Title II, Part D (Technology Literacy CH)	\$301.14
Title II, Part D (ARRA)	\$5,022.81

Title VI-B Rural and Low Income Schools	\$13,969.65
Title III, Part A (Language Acquisition)	\$34,395.78
Title IIIA, Immigrant & Youth	\$3,044.83
Title II, Part A (Teacher Quality)	\$137,634.69
Education Jobs Fund	\$2,035.56

(4) Budget appropriation increase of \$329,369.80 for Fiscal Year 2012. This is to appropriate the balances remaining in previous Federal Special Education Awards after all FY 2011 reimbursements were processed. Balances remain as follows:

Title VI-B Special Education (Sect. 611)	\$223,275.76
Title VI-B Sped Pk (Sect. 619)	\$22,589.67
Title VI-B 619 – ARRA Stimulus Funds	\$5,305.23
Title VI-B 611 – ARRA Stimulus Funds	\$78,199.14

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

The County Administrator noted that because of the size of these proposed amendments, a public hearing is required as per the Code of Virginia.

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

Motion was made by Mr. Hubbard, seconded by Mr. Randall that the budget amendments and appropriations be approved as set out above. All members were present and voted “yes.”

The motion was unanimously passed.

(11) **Zoning Text Amendment 2012-01:** The Northampton County Board of Supervisors intends to amend the Northampton County Code, Chapter 154 Zoning Code, by revising the following sections: **Appendix A-Use Regulations**, to eliminate references to the county Wetlands Ordinance and to eliminate in Category 4, Community Service Uses, as a county-regulated use item 13 *Mass/community subsurface drainfield, on site*; and by deleting **§154.067 Minimum Separation Distances: Subsurface Absorption Systems and Wells**.

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

With regard to the proposed deletion of Section 154.067 from the Zoning Code, Ms. Benson reported that the Planning Commission was recommending denial of this application.

She noted that the Planning Commission wishes to revisit this matter following the 2012 General Assembly session.

With regard to the proposed elimination from Category 4, Community Service Uses, as a county-regulated use item 13 Mass/community subsurface drainfield, on-site, Ms. Benson noted that the Planning Commission was requesting denial of this request.

With regard to the proposed elimination of references to the County's Wetlands Ordinance from Appendix A – Use Regulations, Ms. Benson said that the Planning Commission was recommending approval of this petition.

Motion was made by Mr. Trala, seconded by Mr. Randall, that the Board accept the Planning Commission's recommendations on the above three items. All members were present and voted "yes." The motion was unanimously passed.

Action Items:

(12) Consider an amendment to the Board's "Term Limits for Boards, Commissions" policy.

In accordance with direction from the Board last month, the following amendment to the County's term limits policy was considered by the Board:

TERM LIMITS FOR BOARDS, COMMISSIONS

All language regarding term limits is proposed for deletion: for the Board's consideration at its February 14, 2012 meeting:

~~All volunteers to these boards, commissions, and committees must be residents of the County and are limited to two consecutive full terms of service when the term of service is a four year or five year term of service. Volunteers with three year terms are limited to three consecutive full terms of service.~~

Amendment added to Board Member Manual on January 12, 2009:

~~For those boards, committees and commissions that meet annually or less, there are no term limits.~~

Amendment added to Board Member Manual on January 10, 2012

At the conclusion of the term, the appointee's service and attendance to the board, commission or committee shall cease.

* * * * *

Motion was made by Mr. Trala, seconded by Mr. Hubbard that the term limits policy be amended as set out above. All members were present and voted "yes." The motion was unanimously passed.

(13) Consider a request from property owners within the Seaside Agricultural & Forestal District for placement of a dwelling.

Motion was made by Mr. Trala, seconded by Mr. Randall, that the Board approve the request from Glen and Maria Ballon for placement of a dwelling on property currently located within the Seaside Agricultural & Forestal District and further identified as Tax Map 69, double circle A, parcel 1. All members were present and voted "yes." The motion was unanimously passed.

(14) Consider one-year renewal of the scrap metal bid to Schultz & Sons Salvage.

Motion was made by Mr. Randall, seconded by Mr. Trala, that the Board approve a one-year contract extension with Shultz & Sons Salvage in accordance with its bid in the amount of \$156.80 per long ton for the period March 19, 2011 through March 19, 2013. All members were present and voted "yes." The motion was unanimously passed.

(15) Consider approval of the FY 12 Local Government Agreement - Virginia Department of Health.

Motion was made by Mr. Hubbard, seconded by Mr. Trala, that the Board approve the FY 2012 Local Government Agreement with the Health Department. All members were present and voted "yes." The motion was unanimously passed.

(16) Matters Presented by the Board Including Committee Reports & Appointments

(A) request for speed study and various signage on Sylvan Scene Drive

Motion was made by Mr. Randall, seconded by Mr. Trala, that the Board request a speed study for Sylvan Scene Drive. All members were present and voted “yes.” The motion was unanimously passed. The citizen inquiry which prompted this action also requested the installation of a Watch for Children Sign, a Neighborhood Watch sign, and a No-Through Truck sign for this street; however, the Board specifically requested only a speed study.

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the Board request a speed study for Rt. 652 – Broadwater Road. All members were present and voted “yes.” The motion was unanimously passed. Mr. Trala noted that he felt the speed limit should be 25 mph in front of Broadwater Academy.

Motion was made by Mr. Trala, seconded by Mr. Randall, that Mr. John Reiter be appointed to the Eastern Shore Public Service Authority for a term of office expiring June 30, 2014. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Trala, that Mr. Dixon Leatherbury be appointed to the Northampton County Planning Commission for a term of office expiring June 30, 2015. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Trala, that Dr. Garrison Brown and Mr. H. Bruce Richardson be reappointed to the Purchase of Development Rights Committee for new terms of office commencing January 1, 2012 and January 1, 2011, respectively. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Randall, seconded by Mr. Trala, that Mr. Dave Harris be

reappointed to the Eastern Shore RC&D Council, for a term of office commencing January 1, 2012. All members were present and voted “yes.” The motion was unanimously passed.

With regard to a replacement of District Two Supervisor Samuel J. Long, Jr. who recently resigned, Mr. Trala nominated Mr. Larry LeMond. Mr. Bennett nominated Mr. Ernest Smith. Mr. Bennett voted “yes,” to Mr. Smith’s appointment; Mr. Hubbard, Mr. Trala and Mr. Randall voted “no”. Mr. Hubbard, Mr. Trala and Mr. Randall voted “yes,” to Mr. LeMond’s appointment; Mr. Bennett voted “no”. Mr. LeMond was appointed to succeed Mr. Long. It was noted that Mr. LeMond must resign from the Cheriton Town Council prior to assuming the Supervisor seat.

Motion was made by Mr. Randall, seconded by Mr. Trala, that Mr. Charles Bell be appointed to the Comprehensive Plan Advisory Committee. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Randall, seconded by Mr. Trala, that the Board approve a construction contract with Eastern Shore Home Crafters, Inc. for a residence in the Culls community (through the Culls Community Development Block Grant) at 4219 Culls Drive, in the amount of \$51,460.00. All members were present and voted “yes.” The motion was unanimously passed.

In view of conflicting schedules, the proposed Board retreat, scheduled for Saturday, February 18, 2012, was moved to Saturday, March 10, 2012, commencing at 8:30 a.m. in the Sheriff’s Training Room (EOC Office), 5211 The Hornes, Eastville, Virginia.

The Board agreed to accept the invitation from the Northampton County Chamber of Commerce for attendance at its State of the County Breakfast, to be held on Friday, April 6, 2012, commencing at 8:00 a.m., at the Aqua Restaurant in Cape Charles, Virginia.

Mr. Bennett asked staff to investigate what he believed to be differences in certain areas of the solid waste collection sites. Mr. Bennett also commented that parents need to play a larger role in the education of their children.

Recess:

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the meeting be recessed until 5:00 p.m., Monday, February 27, 2012 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, for the . All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

CHAIRMAN

COUNTY ADMINISTRATOR