

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, on the 22nd day of February, 2010, at 5:00 p.m.

Present:

Laurence J. Trala, Chairman	Willie C. Randall, Vice Chairman
Richard Tankard	H. Spencer Murray
Oliver H. Bennett	Samuel J. Long, Jr.

The meeting was called to order by the Chairman.

In a matter not on the agenda, Mrs. Glenda Miller, Director of Finance, presented the following Budget Amendments and Appropriations with a cover memo which stated in part,

“The School System has requested the attached budget amendments and supplemental appropriations as explained in the attached memos from School Finance Director, Brook Thomas. Please note there is a separate memo for each of the school’s operating funds with net budgetary effects of:

School Operations Fund	(\$611,729)
School Federal Grants Fund	\$790,157
School Food Service Fund	<u>(\$90,690)</u>
Net Budgetary Impact	\$87,738

G/L Account Number	Account Description	Increase Amount	Decrease Amount
910-0018-42375	Other Miscellaneous		15,000.00
910-0018-42375	Other Miscellaneous		8,000.00
910-0018-42375	Other Miscellaneous		30,180.00
910-0018-42375	Other Miscellaneous	14,020.00	
910-0018-42375	Other Miscellaneous	5,400.00	
910-0018-42375	Other Miscellaneous		8,494.00

910-0018-42375	Other Miscellaneous		50,000.00
910-0018-42375	Other Miscellaneous		68,601.00
910-0018-42375	Other Miscellaneous	15,000.00	
910-0018-42375	Other Miscellaneous		199,500.00
910-0025-43000	State Sales Tax		123,371.00
910-0025-43025	Basic School Aid		34,124.00
910-0025-43050	Primary Class Size Payments		10,894.00
910-0025-43125	Enrollment Loss	3,832.00	
910-0025-43150	Alternative Education		1,924.00
910-0025-43225	Summer Remedial School	10,948.00	
910-0025-43250	Textbook Payments		91,030.00
910-0025-43325	Vocational Ed. - SOQ		727
910-0025-43450	Retirement - Instruction		75,270.00
910-0025-43475	Group Life		2,305.00
910-0025-43575	Special Ed - Homebound		2,586.00
910-0025-43610	Regular Foster Care	5,479.00	
910-0025-43655	Mentor Teacher Prog-Alt Licensur		1,782.00
910-0025-43665	Mentor Teacher Grt Hard to Staff	15,687.00	
910-0025-43675	Other State Grants	2,500.00	
910-0025-43675	Other State Grants	1,000.00	
910-0025-43700	At Risk		5,187.00
910-0025-43725	Virginia Preschool Initiative	33,000.00	
910-0025-43750	English As A 2nd. Language		21,466.00
910-0025-43775	SOL Algebra		1,386.00
910-0025-43780	Project Graduation	3,661.00	
910-0025-43800	School Construction	13,057.00	
910-0025-43825	Special Ed. - Jails	16,514.00	
910-6000-56555	School Instruction Expenses		715,186.00
910-6100-56560	School Admin,Attendance & Health	121,196.00	
910-6200-56570	School Pupil Transportation	46,724.00	
910-6300-56580	School Operation & Maintenance		87,347.00
910-6450-56590	School Technology	22,884.00	
920-0034-44675	Title I Part A (Basic Programs)	257,070.00	
920-0034-44678	Title I Part B Reading First Grt		39,859.00
920-0034-44680	Title I Part C (Migrant)	111,828.00	
920-0034-44775	Other Federal Grants		21,000.00
920-0034-44775	Other Federal Grants		21,224.00
920-0034-44850	Title II Part A (Teacher Quality	247,802.00	
920-0034-44890	Title II Part D (Technology)	8,799.00	
920-0034-44930	Title III Part A (Language Acq)	2,277.00	
920-0034-44930	Title III Part A (Language Acq)	45,893.00	
920-0034-44950	Title IV Part A (Drug Free)	26,432.00	
920-0034-44960	Title V Part A (Innovative Prog)		341

920-0034-45000	Title VI-B Special Education 611	148,470.00	
920-0034-45000	Title VI-B Special Education 611	29,548.00	
920-0034-45005	Title VI-B Special Education 619	23,852.00	
920-0034-45080	History Grant Proceeds		26,385.00
920-0034-45090	CTE/Perkins Grant		3,005.00
920-6500-55655	Title VI-B Special Ed (Sect 611)	148,470.00	
920-6500-55655	Title VI-B Special Ed (Sect 611)	29,548.00	
920-6500-55660	Title VI-B Spec Ed PK (sect 619)	23,852.00	
920-6500-55665	Title I Part A (Basic Programs)	257,070.00	
920-6500-55670	Title 1 Part C (Migrant)	111,828.00	
920-6500-55675	Title II Part A (Teacher Quality)	247,802.00	
920-6500-55685	Title II Part D (Technology)	8,799.00	
920-6500-55690	Title III Part A (Language Acq)	2,277.00	
920-6500-55690	Title III Part A (Language Acq)	45,893.00	
920-6500-55695	Title IV Part A (Drug Free)	26,432.00	
920-6500-55710	Title V Part A (Innovative Prog)		341
920-6500-55720	Title 1-B Reading First Grant		39,859.00
920-6500-55725	History Grant		26,385.00
920-6500-55730	CTE/Perkins Grant		3,005.00
920-6500-55740	Other Federal Grants Expenses		21,000.00
920-6500-55740	Other Federal Grants Expenses		21,224.00
921-0016-41875	Student Sales-School Food Servic		30,435.00
921-0018-42375	Other Miscellaneous		60,255.00
921-6400-55650	Food Supplies & Food Service		90,690.00
	Number of Entries: 73	\$2,134,844.00	\$1,959,368.00

Ms. Thomas was in attendance and offered explanatory comments to the Board relative to the requests. Motion was made by Mr. Randall that the aforementioned budget amendments and appropriations be approved as presented. Mr. Tankard noted that he had not had sufficient time to review the material as it was just received tonight. All members were present and voted “yes,” with the exception of Mr. Tankard who voted “no.” The motion was passed.

School Board member Mickey Merritt was recognized from the audience and urged both bodies to work together but cautioned that the next budget year will be extremely difficult and

that working together was key. Mr. Tankard said that in his opinion, both bodies have exhibited good cooperation for several years.

County Administrator's Report:

(A) Public Service Authority. Mrs. Katherine H. Nunez, County Administrator, provided an update to the Board on the first meeting of the PSA Exploratory Committee held last week. In a memorandum to the Board, she noted,

“As I informed you at the February 9, 2010 Board meeting, the Towns of Cheriton, Cape Charles, Nassawadox and Exmore and the County have selected representation to serve on a PSA Exploratory Committee which held its first meeting on February 17, 2010. The membership is as follows:

Willie C. Randall, Board of Supervisors
Estelle Murphy, Town of Nassawadox
Norma Spencer, Town of Cheriton
Artie Miles, Town of Exmore
Bob Panek, Town of Cape Charles

Samuel J. Long, Jr., Board of Supervisors
Ed Gibb, Town of Nassawadox
Larry LeMond, Town of Cheriton
Billy Moore, Town of Exmore
Chris Bannon, Town of Cape Charles

We were fortunate to have again the free services of Eldon James, Sue Rowland and John Warwick to help facilitate our first meeting in which we were asked to articulate the needs of each locality relative to water and wastewater, establish the common grounds, and identify issues or concerns that may stand in the way of reaching concurrence in solving those needs. Even though the list of issues appears extensive, there was a strong commitment issued by each locality of their desire to work cooperatively to move forward in reactivating the PSA. Therefore, the Board needs to discuss its intention and direction they would like to take relative to the PSA.

I have enclosed copies of the Articles of Incorporation and Bylaws with our focus on a discussion of the composition of the PSA. As it is currently worded, three members of the Board of Supervisors serve as PSA Directors and two members of the community are appointed by the Board to serve as PSA Directors. We will need to discuss what level of membership we would advocate for the County on the reformed PSA.

Mr. Randall suggested that one member from each of the towns be appointed to the PSA as well as two members from the Board of Supervisors, making a total of 7 members.

Mr. Murray read the following statement:

BOS Work Session – 2/22/10

Mr. Chairman/Fellow Board Members:

I fully support the creation of a County/Town cooperative public service authority which will guide and manage the much-needed infrastructure in towns and other identified growth areas.

The PSA, however, should be established using the existing incorporated PSA with modifications to include the towns.

I further believe that the PSA should be established within the following guidelines and constraints:

- (1) Members should be appointed by the County and Town governing bodies, but should not be elected officials.
- (2) The powers of the PSA may be limited beyond those set forth in the Virginia Water and Waste Authorities Act, as determined by the County and Town governing bodies.
- (3) The initial focus and scope of the PSA should be limited to examining the feasibility of incorporating existing and planned water and sewage treatment facilities into two regional systems: Exmore/Nassawadox and Cape Charles/Cheriton/Bayview/Culls as detailed in the planning grant application for each area.
- (4) Subsequent expansion should be considered only upon completion of those projects.

Respectfully submitted,

H. Spencer Murray

Mr. Long indicated that he agreed with Mr. Randall's suggestion.

Mr. Trala urged the appointment of private business-persons who have expertise in this area.

Mr. Tankard stated that the PSA will need well-defined objectives, such as the Cape Charles/Cheriton and Nassawadox/Exmore areas. He also noted that "we don't want the towns to be able to out-vote the County with a majority because the County will ultimately have to pay." Mr. Long responded that the main two focus areas of the PSA would be within town

limits and believes that the Towns will have a problem with a County majority. Mr. Randall disagreed, saying that it was his impression that although the Towns wanted representation on the PSA board, that they were looking to the County for leadership.

It was the consensus of the Board to pass these comments along to the PSA Exploratory Committee through its appointees, Mr. Long and Mr. Randall.

(B) Board Member Manual.

Mr. Randall indicated that he would like to eliminate the entire Article V – Media Relations from the Manual. Mr. Tankard responded that he thought Article V provided good guidelines and did not constrict any Board member’s activities. Mr. Randall withdrew his suggestion.

With regard to the notations relative to Robert’s Rules of Order for Small Organizations, the Board indicated that it was agreeable with using this form for conduct of its meetings but that it wished to have seconds on motions.

With regard to #9 of the Code of Conduct, Mr. Bennett questioned the statement, “attend all regularly scheduled meetings.....resigning whenever personal circumstances preclude regular attendance”. It was suggested that the language contained in the Board’s Attendance Policy be added here and the Board concurred.

With regard to Section II: Board Meetings, Mr. Long requested that the Board change its work session schedule from the fourth Tuesday of each month to the fourth Monday of each month, citing an on-going work conflict. The Board agreed.

Motion was made by Mr. Randall, seconded by Mr. Long, that the Board Member Manual be adopted as amended. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Randall brought up the subject of appointments to the Eastern Shore Community Services Board (CSB). As noted in a 1980 resolution, Northampton County is allowed three appointments to this body, one from each magisterial district. With Mr. Murray's appointment in December, Mr. Randall noted that the County is not in compliance with this requirement, having one representative from Capeville Magisterial District and two representatives from Eastville Magisterial District (and none from Franktown Magisterial District).

Mr. J. T. Holland, former member of the CSB, was in the audience and was asked by Chairman Trala to provide some historical perspective. Mr. Holland said that, at least during his time on the Board of Supervisors, the recommendation of the CSB's Executive Director was always followed. At the time of Mr. Murray's appointment, the CSB Executive Director recommended the reappointment of Ms. Lenore "Cookie" Francis. Mr. Holland recommended the appointment of someone from Franktown District in order to come back into compliance with the enabling resolution. In response to a comment from Mr. Tankard, Ms. Francis, who was in attendance, indicated that she had been told by County Administration staff that completion of a Board Bank Application was not necessary for prospective reappointees.

Mr. Murray said that he felt that since his appointment in December 2009, there has been a concerted effort to remove him from the CSB. It was his suggestion to modify the 1980 resolution eliminating the magisterial district requirement altogether and further suggested that the County Attorney review and revise the resolution for consideration by the Board in March. Mr. Murray also noted another item of noncompliance was that the Code of Virginia provides that a consumer of the CSB services be a member of that board which is not currently the case.

When questioned by the Board, Mrs. Beverly Leatherbury, Assistant County Attorney, indicated that the resolution is being reviewed by both the Accomack and Northampton County

Attorneys.

No action was taken by the Board although it was noted that staff would try to develop draft resolution wording for consideration at the March meeting.

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:

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 that purpose as set out in paragraph 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that this was the only matter of discussion during the closed session.

Adjourn:

Motion was made by Mr. Bennett, seconded by Mr. Long, that the meeting be adjourned. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was adjourned.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR