

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the auditorium of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, on the 8th day of March, 2011, at 4:00 p.m.

Present:

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

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Murray, 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.

(B)

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) Dr. Rick Bowmaster, Division Superintendent, Northampton County Public Schools, provided the Board with a written report as follows:

“In your packet, you will find three appropriation requests to allocate funds to the School Operating Budget. All three requests are grants from the Virginia Department of Education. The first request is for \$1,067.62 for teacher mentor programs. This funding is specifically used for three teachers who have had no prior teaching experience and need specific coursework to obtain full licensure. The second request is a similar grant in the amount of \$4,717.32 also to be used for mentoring new teachers with no prior teaching experience and who are teaching in hard to staff schools: all three of our schools are considered hard to staff. The third request is for \$15,647.98 of LEARN-2-Succeed grant funding related to our Migrant Education Program.

“In other news, the School Board voted to move the 7th grade to Northampton High School starting next fall. The move requires no additional costs to our current funding. Secondly, the School Board continues to develop its 2012 fiscal budget and would like to have a joint meeting to allow both boards to review the budget before the School Board conducts its public hearing. The budget will be delivered on April 1st to the County Administrator. Third, we are calculating the ADM for the month of February and will have the number to you on Tuesday night. Remember, the key ADM figure will be calculated at the end of March. The March ADM is what the Virginia Department of Education uses for its final appropriations. We continue to monitor closely the school enrollment numbers. Finally, the high school robotics team will be competing in a regional competition in Richmond April 7th – 9th. Last year, they made it to the quarter finals.

“Finally, a complete revision of the Capital Improvement Plan is included in your packet. I have

attached a cover letter in the packet. The School Board approved the revised plan at its March 2nd meeting. They look forward to the joint meeting of the Boards on March 15th.”

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Mr. Murray asked for a breakdown of total costs contained in page 25 of the document (Estimated Interior Renovation Costs and Estimated Exterior Renovation Costs) and questioned other cost figures contained throughout the document.

Mr. Tankard read the following comments:

“Some thoughts and concerns, School’s Capital Improvement Plan: Richard Tankard, Member Board of Supervisors

- I am glad to be working toward an up-to-date CIP from the schools. This is an important working document that can complement County government’s efforts to place the County on sound financial footing. I will gladly sit down with any School Board member and discuss it on a one-on-one basis.
- My biggest concerns still revolve around a *New High School/Middle School Complex*:
 1. The projected costs are \$32 million. This amount has to be borrowed. At what cost? For 20 year loan at 5% interest, it would be \$2.57 million per year. \$18 million would be just interest payments. Total \$50 million!
 2. Present debt service for 2 elementary schools is \$630,000. Next year is our last year of debt service for those schools. New debt service would quadruple.
 3. We would need to increase residential taxes 10 cents from .49 to .59 (roughly 20% increase).
- Are there ways to avert financial hardships for out County residents? I think we should at look at many avenues, such as:
 1. Fix what we have, it will be much cheaper. Just the cost of financing a new school will cover the costs of fixing what we have. Both figures around \$15 million.
 2. If we fix what we have over time, instead of taking on a huge debt over time, we can utilize non-borrowed funds. We can avoid the \$15 million in debt service.
 3. In other words, budget sufficient funds to fix and upgrade our schools according to a logical maintenance schedule. All repairs do not have to be completed at once. Take advantage of the fact that many *parts* of the High School are physically fine.
 4. A new school does nothing to leverage the many adequate facilities we already have. A wrecking ball takes all that away. A clean slate is nice, and *feels* good, but the financial burden is instant and heavy.
 5. Give the public a chance to save money. If given the choice, I would bet the public is much more willing to spend dramatically less over the next 20 years and

achieve the same thing—fully functioning and safe academic environment. I advocate giving the public a choice.

6. We are experiencing declining school population numbers. New schools are usually the result of increasing school populations. Further declines will mean greater tax burden on local taxpayers. Once a new building is built, no adjustments can be made to its capacity. On the other hand, by carefully repairing/upgrading on an incremental basis, adjustments can be made for changes in school populations.
7. Could we dedicate the 3 cents that we presently dedicate to Elementary School Construction debt (which ends next year) to a CIP built around renovation instead of 10 cents to new construction-based CIP?

A CIP can be a great financial planning tool. If our 2 boards can agree to a financially feasible and sustainable plan, then the Schools can enjoy a modern, safe and productive school environment. I would love to see this CIP move from wish list to working document. I am prepared to make a motion that would give further guidance to the School Board so that our meeting scheduled for 15 March would be more productive.”

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Mr. Tankard reiterated that he would like to send a message to the School Board now and that pending budget negotiations, would hope that the Board would be able to give the School Board the approximate \$600,000 (or three cents equivalent), which is currently expended on debt service, for its capital improvement program. It was the consensus of the Board to proceed in this regard.

(2) Mr. David Kabler, presented information to the Board on OpSail 2012, which he called “the best tourism opportunity I have seen for Northampton County in my twenty years of residence here.” He said that the County has been invited to join Norfolk in the development of this tourism initiative and that the information has been presented to the Northampton County Planning Commission, the Eastern Shore Tourism Commission and the Chamber of Commerce.

He also provided information relative to a Tall Ships Economic Development Initiative as set out below:

Tall Ships Economic Development Initiative for Northampton County and her Incorporated Towns

Celebrating our History, Unique Identity, and Beloved Stories while leveraging our Cultural Assets for attracting People, Business and Investment.

Supporting and stimulating Existing Businesses and creating New Jobs and Opportunities

- Recognizes our ability to act to improve our economy
- Recruits stakeholders who need to be involved in this project
- Identifies and categorizes our assets
- Finds ways our community can use them to create new jobs and opportunities

Our Present Situation in Northampton County

- Adapting agrarian economy formerly dependent on water and rail transportation
- Community challenged to retain educated youth
- Major industries and employers facing regulatory, budget, costs issues
- Stagnant population rate, changing demographics, declining school enrollment
- Reliant on real estate tax revenue
- Bulk of skilled jobs carried in relatively few industries
- Strong entrepreneurship exhibited in many small businesses

Available Economic Development Options in Tourism and Hospitality

- Invites outside investment and stimulates job growth
- Supports existing businesses with outside revenue flow into county
- Low demands on public services and infrastructure

As an Economic Development Centerpiece

The Tall Ships initiative will form new regional and municipal partnerships, integrate the activities of various organizations and increase the diversity of stakeholders engaged with the community.

Funded and incorporated into a county-wide economic development strategy sharing costs, data, and human resources.

- A proven track record in coastal communities around the world
 - generates tourism and commerce
 - promotes community involvement and investment
 - demonstrates community unity and pride
 - produces positive growth for all industrial classes
 - provides a platform for outreach ambassadorship
- Unique Infrastructure already in place with plans for improvement
 - deep water harbor close to shipping lanes and port of Virginia
 - placement of breakwaters improve harbor's safety and refuge
 - plans for installation of new marina complex and public spaces
 - proximity of harbor to downtown, Central Park, residential district
 - USCG base, boat ramps, accommodations for tall ships, parking

Tall Ships seek venues for visitation and education
ships traverse the Chesapeake already and CC is close to Atlantic Ocean
we must invite the ships to take advantage of our hospitality at any time
civic groups in place to provide hospitality and community support

Celebration of Eastern Shore Maritime and Rail Road heritage

Readily acceptable theme among segments of Eastern Shore community
connects with wide spectrum of industries across the Eastern Shore
excellent public relations vehicles and huge tourism attractions
provides valuable sponsorship opportunities for event funding
includes everyone in the celebration

Provides incentives for solving difficult community challenges
combating roadside litter and encourages rt. 13 beautification
inspiring infrastructure improvement with increased tax revenue
supporting and expanding existing businesses

Benefits for boosting economic development

Promotes confidence among new business prospects
presents a positive image of our community
attracts visitors and invites entrepreneurship

Encourages economic growth and exploration of business opportunities
stimulates creativity, volunteerism, community cooperation
excellent marketing platform for all industries

Tall Ships Festival Community Commitments – Public and Private

Security, Dockage, Utilities, Shore transportation, Supplies
Volunteer participation, Festival grounds and venues
Publicity, Entertainment, Education, Tourism
Vendor participation and support

Recommended Course of Action

Investigate the opportunity represented by OpSail 2012
The County and Towns pass resolutions supporting OpSail 2012
Accept the invitation to join OpSail 2012 as a participating community
Adopt a long-term economic strategy based upon the Tall Ships theme
Experience first-hand the power of tall ships at attracting tourism and commerce

A Tall Ships plan will “create significant, meaningful and measurable economic and social impact for...participating communities through the following initiatives:

Tourism, Historical, Educational, Economic Development, International Military and Government Relations, Virginia Port, Maritime Trade, Cultural Arts

through the engagement of Government, Corporate, Community and Civic organizations with Commemorative Events and Activities.” *

*from OpSail 2012 letter of invitation

Execution of the Tall Ships Economic Development Initiative

The planning and execution of organizing the community's support for participation in OpSail 2012 goes hand-in-hand with beginning an immediate and focused effort to attract Tall Ships and historically important vessels of character (hereafter referred to as Tall Ships) to Northampton County ports-of-call, including the municipal harbors of Cape Charles, Oyster, and Willis Wharf. An independent contractor position will be created where the responsible individual should devote up to twenty hours per week towards fulfilling these objectives. The position will require an individual familiar with the following goals:

Community and Public Relations

- Organizing stakeholders who need to be involved in the projects
- Formation and maintenance of regional and municipal partnerships
- Recruiting and organizing sponsors, participants and volunteers
- Insuring the provision of support for the Tall Ships' accommodation

Marketing Relations for Attracting Tall Ships

- Outreach to tall ship organizations, owners, captains and crews
- Design and publication of marketing materials
- Electronic and postal communications
- Accounting for results of efforts to attract tall ships

Compensation and Expense Reimbursement Package

- Monthly compensation (\$2,000. - \$3,000.)
- Annual travel and lodging expenses to be approved in advance (\$3,000.)
- Design and maintenance of website
- Publication of marketing materials and postage for same

Return on Investment

The immediate need for attracting tourists to Northampton County is evident and the arrival of Tall Ships has proven to be a magnet for tourists and visitation. Quantifying the results of attracting Tall Ships is as simple as recording over a period of time the number of Tall Ships calling on our ports, the number of days they stay, and the number of visitors the ships' Captains log. An economic impact may then be estimated.

While Norfolk, Virginia provides public support for accommodating Tall Ships, a private agency is responsible for their attraction and celebrations. The key to a rewarding and profitable effort may be to focus on maintaining an on-going effort at attracting tall ships to come sailing into our ports-of-call at anytime in order to fulfill their missions. The huge festivals, which of course can provide significant, short-term, economic benefit, may also be a drain on revenues and resources leaving a community with an empty feeling and pocketbook. Efforts for attracting the vessels may pay big dividends if the risk of the big festivals is left for the private sector. This plan calls for two interrelated objectives, the first for planning for participation in OpSail 2012 and the second for an on-going program for attracting Tall Ships to our community.

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Ms. Donna Bozza of the Tourism Commission spoke about the effect on the local economy and tourism and said that the commission would promote the event as well as any future overall plan to use the Cape Charles Harbor as a tourism asset.

Following Board discussion, it was the consensus of the Board that the County Administrator be authorized to work with Mr. Kabler, Ms. Heather Arcos (Cape Charles Town Manager), the Cape Charles Town Council, and Ms. Bozza for further research and investigation into this matter.

(3) Mrs. Joan Wehner addressed the Board as follows:

“Mr. Chairman, Member of the Board:

“My name is Joan Wehner, I am here at the end of the 120 days to give a report on money raised by the Northampton Branch, Preservation Virginia, for the stabilization of two jail buildings on the court green and to report on the status of negotiations between the County and the Branch.

“The project of preserving the court green has taken a dramatic new turn in the past two weeks. Nevertheless, I want to recap the events of the last four months. We began this project in November 2010 when instead of voting to demolish the two jail buildings, the Board of Supervisors voted to give preservationists 120 days to raise the funds to save the buildings.

“The Branch planned to raise half of the \$119,000 in pledges and the balance in grants. We applied to the Northampton County Tourism Grant Committee in November and began fundraising after the December Board meeting where the Board discussed the concept of a preservation fund and reroofing the 1899 jail. A second grant was submitted to the Eastern Shore of Virginia Community Foundation in December.

“We have raised over \$53,000 in this very difficult economic climate and pledges continue to come in. Citizens clearly recognize the economic and historic importance of the Northampton County court green which attracts tourists to our County, and they are willing to donate private funds to support their convictions.

“Regarding the status of an agreement between the County and the Branch, in January we were asked to provide a list of conditions for discussion regarding the transfer of funds from the Branch to the County. The conditions we provided included a description of the preservation fund, provision for a committee to oversee the fund in accordance with its tax exempt status, and protection and maintenance of the buildings after stabilization.

“On February 17th, a meeting was held with Mr. Murray and Mr. Tankard, Ms. Nunez, Mr. Jones, the County Attorney, and myself. The two supervisors indicated that the Board had discussed the conditions and found them unacceptable. The County was willing, however, they said, to guarantee not to demolish the buildings for 10 years if the full amount was raised to stabilize the 1914 building and reroof the 1899 building. This was described as Option 1.

“The County Attorney suggested another option – 2 – selling the buildings to the Branch for \$1 or leasing them to the Branch for 99 years with a reversion clause. These two options were e-mailed by the County Attorney to each attendee the next day for comment.

“Option 2 is not an option for us since the Branch is not allowed to own property. Our parent organization, Preservation Virginia, is trimming its list of properties such as Hopkins Store in Onancock which was given to the Eastern Shore of Virginia Historical Society and the Custis Tomb which was given to the Arlington Foundation.

“Within a few days, a new option was proposed by local investors. On February 28, the Board voted to extend the deadline until May 10, 2011 and to consider the sale or lease of the buildings to a private entity that would restore and preserve them using a tax credit program. The Northampton Branch strongly supports this sale/lease option because it will preserve the Northampton County court green intact and has implications which may further benefit Northampton County and the Town of Eastville.

“The Northampton Branch stopped actively fundraising two weeks ago after negotiations with the County broke down. Most of our pledges and one of the grants are based on a preservation fund concept which was unacceptable to the Board. We acknowledge the Board of Supervisors and especially Mr. Murray’s effort to meet citizen concerns by offering the Branch the opportunity to participate in the process and to effect the outcome of this important preservation effort. The Northampton Branch has succeeded in delaying the demolition of the two buildings, in creating a lively debate about the value of the court green, in eliciting from the County a new option for preservation, and in raising the public’s awareness of our communities’ historic assets.

“We wish to thank the Cape Charles and Eastern Shore of Virginia Historical Societies and CBES for their support and for putting articles in their newsletters. We thank the Eastern Shore News and WESR for news coverage. We are indebted to the many citizens who generously pledged money to the cause; we thank Carl Lounsbury, Senior Architectural Historian, Colonial Williamsburg, for his visit in November which confirmed the importance of saving both buildings, and for his eloquent letter in Saturday’s paper. I would be happy to answer any questions.

Joan Wehner, March 8, 2011”

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Mrs. Wehner’s written status report is provided as follows:

THE NORTHAMPTON BRANCH, PRESERVATION VIRGINIA
P.O. BOX 501
EASTVILLE, VIRGINIA 23347

March 3, 2011

To the Board of Supervisors, Northampton County:

At your November 2010 board meeting, when you were considering the demolition of two buildings on the Court Green, you instead charged preservationists with the task of coming up with funding to stabilize one or both jail buildings in 120 days. At your December meeting, Mr. Murray reported that the Northampton Branch, Preservation Virginia was considering establishing a preservation fund and was proposing to raise \$119 to stabilize the 1914 jail and reroof the 1899 jail.

On January 22, 2011 the Branch responded to a request by Mr. Murray for conditions that would need to be discussed with the County in order for a legal agreement to be drawn up between the two parties for the transfer of money from the Branch to the County. No response was received. On February 17, 2011, a meeting was called by Mr. Murray for Mr. Tankard, Ms. Nunez and me to meet to discuss the Branch list of conditions. The County Attorney attended the meeting although I had not expected him to be there.

Mr. Murray and Mr. Tankard indicated that the Branch conditions had been discussed by the Board and were unacceptable. Therefore option 1 consisted of an agreement that the buildings would not be demolished for 10 years if the \$119,000 in full was provided for stabilization.

Mr. Jones proposed option 2 in which the Branch buy the buildings for a \$1 or have a 99 year lease and assume all responsibilities of ownership. He sent those options by e-mail on February 18. Mr. Murray and I responded with our comments which you have.

Since the Branch is not allowed to own property and the state organization, Preservation Virginia, is trimming down its list of properties such as Hopkins Store in Onancock which was given to the ESVHS and the Custis Tomb which was given to the Arlington Foundation, Option 2 is not an option for us.

Therefore, we support Option 3. The Board voted on February 28 to extend the deadline until May 10, 2011 and to consider the sale or lease of the buildings to a private entity that would restore and preserve them.

Most of the pledges made to the Branch and one of the grants are based on a Preservation Fund that would be replenished by the County when and if they ever use or occupy the buildings with the proceeds being used to maintain historic buildings owned by Northampton County-no interest, no money returned to the lenders. Since this concept is apparently unacceptable to the Board, we have ceased active fundraising and put the grants on hold. The Branch is dedicated to the protection of the Court Green and we will continue to follow developments and support the concept of Option 3.

Fundraising To Date:

\$33,185.00 pledged to the Northampton County Court Green Preservation Fund
20,000.00 In restricted funds to be used to stabilize the 1914 jail

\$53,185.00 Total Funds raised to date

The Northampton Branch has pledged \$5000 of its funds which are included in the total above. The restricted funds are to be used only for stabilization of the 1914 building. The Preservation Fund was established in December 2010. All contributions are tax deductible under the APVA 501© (3) status and donors will be listed in the annual report of Preservation Virginia.

In November the Branch submitted a grant to the Northampton County Tourism grant committee. A similar grant was sent to the Eastern Shore of Virginia Community Foundation which represented The Norfolk Foundation in funding a major part of the 2007 Restoration and Reinterpretation of The Northampton County Court Green project- a joint effort between Northampton County and the Northampton Branch in preparation for the 400th anniversary of Jamestown. We will hear from those grant committees in the next few weeks.

In early December, 385 people toured the Court Green historic buildings as part of the Northampton County Chamber of Commerce progressive dinner. This event raised the community's awareness of this national treasure. A targeted personalized mailing was sent out in January to 250 residents and former residents who have demonstrated an interest in historic preservation and civic affairs. The Eastern Shore of Virginia Historical Society, The Cape Charles Historical Society, and Citizens for a Better Eastern Shore have supported the preservation of the Northampton County Court Green by putting articles in their newsletters and sending e-mails to their members. Shoreline published a full page article on the Court Green preservation project in December which was mailed to 650 homes. The Eastern Shore News has provided extensive coverage as well as publishing special articles and printing letters to the editor. Radio WESR read a press release on the local news segment on February 11 and will continue to cover the story. All of this support has contributed to our broad-based fundraising success.

The fact that the Branch has raised over \$53,000 in three months in this difficult economic climate indicates that citizens recognize the economic and historic importance of the Northampton County Court Green to the Eastern Shore and are willing to donate private funds to support their convictions.

Joan Wehner
Chair, Preservation Fund
March 3, 2011

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Consent Agenda:

Motion was made by Mr. Tankard, seconded by Mr. Long, that the Consent Agenda be approved as amended. All members were present and voted "yes." The motion was unanimously passed. Said Consent Agenda is set out below:

(4) Minutes of the meetings of February 8 and 28, 2011.

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County Officials' Reports:

(5) Ms. Glenda Miller, Director of Finance, distributed the following Budget

Amendment and Appropriation which stated in part:

“I have attached a request from the School board for the appropriation of \$15,648 in federal revenue for the LEARN-2-Succeed Consortium Incentive Grant. This funding will be used to offset the costs of the existing Migrant Education Program.

“A second request from the School Board is the appropriation of \$4,718 for the Hard-to-Staff Schools Mentor Teacher Program. This funding will be used to monitor first year teachers with no previous teaching experience.

“The final request is for the additional appropriation of \$1,068 for the Mentor Teacher Program through the Virginia Department of Education. This funding will provide mentoring services to three specific NCPS teachers.”

<u>Account Number</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
920-0034-45095	Consortium Incentive Grants	15,648.00	
920-6500-55735	Consortium Incentive Grants	15,648.00	
910-0025-43665	Mentor Teacher Grant Hart-to-Staff	4,718.00	
910-6000-56555	School Instruction Expenses	4,718.00	
910-0025-43655	Mentor Teacher Prog- Alt. Licensure	1,068.00	
910-6000-56555	School Instruction Expenses	1,068.00	

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Motion was made by Mr. Long, seconded by Mr. Murray, that the Board approve the budget amendments and appropriations as set out above. All members were present and voted “yes.” The motion was unanimously passed.

(6) Ms. Sandra Benson, Director of Planning, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Town Edge Planning, Northampton County Planning Commission and Comprehensive Plan Review. The Planning Commission had reviewed the Board’s comments relative to the sign proposal and it was indicated that this could be an item for discussion at the joint meeting scheduled for March 30th. Also provided for the board’s review were materials prepared by the

Planning Commission relative to the regulation of biosolids, including a draft ordinance. The Commission recommended that adoption of a local ordinance be pursued.

The Board recessed at 6:15 p.m. for a dinner break.

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

The invocation was offered by Rev. Ray McGarr, Epworth United Methodist Church.

The Pledge of Allegiance was given.

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

- (i) 3/15/2011 – CIP meeting with School Board (6 pm)
- (ii) 3/28/11: Work session – Budget – Revenues (5 pm)
- (iii) 3/30/11: Joint work session with Planning Commission (7 pm)
- (iv) 4/4/11: State of the County Breakfast – location TBD
- (v) 4/20/11: Joint meeting with PSA (8 am)
- (vi) 4/25/11: Work session – Budget – Expenditures (5 pm)

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

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: March 3, 2011
RE: Bi-Monthly Update

I. PROJECTS:

A. Regional wastewater/water projects- Subcommittee Report:

The Project Management Team (PMT) met on March 2, 2011 and received the draft PER for the Northern Node. There were extensive comments from the group revising and/or adding information to the draft PER. The engineers will be updating the Southern Node PER to remove the Fairview community as well as to examine a phasing plan for Cheriton and to update the cost projections. The engineers will finalize both PERs and that will complete the work product under the DHCD Planning Grants.

The Public Service Authority met on February 15, 2011. Discussions ensued about the status of the project and the need for the PSA to take on the full responsibility of the project, including the decision making to proceed, pursue funding and all other elements associated with the project. There was uncertainty from some members of the PSA that they have the authority to

take on the project or that the responsibility has been assigned to them by the Board of Supervisors. The PSA has requested a meeting with the Board of Supervisors to discuss this matter.

B. Construction Projects – Status Reports:

1.) County Administration Renovations:

Work is progressing on the building. Footers have been established for the elevator and the associated addition that will house the elevator. Framing is underway for the interior offices.

2.) Court Services/Probation Services Construction:

Foundation has been poured for this building plant. The project is moving forward with a planned completion date of mid-summer 2011.

C. School Board Update:

At our monthly meeting with School Administration, we reviewed the draft agreement for County use of the School fueling stations and will be revising the agreement for execution shortly. We received an update regarding the budget status relative to the vehicle fuel account (and a subsequent update regarding the heating oil account for buildings) which they are projecting a significant deficit in those two line items; this deficit is partially a result of the miscalculation at the end of FY10 where the tanks were not refilled prior to the close of the Fiscal Year so that the new year started with full gas tanks and the result of the escalating market prices for fuel and heating oil.

The School Board has requested the opportunity to meet with the full Board of Supervisors once the school budget has been submitted to fully discuss the contents of the school board and allow an open exchange between the two boards regarding the budget request. The deadline for submission of the school board to the County is April 1 and it was requested that this meeting take place within the next seven-10 days after the submission.

The Shared Services Committee met on March 1, 2011 to finalize their discussions and recommendations. Staff is writing the summary report which has not been finalized at this time but will be forwarded to the respective Boards shortly.

II. MEETINGS

III. GRANT OPPORTUNITIES

IV. OTHER

- On February 22, 2011, Chairman Randall and I met with our respective Accomack County counterparts and representatives from the Virginia Tourism Commission, the Eastern Shore Tourism Commission, and Deputy Secretary of Commerce & Trade for Rural Economic

Development Mary Rae Carter to meet Lynne Lochen who has been assigned as the Shore's new Tourism Development Specialist. This position has been created to assist the Shore in advancing specific initiatives relative to tourism and to work jointly with the ES Tourism Commission to implement these initiatives. The focus will be on three items: 1) Space Tourism – Wallop's Island; 2) Comprehensive Signage Strategy for the Shore (similar to the approach of the Colonial Williamsburg signage) and 3) update of the Tourism Strategic Plan.

- Through the grant from the Virginia Department of Emergency Management in the amount of \$28,400 for the purpose of updating the County's Emergency Operations Plan and bringing it into compliance with NIMS, I am working on the Request for Proposals which will be issued next week for consulting services to assist with this project.
- I received notification that our request for a Fire & EMS Study has been approved by the Virginia Department of Fire Programs.

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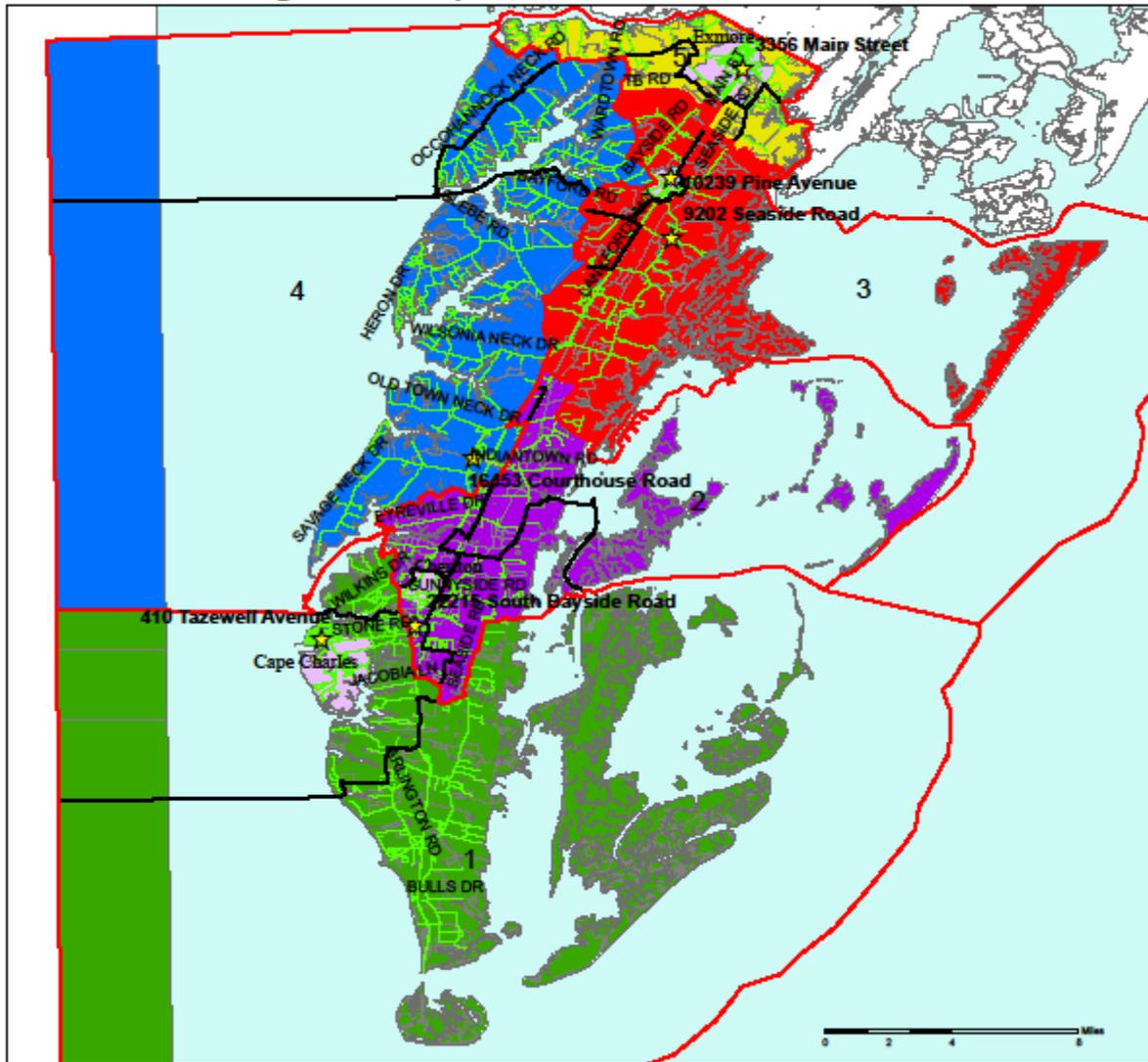
Citizen Information Period:

Mr. Barrett Cree, speaking on behalf of a former employee, Mr. Walter Thomas, said that Mr. Thomas may lose his property due to delinquent taxes. He questioned what he called the "unbelievable attorney fees" associated with the process and distributed a packet of information for the Board's review. The packet contained a copy of the County's RFP issued in 2005 for legal services in connection with the collection of delinquent real estate taxes, Mr. James Elliott's proposal in response to the RFP, the contract signed between the County and Mr. Elliott, an itemized listing showing attorney fees relative to Mr. Thomas' account, examples of properties that proceeded to auction, and a journal of the attorney's fees.

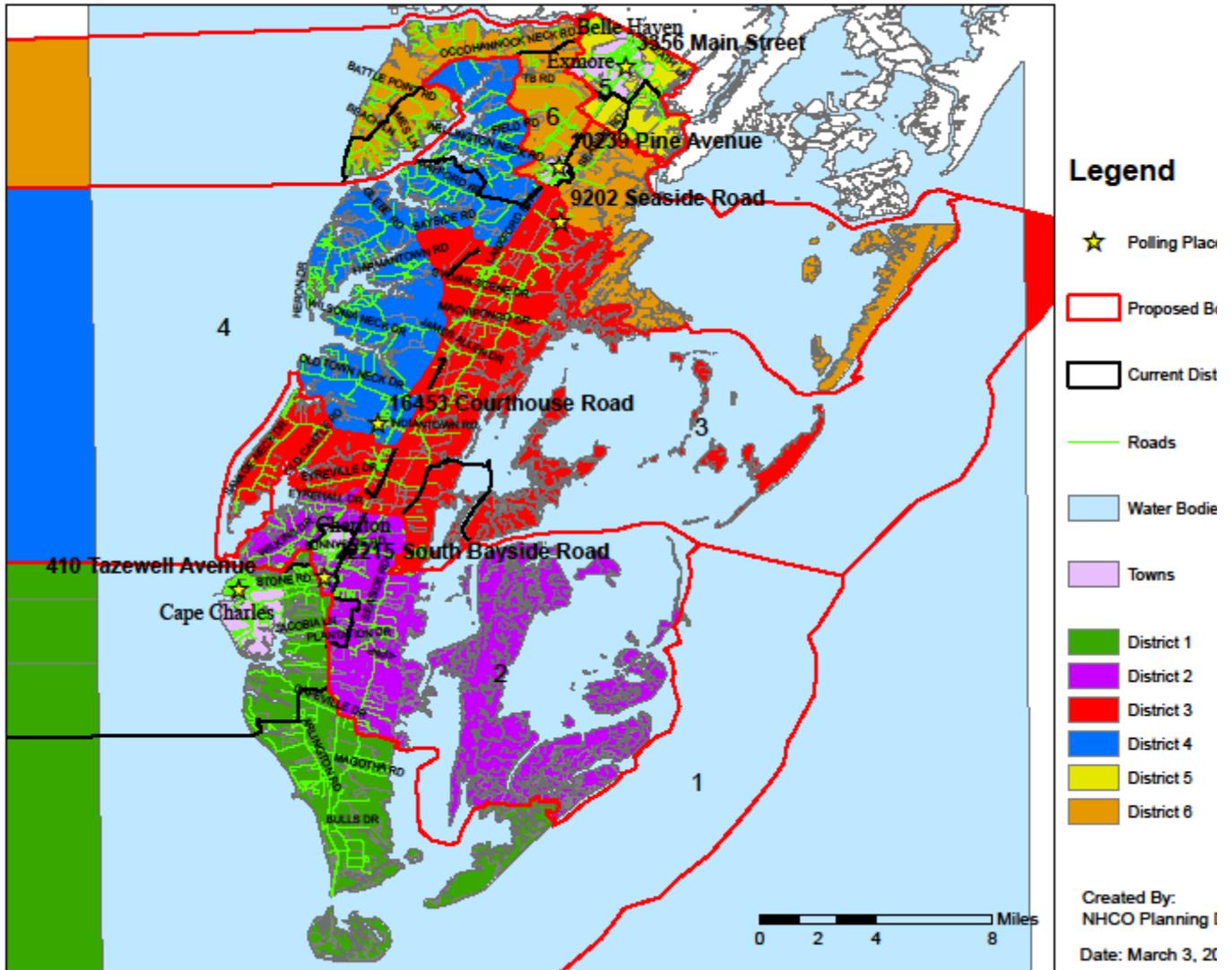
(8) Continuation of Redistricting Discussion

The County Administrator and Mr. Peter Stith, GIS Planner, presented the Board with three additional options (Map Options 5, 6 and 7) for the Board's review. These maps are set out below:

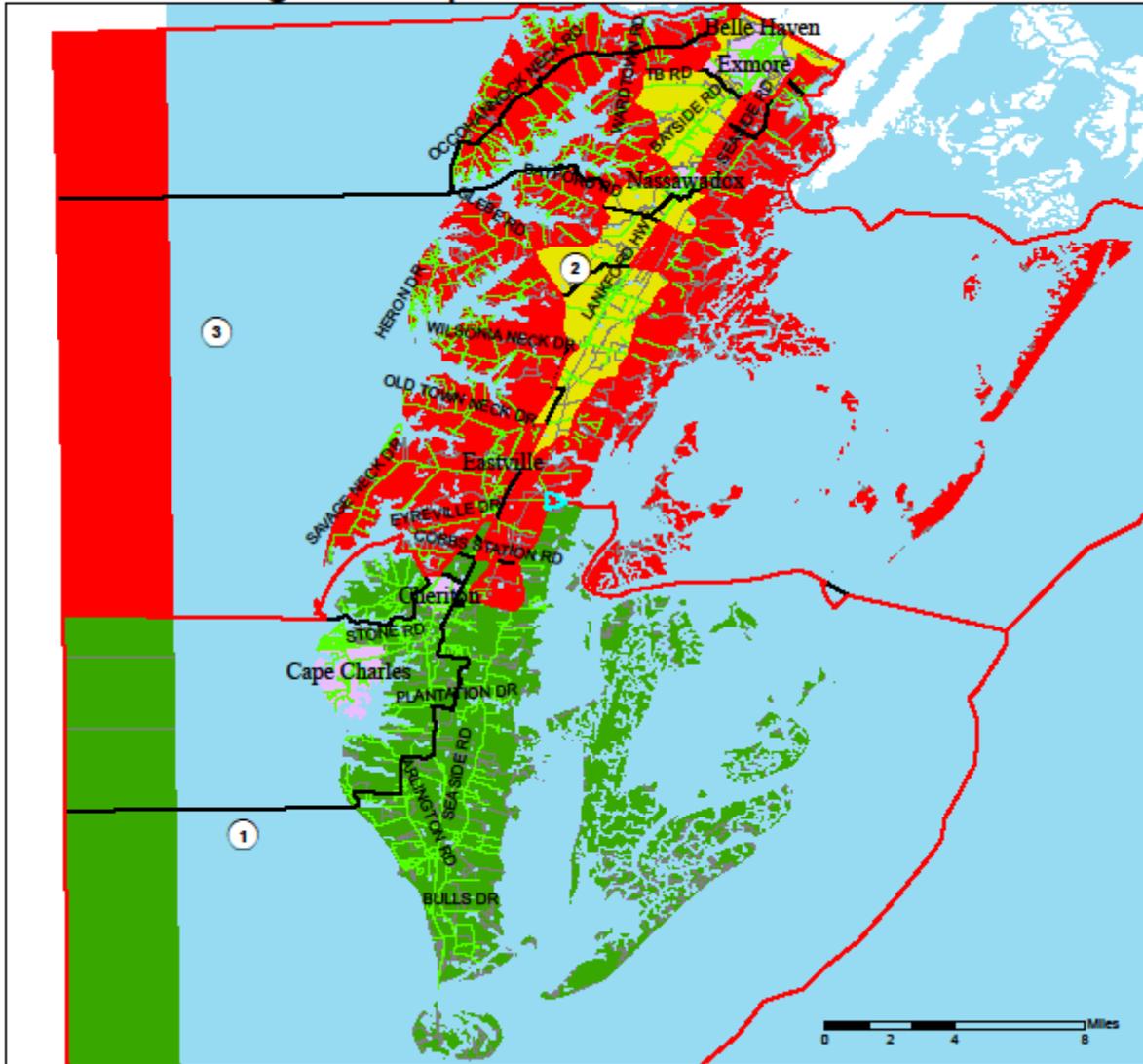
Districting Plan Option 5 - 5 Districts



Districting Plan Option 6 - Color Blind Plan



Districting Plan Option 7 - 3 Districts



Legend

- Proposed District
- Current District
- Roads
- Water Body
- Towns
- 1
- 2
- 3

Created By:
NHCO Planning Department
Date: March 4, 2011

With regard to Option 5, Mr. Murray stated that he thought the boundaries for District Four could be tweaked and that many localities are considering fewer districts as a result of the loss of population. He called this option “a good move forward”, and a “fair representation of the diversity of the County.” He also noted that this option achieves some of the objectives set out in the adopted “guidelines” from the previous meeting.

When questioned by the Board, Assistant County Attorney Bev Leatherbury noted that “this looks pretty good”, based on two minority-majority districts with over 50% representation.

With regard to Option 6, Ms. Nunez indicated that only one minority-majority district was created with 48% representation and noted that staff does not feel that this would be acceptable to the Department of Justice. She hoped that the Board would not advance this plan. The Assistant County Attorney agreed that this plan would be “problematic”.

With regard to Option 7 which separates the County into three districts with two supervisors serving each district, it was noted that one minority-majority district was created with 54.5% representation. Mr. Murray said that he was concerned about approximately 4,000 people in each district being served by two supervisors. Ms. Leatherbury noted that counsel has concerns about this proposal as well, noting that “it smacks of gerrymandering.”

At this time, the Board again considered Option 3 which was reviewed at a prior meeting. Three minority-majority districts are created in this proposal.

Ms. Nunez indicated that it would be helpful to staff to move forward tonight with a plan that best represents the Board’s intent.

Mr. Trala said that he liked Option 5 but would like to see some more tweaking done. Mr. Murray agreed, noting that it would be better if the entire Occohannock Neck would be positioned in one district. Mr. Long agreed, noting that keeping Option 5 as initially presented

would have people in Occohannock travelling down to Eastville in order to vote.

Mr. Tankard thanked the Board for considering his “color-blind” option and said that he was sorry that the Board would have to wait another 10 years to pursue this version. He continued his comments by indicating that he thought that Option 5 was the best option and believed it could be “shaved” in various areas for geographic purposes. He reiterated the earlier comments concerning having the entire Occohannock Neck area in one district. Mr. Long echoed this sentiment.

Mr. Bennett indicated that he liked Option 3 and perhaps Option 5 if it could be tweaked successfully.

It was the consensus of the Board to revisit this topic later in the evening.

Public Hearings:

Chairman Randall called to order the following public hearing:

(9) AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “NORTHAMPTON COUNTY PURCHASE OF DEVELOPMENT RIGHTS ORDINANCE”

BE IT ORDAINED, by the Board of Supervisors of Northampton County, Virginia, that that certain ordinance entitled “Northampton County Purchase of Development Rights Ordinance” be amended to read in full as follows:

Sec. 1. Title

This ordinance shall be known as the “Northampton County Purchase of Development Rights Program.”

Sec. 2. Purpose

The purpose of this Ordinance is to further goals of Northampton County’s Comprehensive Plan for the protection of productive farmland and associated forest lands, groundwater recharge areas and surface water, as a foundation for a strong rural community, a healthy environment and a thriving economy.

Sec. 3. Background and History

An important goal of the County Comprehensive Plan, adopted in 2001, is to “Ensure the preservation and development of progressive alternative and environmentally compatible agriculture and related industries as important components of Northampton County.” The Plan’s implementation strategies also include a mandate to “Support programs and efforts to protect the County’s prime agricultural lands from conversion to non-compatible land uses.”

In support of these goals, the County Board of Supervisors endorsed the development of a Purchase of Development Rights (PDR) Program through its approval of the Delmarva Conservation Corridor Plan in April 2003. It was the Board’s charge that:

- The PDR program be a strictly voluntary program, designed to benefit the County, its citizens and landowners.
- The procedure and standards for determining which sites to purchase be equitable and transparent.
- Public and private funding (including donated value) be leveraged to the maximum extent possible for purchases of development rights under this program.

Sec. 4. Program Definitions

Agriculture - For the purpose of this PDR program, includes real estate devoted to agricultural and horticultural use. The following is a list of qualifying activities: production for sale of plants and animals useful to man, or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government; production for sale of fruits, nuts, berries, vegetables, nursery and floral products. Land producing sod, feed grains or hay also qualifies as agricultural.

A-1 Agricultural zone – Permits density of housing units as currently defined in Northampton County’s zoning ordinance.

Conservation District – A land use category which includes barrier islands, tidal marshes, and designated upland conservation areas such as the ES National Wildlife Refuge, state park, and state Natural Areas.

Conservation Easement – A voluntary legal arrangement between the owner of a property and a non-profit organization or government agency endorsed by the Northampton County Board of Supervisors, in which the owner agrees to restrict future uses of the land in perpetuity. The easement document specifies the rights of holder to monitor and enforce the agreement and records the restrictions on land use. Subsequent owners must comply with the provisions of the easement.

Delmarva Conservation Corridor Plan – A multi-state demonstration program adopted in June 2003 with a goal of preserving farmland and habitat.

Development Rights – An interest in real property established under a purchase of development

rights program which is made severable from the parcel and which may be sold or donated as provided for in a PDR program.

Purchase of Development Rights (PDR) Program – A comprehensive program providing for the establishment and purchase of development rights. The program established by this ordinance includes most of the components suggested in the Virginia Department of Agriculture and Consumer Services Model PDR program 2003 guidance.

Value of Development Rights – Difference between the value of the property at its highest and best use under current zoning and its value if it continues in its current use, as determined by a professional appraiser with training in valuing conservation easements.

Violations – Defined in Northampton County Code of Ordinances or other State or Federal regulations applicable to activities on agricultural or forest land.

Sec. 5. Purchase of Development Rights Program

There is hereby established a Purchase of Development Rights Program for Northampton County by which the County can acquire, in accordance with the provisions of the Ordinance and to the extent of available funding, the development rights on eligible parcels of farmland located in A-1 or Conservation Districts. The acquisition of development rights shall be accomplished by the purchase of conservation easements upon such parcels.

Sec. 6. Applicability

The PDR Program shall be available for all qualifying lands in the County, except those lands under the ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired pursuant to this chapter shall be voluntarily offered by the owner. Nothing in this Ordinance shall be construed as a limitation upon the County's authority to acquire land for public purposes other than those set forth in this Ordinance. Participation in this program is subject to the conditions described in Section 7 and the PDR Program Procedures adopted by the PDR Committee and in effect at the time of the application.

Sec. 7. Eligibility criteria

Purchase of Development Rights may be considered only on properties which meet all of the following criteria:

- a) At least 50% of the tract's soils are prime agricultural soils (Bojac or Munden) based on the most recent soil maps used by the County's Planning and Zoning Department.
- b) The tract is located in either the A-1 Agriculture or the Conservation zoning district and is in the Agriculture/Forest Land Use Area as mapped on the Future Land Use and Development Map in the County's Comprehensive Plan.

- c) There must be no existing violations on the easement parcel. Applicants found to have violations may reapply after these are satisfactorily resolved.
- d) A permanent conservation easement will apply to the entire parcel of land on which development rights are being donated or sold.

Tracts which meet the minimum criteria will be scored and ranked to develop a priority list for purchase as funds become available. A description of the ranking process and factors are contained in the current *Northampton County PDR Program Procedures*.

Sec. 8. Purchase of Development Rights (PDR) Committee Established; Powers and Duties

(a) *Establishment.* The PDR committee is hereby established, as follows:

(1) The committee shall consist of five or more members appointed by the Northampton County Board of Supervisors. Each member shall be either a property owner in Northampton County, or a member of a conservation easement holding agency and conservation organization or both. Committee members should have expertise in one or more of the following fields: land and water conservation or management, farming, forestry, horticulture, conservation biology, and planning.

(2) The initial terms of the members shall be as follows: One-third serves for three years; one-third serves for two years; and the remainder serve for one year. After the initial term each term runs three years.

(3) The members of the Committee shall serve without pay, but the Board may, in its discretion, reimburse members for actual and necessary expenses incurred in the performance of his/her duties.

(4) The Committee shall elect a chairman, vice chairman and secretary at its first meeting each calendar year. The secretary need not be a member of the committee.

(5) The Board will appoint a non-voting technical advisor with agricultural experience.

(6) The PDR program administrator shall be an ex officio member of the committee.

(b) *Powers and duties.* The PDR committee shall have the powers and duties to:

(1) Help the PDR program administrator promote the program to the public and Northampton County landowners

(2) Review the ranked applications and supporting documentation and approve each pool of properties recommended to the Board of Supervisors for purchase of development rights. A majority of the members is required for approval. Evaluations and calculation

of scores for each parcel will be conducted according to the current *Northampton County PDR Program Procedures*. Assignment of points will be done by County staff.

(3) Annually review the program's eligibility and ranking criteria and recommend to the administrator any changes needed to maintain the program's consistency with the Comprehensive Plan, or to improve the administration, implementation and effectiveness of the program.

(4) Establish procedures for the conduct of Committee meetings.

(5) Determine standard provisions and restrictions for deed easements.

(6) Members of the Committee will abstain from reviewing or ranking any parcel in which he or she has a financial interest.

Sec. 9. Designation of Program Administrator; Powers and Duties

(a) *Designation*. The PDR Program administrator shall be appointed by the County Board of Supervisors.

(b) *Powers and duties*. The administrator shall work with the PDR Committee to ensure the following tasks are completed by the appropriate parties:

(1) Maintain reasonable and standard procedures, guidance, and forms for the administration and implementation of the program.

(2) Provide staff support to the PDR committee and the Northampton County Board of Supervisors.

(3) Coordinate the evaluation of all applications to determine their eligibility and ranking score and insure that all ranking determinations are made by qualified individuals with appropriate technical certifications or credentials.

(4) Provide ranked applications and supporting information to the PDR committee.

(5) Negotiate conservation easement terms with landowners offering to sell development rights.

(6) Coordinate with landowner on appraisal to determine value of easement.

(7) Present the Committee's recommended pool of properties for purchase of development rights to the Board of Supervisors.

(8) Prior to each offer to purchase, verify the price of each easement and the percentage of total value donated.

(9) Identify possible county, state, federal and private resources available to fund the program. Maximize the number of parcels and acres in the program by fully utilizing and leveraging those sources.

(10) In cooperation with the PDR committee, publicize the benefits of the program and provide information to landowners to help them evaluate opportunities from sale and/or donation of development rights.

(11) For each conservation easement accepted into the program, establish baseline data, terms and conditions of the easement, and a monitoring plan. Verify that the easement is accurately recorded on the deed and on zoning plats.

(12) Ensure that the monitoring program is implemented through regularly scheduled inspections.

(13) Establish a procedure for correcting easement violations and initiate enforcement actions as required.

(14) Develop annual program budgets for pre- and post-acquisition costs associated with screening, evaluating, appraising, acquiring and monitoring easements. Maintain records on the expenditures associated with the program and develop a range of cost estimates for possible enforcement actions.

(15) Coordinate with county planning staff to prepare an annual report which shows the parcels of land protected through PDR and other easements in order to determine the effectiveness of the program and suggest changes in procedures.

Sec. 10. Application, Evaluation and Purchase Offers

Applicants are encouraged to review the application process, evaluation and ranking criteria, and other program information contained in the current Northampton PDR Program Procedures. Applications evaluated according to the procedures described in this document will be ranked for purchase, subject to the availability of funds. Recommendations for purchases will be made by the PDR Committee and submitted to the Northampton County Board of Supervisors for approval.

Sec. 11. Nature of Rights Acquired

No interest in land other than a perpetual conservation easement shall be acquired by the County pursuant to the provisions of this Ordinance, and no such interest shall be acquired by the exercise of the power of eminent domain.

The acquisition of a conservation easement by the County shall not extinguish any rights of the landowner except for the right to develop the property for any use other than an agricultural use, and shall not confer upon the public any right of entry or access, or any other rights, express or implied.

In order to ensure that land is being used in accordance with the terms of the PDR agreement, an agent of the Purchase of Development Rights Committee will make annual or bi-annual inspections of the property. These inspections will be pre-arranged with the property owner.

Sec. 12. Conservation easement terms and conditions.

Each conservation easement shall conform to the requirements of the Open-Space Land Act of 1966 (Code of Va., §10.1-1700 et seq.). The deed of easement shall be in a form approved by the county attorney, and shall contain, at a minimum, the following provisions:

(a) *Restriction on new dwellings.* The maximum density, footprint and location of new dwellings shall be determined on a case-by-case basis with the Virginia Outdoors Foundation.

(b) *Conservation easement duration.* A conservation easement acquired under the terms of this chapter shall be perpetual. There are no provisions for repurchase of these rights or future exchange of properties.

(c) *Other restrictions.* In addition to the foregoing, the parcel shall be subject to standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to, restrictions pertaining to: (i) accumulation of trash and junk; (ii) display of billboards, signs and advertisements; (iii) blasting (iv) conduct of industrial or commercial activities on the parcel; and (v) monitoring of the easement.

(d) *Designation of easement holders.* The Virginia Outdoors Foundation or another public body as defined in Section 10.1-1700 of the Code of Virginia; or an organization eligible according to Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, shall be the easement holder.

(e) *Enforcement.* The deed of easement shall provide that the rights acquired by the Virginia Outdoors Foundation or other easement holder or by their successors in interest by the deed of easement may be enforced in any lawful way including but not limited to the assessment of damages and injunctive relief and that the grantor of the easement or its successor in interest shall bear the costs of litigation, including but not limited to attorney’s fees, in any case in which the grantor or its successor in interest is found to have violated the terms of the easement.

* * * * *

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

Ms. Nunez provided background on this proposal, noting that the amendment would have allowed the PDR Committee to change the procedures without requiring a public hearing.

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

Motion was made by Mr. Long, seconded by Mr. Murray, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “NORTHAMPTON COUNTY PURCHASE OF

DEVELOPMENT RIGHTS ORDINANCE” be approved as presented. Mr. Long, Mr. Tankard and Mr. Murray voted “yes”; Mr. Trala, Mr. Bennett, Mr. Randall voted “no.” The motion failed.

Action Items

(10) Consider revision to Board Policy requiring attendance records at the Board’s first meeting each year.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that the Board amend its Policy Manual by the addition of language which would require that attendance records for all of the appointed boards, committees and commissions be made available for the first official regular meeting of the Board each year. Mr. Tankard and Mr. Murray voted “yes”; Mr. Bennett, Mr. Randall, Mr. Long and Mr. Trala voted “no”. The motion failed.

(11) Consider awards of Scrap Metal Bid and Recycling Bid

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the scrap metal bid be awarded to Schultz & Sons Salvage, Inc., in accordance with that bid of \$156.80 per long ton. All members were present and voted “yes.” The motion was unanimously passed. It was noted that the current contract price received by Northampton County is \$101.30 per long ton. The Accomack County Board of Supervisors is expected to take similar action at its meeting of March 16th.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that the recycling services bid be awarded to Tidewater Fibre Corporation in accordance with its proposal to provide weekly recycling services for the five year term of March 17, 2011 – March 16, 2016. All members were present and voted “yes.” The motion was unanimously passed. It was noted that net annual cost for recycling with the TFC rebate (\$20 per ton) is estimated to be \$15,526 as compared to the current annual recycling cost of \$21,588.00. The Accomack County Board of

Supervisors is expected to take similar action at its meeting of March 16th.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the County Administrator be directed to work with the County Attorney and Mr. James Elliott in regard to the matter brought forth by Mr. Barrett Cree earlier in the evening and to bring back a report to the Board. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Long called the Board’s attention to the following draft resolution which concerns the development of poultry houses. Following a brief discussion, it was the consensus of the Board to table action on this matter until next month. Said resolution is set forth below:

RESOLUTION

REQUEST TO STUDY THE IMPACTS OF CURRENT ZONING ON THE DEVELOPMENT OF POULTRY HOUSES IN NORTHAMPTON COUNTY

WHEREAS, the County of Northampton has adopted certain zoning regulations containing standards for livestock operations as contained in Section 154.110 (Standards for Livestock Operations) of the Zoning Code; and

WHEREAS, the companies of Tysons and Perdue have communicated directly and indirectly the need to expand poultry production; and

WHEREAS, the Board of Supervisors has established two standing advisory committees, known as the Agriculture Advisory Committee and the Aquaculture Advisory Committee; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors assigns the Agriculture Advisory Committee and the Aquaculture Committee to work together to study the current zoning regulations as they relate to the establishment of commercial, intensive poultry production facilities to determine what impact, if any, said regulations have on the development of these facilities and the impact of said facilities on the environment; to determine if the regulations are adequate to protect the water ways and ground water of Northampton County from this type of concentrated animal husbandry; and

BE IT FURTHER RESOLVED that this study will also assess the economic impact of a poultry production facility in terms of impact on real estate and personal property taxes, sales taxes, and any other fees or taxes including personal income; and

BE IT FURTHER RESOLVED that Supervisor Sam Long will serve as the liaison to this

joint study on behalf of the Board of Supervisors; and

BE IT FURTHER RESOLVED that said study will be completed and provided to the Board of Supervisors within four months of adoption of this resolution.

* * * * *

Mr. Tankard suggested that Sandra Benson, Director of Planning, serve as the liaison but the County Administrator indicated that it was felt that a “point person/contact”; i.e., a Board member should serve in this capacity.

Motion was made by Mr. Tankard, seconded by Mr. Bennett, that Mr. Lucius Kellam IV be appointed to the Board of Appeals for the Building Inspector, replacing Mr. Robert Trower. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Mr. Steve Lewis be appointed to the Parks & Recreation Board as an At-Large Member. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that Mr. Chris Marshall be appointed to the Parks & Recreation Board as an At-Large Member. All members were present and voted “yes.” The motion was unanimously passed.

The County Administrator asked for Board input on the disposition of the bell which has hung for many years in the bell tower of the 1899 courthouse. During the ongoing renovation, this space will be needed for mechanical purposes. It was the consensus of the Board that the County Administrator be authorized to have an appropriate housing structure constructed for the bell as well as a plaque denoting his dedication. Mr. Tankard suggested that the County Administrator take inspiration from the nearby Barrier Islands Center which has a working bell housed in a similar structure.

The Board selected Thursday, April 7, 2011, commencing at 5:00 p.m. for its joint

meeting with the Northampton County School Board with regard to the FY 2012 budget. The meeting will be held in conference room #2 at the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia.

At this time, Chairman Randall recognized Mr. Trala with a plaque for his service as Chairman of the Board during 2010.

It was the consensus of the Board to continue its redistricting discussions following the joint meeting with the School Board, scheduled for March 15th.

Closed Session

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

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.

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 3 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.

Recess:

Motion was made by Mr. Bennett, seconded by Mr. Long, that the meeting be recessed until March 15, 2011, commencing at 6:00 p.m. in Conference Room #2 of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, to conduct a work session with the Northampton County School Board in regards to the capital improvements plan. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____COUNTY ADMINISTRATOR